

(1) All applicants for designation must comply with the requirements found at 20 CFR Part 632 regardless of their apparent standing in the preferential hierarchy. The basic eligibility, application and designation requirements are found in Subpart B of those regulations.

(2) The nature of this program is such that Indians and Native Americans in an area are entitled to the program and that they are best served either by a responsible organization directly representing them or by one of their own choosing. JTPA and the governing regulations give clear preference to Native American-controlled organizations. That preference is the basis for the steps which will be followed in designating grantees.

(3) A State or federally recognized tribe, band, or group on its reservation is given absolute preference over any other organization so long as it has the capability to administer the program and meets all regulatory requirements.

This preference applies only to the area within the reservation boundaries. A reservation organization which may have its service area given to another qualified organization for reasons specified in the regulations will be given an opportunity in the future to reestablish itself as the designated grantee, should it so desire.

In the event that such a tribe, band, or group (including an Alaskan Native entity) is not designated to serve such groups, the DOL will consult with the governing body of such entities as provided at 20 CFR 632.10(e). Such consultation may be accomplished in writing, in person or by telephone, as time and circumstances permit.

(4) In designating Native American grantees for off-reservation areas, the DOL will provide preference to Indian and Native American-controlled organizations as described in 20 CFR 632.10(f) and as further clarified in this notice.

(5) Special employment and training services for Indian and Native American people have been provided through an established service delivery network for the past twelve years under the authority of JTPA section 401 and section 302 of the expired Comprehensive Employment and Training Act (CETA). The DOL intends to exercise its designation authority in a way that will preserve the continuity of such services and will prevent the undue fragmentation of existing service areas. Consistent with present regulations and other provisions of this notice, this will include preference for those Native American organizations with an existing capability to deliver employment and

training services within an established service area. Such preference will be identified through input from the Chief of DOL's Division of Indian and Native American Programs (DINAP) and the Director of DOL's Office of Special Targeted Programs (OSTP) and through the use of the rating system described in this notice. Unless a non-incumbent applicant in the same preferential hierarchy as an incumbent applicant grantee can demonstrate that it is significantly superior overall to the incumbent, the incumbent will be designated, if it otherwise meets all of the requirements for redesignation.

## II. Advance Notice of Intent

The purpose of the Advance Notice of Intent process is to provide section 401 applicants, prior to the submission of a final Notice, with information relative to potential competition. While DOL encourages the resolution of competitive requests prior to final submission, the Advance Notice of Intent process also serves to alert those whose differences cannot be resolved of the need to submit a complete final Notice of Intent.

Although the Advance Notice of Intent process is not mandated by the regulations, participation in the advance process by prospective section 401 applicants is strongly recommended. The Advance Notice of Intent process allows the applicant to identify potential competitors, to resolve conflicts if possible, and to prepare a final Notice of Intent with advance knowledge of potential competing requests.

It should be emphasized, however, that the Advance Notice of Intent process does not ensure that all potential competitors have been identified. Some applicants may opt not to submit an Advance Notice of Intent; others may change service area requests in the final submission, despite instructions in Part III, NOTICE OF INTENT, below. Therefore, as noted above, final submission should be prepared with this possibility in mind.

By October 1 of the year preceding a designation year, all organizations interested in being designated as section 401 grantees should submit an original and two copies of an Advance Notice of Intent. An organization may submit only one Advance Notice of Intent for any and all areas for which it wants to be considered. Advance Notices are to be sent to the following address: Mr. Herbert Fellman, Chief, Division of Indian and Native American Programs, 601 D Street NW.—Room 6102, Washington, DC 20213. Attention: ANOI/NOI Desk.

The Standard Form (SF) 424 will no longer be used for the Advance Notice

of Intent process. DOL has designed a new Advance Notice of Intent form which is formatted to capture more precise geographic service area requests and other designation information. This new format will allow DOL to expedite the identification of potentially competitive applicants.

Copies of the new Advance Notice of Intent form, with complete instructions, will be mailed to all current grantees on or about August 15. Incumbents will also receive a copy of their present service area at this time. New applicants may request copies of the Advance Notice of Intent form by writing to: Mr. Herbert Fellman, Chief, Division of Indian and Native American Programs, 601 D Street NW.—Room 6102, Washington, DC 20213.

The first step in the designation process is to determine which areas have more than one potential applicant for designation. For those areas for which more than one organization submits an Advance Notice of Intent, each such organization will be notified of the situation and will be apprised of the identity of the other organization(s) applying for that area. At this time, it is planned that such notification will consist of providing affected applicants with copies of all Advance Notices of Intent submitted for their areas. The notification will occur on or about November 15. The notification will state that organizations are encouraged to work out any jurisdictional disputes among themselves and to submit a final Notice of Intent by the required postmarked January 1 deadline or withdraw their Advance Notice.

For areas other than reservations, it is DOL policy that, to the extent possible, service areas and the organizations operating in those areas be determined by the community to be served by the program. In the event the Native American community cannot resolve differences, the notification will inform parties that they should take special care with their final Notices of Intent to ensure they are complete and fully responsive to all matters covered by the preferential hierarchy and rating systems discussed in this notice.

Information provided in the Advance Notice of Intent process will not be considered as a final submission as referenced at 20 CFR Part 632.11.

## III. Notice of Intent

All applicants will submit an original and 2 copies of a final Notice of Intent, postmarked no later than January 1, 1987, consistent with the regulations at 20 CFR 632.11. Final Notices of Intent are to be sent to the following address: