

(1) Testimony at a deposition—the deposing of a witness in the city or county where he resides or is employed or transacts his business in person, or at another location convenient for him that is specifically determined by the Board;

(2) Testimony at a hearing—the attendance of a witness for the purpose of taking testimony at a hearing; and

(3) Production of books, papers, documents, or tangible things—in addition to (1) or (2), above, the production by the witness at the deposition or hearing of relevant books, papers, documents, or tangible things designated in the subpoena.

(b) *Voluntary cooperation.* Each party is expected (1) to cooperate and make available witnesses and books, papers, document, or tangible things under its control as requested by the other party, without issuance of a subpoena and (2) to secure voluntary attendance of desired third-party witnesses and production of desired third-party books, papers, documents, or tangible things.

(c) *Requests for subpoenas.* (1) A request for a subpoena shall normally be filed at least:

(i) 15 days before a scheduled deposition where the attendance of a witness at a deposition is sought;

(ii) 30 days before a scheduled hearing where the attendance of a witness at a hearing is sought. The Board may honor requests for subpoenas not made within these time limitations.

(2) A request for a subpoena shall state the reasonable scope and general relevance to the case of the testimony and of any books, papers, documents, or tangible things sought.

(d) *Requests to quash or modify.* Upon written request by the person subpoenaed or by a party made within 10 days after service but in any event not later than the time specified in the subpoena for compliance, the Board may (1) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown or (2) require the person in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books, papers, documents, or tangible things. Where circumstances require, the Board may act upon such a request at any time after a copy has been served upon the opposing party.

(e) *Form, issuance.* (1) Every subpoena shall state the name of the Board and the title of the appeal and shall command each person to whom it is directed to attend and give testimony and, if appropriate, to produce specified books, papers, documents, or tangible things, at a time and place specified therein. In issuing a subpoena to a requesting party, the Administrative Judge shall sign the subpoena and may, at the discretion of the Judge enter the name of the witness or leave it blank. The party to whom the subpoena is issued shall complete the subpoena before service.

(2) Where the witness is located in a foreign country, a letter rogatory or subpoena may be issued and served under the circumstances and in the manner provided in 28 U.S.C. 1781-1784.

(f) *Service.* (1) The Administrative Judge may arrange for service of the subpoenas or

may release them to the parties for service, at the discretion of the Judge.

(2) A subpoena requiring the attendance of a witness at a deposition or hearing may be served at any place. A subpoena may be served by a United States marshal or his deputy, or by any other person who is not a party and not less than 18 years of age. Service of a subpoena upon a person named therein shall be made by personally delivering a copy to him and tendering to him the fees for 1 day's attendance and the mileage provided by 28 U.S.C. 1821 or other applicable law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

(3) The party at whose instance a subpoena is issued shall be responsible for the payment of fees and mileage of the witness and of the officer who serves the subpoena. The failure to make payment of these charges on demand may be deemed by the Board to be sufficient ground for striking the testimony of the witness and the evidence the witness has produced.

(g) *Contumacy or refusal to obey a subpoena.* In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the jurisdiction of a United States District Court, the Board will apply to the Court through the Attorney General of the United States for an order requiring the person to appear before the Board or a member thereof to give testimony or produce evidence, or both. Any failure of any such person to obey the order of the Court may be punished by the Court as a contempt thereof.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: April 25, 1979.

Paul E. Goulding,

Acting Administrator of General Services.

[FR Doc. 79-15787 Filed 5-18-79; 8:45 am]

BILLING CODE 6820-61-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1061

[CSA Instruction 6132-2b]

Community Food and Nutrition Program (CFNP)

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration (CSA) is filing a final rule revising its policy statement for the Community Food and Nutrition Program (CFNP) funded under section 222(a)(1) of the Economic Opportunity Act of 1964 as amended. This final rule is required since CSA has determined there is a need to revise certain aspects of the previous year's funding policy and procedures and to inform applicants of

those changes. The rule details policies and application procedures relevant to funding Community Food and Nutrition projects with Fiscal Year 1979 funds.

DATE: This rule is effective June 20, 1979.

FOR FURTHER INFORMATION CONTACT:

Community Food and Nutrition Program, Community Services Administration, 1200 Nineteenth Street, N.W., Washington, D.C. 20506, Telephone: (202) 632-6694, Teletypewriter: (202) 254-6218.

SUPPLEMENTARY INFORMATION:

Comments received prior to April 9, 1979, were considered in drafting the final rule. Of a total of 102 comments received, 41 were from Community Action Agencies (CAA's), 29 from non-profit private anti-hunger organizations, 9 from Indian organizations, 8 from State Economic Opportunity Offices (SEOO's), 7 from CSA regional offices, 4 from migrant organizations, 1 from a state CAP Association, 1 from another federal agency, 1 from a local government agency and 1 from a private organization.

The great majority of the respondents expressed strong support of the basic policy initiatives of the CFNP and most of the refinements introduced in this year's proposed rule. Among the changes receiving widespread support were: A stronger emphasis upon advocacy, mobilization of resources, and coordination with other organizations engaged in anti-hunger activities; the elimination of bonus points for access and self-help, thus allowing applicants to establish priorities most nearly suited to local needs; giving funding preference in special support projects to state-wide anti-hunger coalitions; permitting CAA's to form consortiums; and reviewing, rating and ranking applications in their entirety rather than by program account.

Typical of the letters expressing support of the basic policy thrust of the CFNP was that of Carol Tucker Foreman, Assistant Secretary for Food and Consumer Services, USDA. She states:

"I am once again pleased to write to you to support the thrust of the proposed rules for the Community Food and Nutrition Program. The emphasis on advocacy, mobilization of resources, and coordination with other anti-hunger efforts will continue to make the CFNP a valuable partner to the Food and Nutrition Service programs which represent this nation's commitment to eliminate poverty-related malnutrition.

As in past years, CFNP grantees have played an important role as a source of information on food program operations, of innovative approaches to improved administration, of catalytic activities to help

initiate or expand food program participation, and of pressure on this agency to improve its performance in the field. This has been, and I hope will continue to be a useful, if at times difficult, relationship.

In the coming year, FNS will undertake several initiatives of major importance in the fight against hunger. These include an expanded and significantly restructured Child Care Food Program, an expanded Supplemental Food Program for Women, Infants and Children, and major new outreach and performance standards in the Food Stamp Program. Considerable public attention and monitoring will be necessary for these changes to succeed. CFNP grantees are crucial to this success. As I have repeatedly stated, School Breakfast expansion is a *major priority* for FNS in the coming year. Local outreach and advocacy is the single most important element in this expansion and is an activity much better performed by community-based organizations than by USDA which must concentrate on national activities. Finally, continued scrutiny of the changes of the last year in anti-hunger programs, such as the total revision of the Food Stamp Program, is crucial to our ongoing assessment of progress and problems in the field.

Again, I appreciate the opportunity to comment on these proposed rules. I look forward to working with CSA and CFNP grantees in the continuing fight against hunger in this country."

A number of commentators made constructive recommendations, some of which have been incorporated in the final rule. Likewise, a number made thoughtful suggestions which, for a variety of reasons, we felt we could not include this year. Some commentators, for example, felt that we should eliminate the competitive process, with some arguing that competition discourages coordination, and others that a basic minimum funding level should be given to each CAA with the remainder of the funds awarded competitively. While each of these recommendations has merit, we felt that, in terms of allocating CFNP funds where there is the greatest need, and with a limited CFNP budget and uncertainty about the level of funds which Congress will appropriate for FY 80, we should continue with the competitive process for FY 79. It should be noted that, whether CSA followed a formal competitive process or not, there would be more applications for CFNP funds than there would be funds available for those applicants. Thus some criteria for selecting grantees would have to be used in any case. Since this is true, CSA has chosen to formalize the process and select grantees who we hope will be capable of performing the best job. We believe this process both rewards excellence and at the same time embodies less

subjectivity than some other methods which might be employed to select grantees.

Some commentators suggested that self-help and crisis relief should be given higher priority. In view of the great potential which the other federal feeding programs have for making a substantial impact upon the problems of hunger and malnutrition among the poor, we cannot agree with this recommendation and must continue to stress the importance of "access" activities. However, in the proposed rule we dropped last year's bonus points, for "access" and "self-help" and increased the number of points for "analysis of needs" so as to allow an applicant to select without penalty, a program category that truly fits the needs of a given community. We have kept this change in the final rule.

Some respondents suggested that SEOO's and CAP associations not be permitted to apply for funds. They pointed out, for example, that SEOO's are in conflict-of-interest situations where they are permitted to recommend a governor's veto of a competitor's grant. We recognize that a potential problem exists here. However, we believe that to prohibit SEOO's from applying at all would be too drastic an action. The Director of CSA continues to have the power to override a governor's veto, where circumstances warrant, and we continue to believe that there is an appropriate role for SEOO's and CAP associations in the Community Food and Nutrition Program. Therefore, we have retained their eligibility to apply as stipulated in 1061.50-9(4).

Some commentators suggested that the new items (13) and (14) under Access, § 1061.50-7(a), were redundant, since these activities are permissible under (10) in the same section. We agree and have dropped these activities.

Several commentators suggested that the term "un-capped area" be defined and that CAA's be permitted to operate projects in those areas. Again we agree and have included that term among the definitions in § 1061.50-2 and have added a statement in § 1061.50-9(3) making it clear that CAA's are not precluded from operating projects in those areas if they are otherwise legally permitted to do so.

Several respondents pointed out that our requirement that the poor, rather than their representatives, participate in the selection of priorities other than access, was in violation of CSA's instructions regarding the participation of the poor on CAA governing boards. We concur and have made the needed correction. What we intended to say was that low-income residents

themselves, rather than their "self-appointed representatives", should participate in establishing the priorities of a CFNP project. We have also strengthened the requirement regarding the "participation of the poor" and are requiring that documentation of such participation be required of all applicants in establishing priorities regardless of which program category they select.

One suggestion made was that CSA should clarify its authority to "monitor" other federal agency programs. We have done that. The term "monitoring" now appears in the section on definitions and CSA's authority for doing such is outlined in Appendix A, Section 3.

There was strong opposition on the part of a number of respondents to the use of the simple number of poor as a basis of allocating funds to the regions and there was considerable support for keeping last year's formula. It was agreed, for example, that an allocation formula based strictly on the number of poor would penalize rural areas where infant mortality and non-participation rates in the Food Stamp Program are higher. We are persuaded that for the time being, or until CSA can devise a better method of determining the extent of hunger and malnutrition among the nation's low-income citizens, we should keep last year's formula. We will continue to redistribute funds among the regions, based on that formula, with the provision that no region will be decreased by more than 10 percent.

An overwhelming number of commentators expressed support for the concept of multi-year funding. While this recommendation cannot be put into effect for FY 79, CSA will give serious consideration to instituting such a plan for a limited number of grantees in FY 80, if circumstances warrant such. About an equal number of respondents were for and against target allocations. CSA is tabling this idea for FY 79.

A considerable number of comments centered around the complexities of the A-95 clearinghouse procedures and the lack of necessary lead time both to comply with that process and to adequately prepare applications. CSA has requested and OMB has granted a procedural variation of the clearinghouse procedure for this fiscal year. While applicants are urged to submit their applications to the clearinghouses as soon as possible, they may submit their applications simultaneously to the clearinghouses and to CSA for concurrent review. (See § 1061.50-11). CSA also wishes to note that the regulations are being published much earlier this year than last, and that

applicants will have more time in which to prepare their applications than they had last year. We hope to be able to improve on this record for next year.

A substantial number of commentators recommended that all applicants be required to submit a project narrative so as to include relevant information not required by the Form 419 and to provide for a more detailed explanation of some of the items on the Form 419. The importance of this recommendation has been recognized and such a requirement has been included. Both the application and review procedures should be simplified as a result and applicants placed on a more equal footing in the review process.

Another recommendation supported by a number of commentators was that CSA notify both winners and losers on a timely basis and establish an appeals procedure for applicants who feel they may have been treated unfairly. The importance of these recommendations, also, is recognized and CSA has taken steps to carry out both (See Appendix A, Section 5).

Several references were made to the need to clarify certain key terms such as "catalytic", "advocacy", and "mobilization of resources", and the overlapping of these terms in the rating criteria was criticized. We agree that clarification of these terms was needed and have attempted to meet this need by redefining them. (See § 1061.50-2), as well as adding a further elaboration upon their meaning in Appendix A, Section 3. We have also revised the rating criteria to reflect this clarification.

A number of commentators suggested that Indians and migrants should be required to meet the same minimum standards as other applicants in the rating process. Also, some migrant and Indian commentators recommended altering the rating criteria to meet more precisely the unique needs of the migrant and Indian populations. Both of these recommendations have been adopted and are reflected in § 1061.50-9 (e) and (f) and in the new rating criteria for Indians and Migrants in Appendices C and D. (Note: We have also published a separate rating sheet for Special Support Projects. See Appendix E.)

The proposed rule stated that the CSA regional offices would publish in the Federal Register annually a list of T&TA requirements for the guidance of T&TA applicants in preparing their proposals. That procedure is being dropped. CSA has decided instead to publish one statement of regional T&TA needs which applies to all regions. That statement, which was based upon the

recommendations of our regional offices, is found in § 1061.50-9(c).

While no specific reference has been made thus far about the comments received prior to the publication of the proposed rule, those comments were analyzed and for the most part they are reflected in the comments received after the publication of the proposed rule. Also, a number of the recommendations made earlier were included in the proposed rule. CSA wishes to thank all who took the time to comment. While not every recommendation could be adopted, we believe that, though this process, these regulations have been greatly strengthened and we hope that a more supportive relationship between CSA and its grantees has been forged.

Graciela (Grace) Olivarez,
Director.

45 CFR 1061 is amended by revising § 1061.50-1 through § 1061.50-13 (Subpart) to read as follows:

Subpart—Community Food and Nutrition Program (CFNP)

Sec.	
1061.50-1	Applicability.
1061.50-2	Definitions.
1061.50-3	Purpose of the subpart.
1061.50-4	Introduction.
1061.50-5	Policy.
1061.50-6	Purposes of the program.
1061.50-7	Program categories.
1061.50-8	Eligible Participants.
1061.50-9	Eligible Applicants.
1061.50-10	Funding.
1061.50-11	Application procedures.
1061.50-12	Reporting requirements.
1061.50-13	Current fiscal year application and review information.

Appendix A.
Appendix B.
Appendix C.
Appendix D.
Appendix E.
Appendix F.
Appendix G.
Appendix H.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1061.50-1 Applicability.

This subpart is applicable to all grants and contracts funded under section 222(a)(1) of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration.

§ 1061.50-2 Definitions.

(a) *Program*. The provision of federal funds and administrative direction to accomplish a prescribed set of objectives through the conduct of specific activities. Example: CSA's Community Food and Nutrition Program.

(b) *Project*. The implementation level of a program where resources are used

to produce an end product that directly contributes to the objectives of the program. Example: The School Breakfast Expansion Campaign of the Milwaukee CAP.

(c) *Limited Purpose Agency*. An organization or agency funded under sections 221 or 222 of the Act to conduct a specific program or programs, rather than the broad spectrum of programs conducted by a CAA. Limited purpose agencies are not subject to the requirements for local government designation and comprehensive community representation applicable to CAA's.

(d) *"Un-capped Area"*. An "un-capped" area is any geographical area not officially served by a community action agency. An area officially served by a CAA is that area designated by the local government as such and recognized by CSA.

(e) *Catalytic Activity*. According to the dictionary, a catalyst is "a person or thing acting as a stimulus in bringing about or hastening a result". In this rule, "catalytic activity" means an activity which, through a modest investment of CFNP staff time and money, sets in motion a process or series of events which results, for low-income persons, in benefits that are far-reaching and whose value significantly exceeds the cost of the original investment. (See Appendix A, Section 3 for further clarification.)

(f) *Direct Service Delivery*. One-on-one activity (for example, outreach activity) whose purpose is to provide goods or services directly to low-income individuals or families. The provision of direct services can be a catalytic or non-catalytic activity. It is catalytic if it triggers a process that is carried forward by the individual, either on his own or with the assistance of groups or agencies other than the CFNP project. (See Appendix A, Section 3 for additional clarification.)

(g) *Advocacy*. According to the dictionary, an advocate is "one who pleads the cause of another" or "defends or maintains a cause or proposal." In this rule, advocacy means a type of catalytic activity which is directed at institutions or at the general public on behalf of low-income individuals in order to insure that, in the area of food and nutrition, the views of such individuals are heard, their rights are observed, the benefits to which they are entitled are provided and their needs are met (to the extent possible) by the institutions which have the ability or responsibility to meet those needs. Successful advocacy can bring about either *institutional change* (a change in

a law, regulation, policy, procedure, behavior or attitude affecting the low-income population) or a *mobilization of additional resources* (whether they be dollars or in-kind services) from public or private sources to support food and nutrition programs for the low-income population. (See Appendix A, Section 3 for further clarification.)

(h) *Monitoring*. Monitoring is a variety of advocacy. To "monitor" is to "observe critically". To monitor a program operated by another federal or state agency means to *observe critically* that program; to gather relevant information about its operations in order to make sure that it is adhering to relevant statutes and regulations in its delivery of services to low-income families and individuals; and where there are problems, to bring them to the attention of the administering agency and to assist that agency in finding a solution. (See Appendix A, Section 3 for further clarification.)

§ 1061.50-3 Purpose of the subpart.

This subpart sets forth CSA's policy for the Community Food and Nutrition Program (CFNP) authorized under section 222(a)(1) of the Economic Opportunity Act of 1964, as amended. It discusses the purposes and categories of activities, participant and applicant eligibility criteria, application procedures and reporting requirements. The Appendices provide additional information relating to funding for the current fiscal year and the process for reviewing, rating and ranking applications.

§ 1061.50-4 Introduction.

(a) Section 201(a)(1) of the Economic Opportunity Act of 1964 as amended states that the basic purpose of all title II programs, including the Community Food and Nutrition Program, is " * * * to stimulate a better focusing of all available local, State, private and Federal resources upon the goal of enabling low-income families and low-income individuals * * * to become fully self-sufficient" (emphasis added).

(b) This statement sums up CSA's historic mission which has been to serve as a *stimulator* or *catalyst* of activities conducted by other public and private institutions rather than as a provider of services in competition with these institutions. CSA's limited funds make it necessary, in any event, for CFNP projects to reduce their involvement in non-catalytic direct service delivery and to function primarily as advocates and catalytic agents.

(c) A second important point made in the statement quoted above is that the

catalytic activity of Title II programs, including the CFNP, should be directed to helping the poor escape the cycle of poverty. The relevance of the CFNP to this objective is underscored by a report entitled "Dietary Goals for the United States" (2nd Edition) issued in February 1978, by the U.S. Senate's Select Committee on Nutrition and Human Needs. According to the report, an inadequate diet is a principal cause of six of the ten leading killer diseases—the six being diabetes, strokes and hypertension, heart disease, some cancers, arteriosclerosis and cirrhosis of the liver. An inadequate diet leads to unemployment and chronic dependence on public assistance programs. Hence, the importance of a concentrated attack on the problem of malnutrition among the poor.

§ 1061.50-5 Policy.

(a) Section 222(a)(1) of the Economic Opportunity Act authorizes: "A program to be known as Community Food and Nutrition designed to provide, on an emergency basis, directly or by delegation of authority pursuant to the provisions of Title VI of this Act, financial assistance for the provision of such supplies and services, nutritional foodstuffs, and related services as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance may be provided by way of supplement to such other assistance as may be used to extend and broaden such programs to serve economically disadvantaged individuals and families where such services are not now provided."

(b) In its effort to "supplement and extend and broaden" other Federal food programs, the CFNP must not lose sight of the essentially *catalytic* nature of CSA's mission referred to in § 1061.50-4. Funds should be used primarily as seed money or in ways that have a multiplier effect and not for duplicative or long-term feeding programs. The emphasis on catalytic activity does not preclude the use of CFNP funds, in emergency situations, for the direct delivery of foodstuffs and related services to individuals and families within CSA poverty guidelines who are insufficiently served or not served at all by other programs. (See 1061.50-7(d)(4) below.) Benefits received under the CFNP shall not be considered as income for the purposes of determining eligibility for other federal food programs.

(c) Each CFNP project will be expected to include *advocacy* as an *essential* and *integral* element of both its design and implementation. While an applicant may select the program

category (Access, Self-Help, Nutrition/Consumer Education, Crisis Relief) which best meets the needs of the poor in the community(ies) served, the element of advocacy should always be a part of whatever category is selected. Advocacy efforts should focus upon articulating the views and needs of the poor to the public at large but, more particularly, to those institutions and organizations which have the ability or responsibility to serve the poor. Advocacy efforts should not only include speaking *on behalf of the poor*, but helping the poor to articulate their own needs and to participate in activities which are designed to assure that the benefits to which the poor are entitled are provided. Advocacy should be aimed at initiating new programs to benefit the poor as well as improving and expanding existing ones.

(d) All CFNP projects will be expected to conform to as many of the purposes of Title II programs as possible (listed below in § 1061.50-6). CSA Instruction 7850-1a requires that each project must contribute to the achievement of one or more purposes. CSA is requiring in FY 79 that CFNP grantees meet at least three general purposes and one specific purpose. Applicants are advised that the rating criteria (See Appendices) include three of the five general purposes.

§ 1061.50-6 Purposes of program.

(a) The following are the purposes of Title II Programs, including the CFNP, listed in Sections 201(a) and 222 of the Economic Opportunity Act and reflected in CSA's general standards of effectiveness:

(1) *Planning and Coordination*: Strengthening community capabilities for planning and coordination so as to insure that available assistance related to the elimination of poverty can be more responsive to local needs and conditions;

(2) *Improvement of Service Delivery*: Better organization of services related to the needs of the poor;

(3) *Maximum Feasible Participation*: Maximum feasible participation of the poor in the development and implementation of all programs and projects designed to serve the poor;

(4) *Mobilization of Resources*: Broadened resource base of programs directed to the elimination of poverty so as to include all elements of the community able to influence the quality and quantity of services to the poor;

(5) *Innovative Approaches*: Greater use of new types of services and innovative approaches in attacking causes of poverty, so as to develop

increasingly effective methods of employing available resources.

(b) The following are legislatively mandated purposes of the Community Food and Nutrition Program (Specific Standards of Effectiveness):

- (1) *Improvement in the nutritional status of the target population;*
- (2) *Reduction in hunger among the target population.*

§ 1061.50-7 Program categories.

The categories of projects eligible for funding under the Community Food and Nutrition Program are listed in priority order as follows:

(a) *Access:* To improve the opportunities for low-income people to gain access to, and participate in, federal and non-federal food and nutrition programs. Activities eligible for funding under the "access" category include but are not limited to:

(1) The monitoring of programs conducted by other agencies and in particular monitoring the implementation by USDA and state and local governments of the Food Stamp Act of 1977, in order to insure compliance with relevant federal and state statutes and regulations;

(2) Seeking changes in federal and state statutes and regulations to insure a more equitable distribution of food and nutrition benefits to the poor;

(3) Stimulating through consultation with parents, school administrators and other officials, the establishment or expansion of various federally funded food programs such as: the School Breakfast and School Lunch Programs, the WIC Program, the Summer Food Service Program for Children, the Nutrition Program for the Elderly, etc.

(4) Participating with a state in the development of state plans, certification manuals, etc., for food and nutrition programs;

(5) Building coalitions to make possible community input into the improvement and implementation of programs which improve the nutritional status of low-income persons;

(6) Designing and carrying out strategies for obtaining matching funds for new and existing projects supported from CFNP funds, and for spinning off such projects to other agencies (e.g., projects funded under HEW and USDA such as Title XX or food stamp outreach);

(7) Catalyzing an expanded and more effective outreach program on the part of other agencies;

(8) Initiating, or stimulating the formation of, community education programs aimed at apprising low-income

persons of their entitlements under federal and non-federal food programs;

(9) Stimulating efforts to provide the poor with assistance in prescreening and application procedures and with adequate representation in administrative hearings, etc.;

(10) Initiating, or stimulating the formation of, feeding programs (e.g., Meals on Wheels) which are urgently needed and are not being provided in the community, on the condition that significant mobilization of other resources and early spin-off of the project to a more appropriate agency is included in the application;

(11) Developing and seeking to get adopted innovative proposals to increase the amount of food available to the poor, e.g., tax incentives for food industry donations to the poor;

(12) Organizing consumer action relating to public and private sector food policies, food sales and sales taxes so as to lower costs for the poor;

(b) *Self-Help.* To improve the ability of low-income people to produce and purchase foodstuffs in a manner that fosters self-sufficiency. (Note: Applicants for Self-Help projects, which by design should ultimately become self-sustaining, e.g., food co-ops, buying clubs, and canneries, should include in their applications specific plans for the eventual phase-out of CFNP funding.) Activities eligible for funding under this category include but are not limited to:

(1) Conservation, distribution and utilization of foodstuffs, such as:

(i) Organizing family and community gardens;

(ii) Organizing food co-ops and buying clubs;

(iii) Establishing greenhouses, canneries, etc.;

(iv) Organizing food gleaning campaigns.

(Note.—A number of states have passed legislation providing a tax benefit for small unincorporated farmers who donate excess produce to organizations serving the low-income population; while similar legislation is being proposed in Congress)

(2) Activities which support self-help projects such as:

(i) Mobilizing the resources of state agriculture departments, land grant colleges, co-op extension services, USDA (e.g., the Agricultural Stabilization and Conservation Service), VISTA, CETA, etc., for obtaining seeds, plants, land, water and information;

(ii) Cooperating with land grant and other colleges to provide more assistance to small scale (even part-time) growers, etc.;

(iii) Promoting the utilization of unused federal, state, and local land for food production;

(iv) Seeking to change laws and regulations that impede the involvement of the poor in food production, processing and distribution, etc.

(c) *Nutrition and Consumer Education.* To improve, through catalytic activity in the area of nutrition and consumer education, the ability of low-income individuals and families to understand the connection between diet and health, to obtain at the lowest prices nutritionally superior foods and to prepare and preserve these foods in ways that minimize the loss of nutrients. Activities eligible for funding under this category include but are not limited to:

(1) Developing and demonstrating new and more effective techniques for communicating nutritional information to the poor;

(2) Stimulating the establishment by other agencies or institutions of educational programs to acquaint the low-income public with the potential benefits of altering food preparation and eating habits in the light of the "Dietary Goals for the United States" recommended by the U.S. Senate's Committee on Nutrition and Human Needs;

(3) Stimulating the establishment of educational programs to improve the ability of low-income individuals and families to understand written guidance on food selection and to make comparisons between foods based on nutrition labeling and price;

(4) Engaging in advocacy efforts to induce federal agencies such as USDA and HEW to design new (and redesign existing) nutrition and consumer education programs so they are more responsive to the needs of low-income consumers;

(5) Devising and carrying out strategies to insure that state nutrition education plans address the needs of children, teachers, and food service workers in schools and low-income communities and that advisory councils set up to oversee state nutritional education programs include representatives of the poor;

(6) Engaging in advocacy efforts to induce such private organizations as the American Dietetic Association, American Heart Association and American Diabetes Association etc., to direct more of their nutrition education activities to the poor, and to coordinate such activities with CSA's CFNP network;

(7) Engaging in research to determine the status and quality of nutrition education efforts aimed at the poor,

identify gaps in those efforts, and recommend ways in which CSA, CAA's and CFNP grantees should be involved in nutrition education.

(d) *Crisis Relief*: To improve community crisis relief mechanisms. Activities eligible for funding under this category include but are not limited to:

(1) Organizing food banks and food salvaging operations;

(2) Negotiating for improvement in public welfare systems for distributing, in natural disasters and widespread emergency circumstances, Emergency Food Stamps, WIC packages or vouchers, USDA commodities, local food bank resources, etc. Among federal agencies the U.S. Department of Agriculture, in conjunction with the Federal Disaster Assistance Administration, is responsible for the delivery of foodstuffs to needy households in disasters and other widespread emergencies.

(3) Assisting communities to improve their crisis relief programs so that those most in need will receive swift relief;

(4) Providing foodstuffs directly and/or issuing food vouchers, but only if at least one of the following conditions is satisfied:

(i) There is a temporary individual or family emergency and timely help is not forthcoming from other agencies or,

(ii) The provision of relief is a catalytic effort which includes a plan to establish a community-based entity which will provide such services in the future, or a plan to transfer the activities, within a specified period of time, to an agency which already has an assigned responsibility for providing foodstuffs, vouchers, etc. to the poor. A commitment from such an agency to take over the project should be included in the application, if possible.

§ 1061.50-8 Eligible participants.

(a) All activities supported from CFNP funds must be targeted on low-income individuals and families as defined in CSA Income Poverty Guidelines (§ 1061.2 or CSA Instruction 6004-1k and changes thereto). It is important to stress this since in the case of some programs, such as the Food Stamp Program and the National School Lunch Program, the persons eligible for benefits form a larger group than those who fall within CSA poverty guidelines. In such cases, the rule-of-thumb should be that a majority of the individuals or families served are within CSA guidelines.

(b) Individuals are eligible to participate upon a self-declaration of need without the delay of a "means test" or income investigation. Self-declaration of need makes possible

immediate assistance for those suffering from hunger and in danger of malnutrition.

§ 1061.50-9 Eligible applicants.

(a) General Community Projects.

(1) Section 222(a) of the Economic Opportunity Act states that the Director shall provide financial assistance

"* * * in a manner that will encourage, wherever feasible, the inclusion of assisted projects in community action programs * * *" (emphasis added). In addition, Section 222(a)(1) of the Act required that the Director carry out the CFNP "* * * in a manner that will insure the availability of * * * supplies and services, nutritional foodstuffs and related services through a community action agency where feasible, or other agencies and organizations if no such (community action) agency exists or is able to administer the program" * * * (emphasis and parentheses added).

(2) Therefore community action agencies (CAA's) will be regarded as prime sponsors of projects utilizing general community funds. Any other organization desiring to operate a project in a geographical area served by a CAA must do so as a delegate agency of the CAA. If such organizations are unable to work out a delegate agency agreement with the CAA, then they may apply directly to the appropriate Regional Office of CSA. However, such applications will be considered only if the CAA does not submit a proposal, or submits a proposal which is not funded. (The deadline for submission of applications by prospective delegate agencies outlined in paragraph 2 of CSA Instruction 6441-1 do not apply to this program.)

(3) Other public and private, non-profit organizations, including SEOO's and CAP Associations, which meet CSA's general eligibility criteria may apply directly to the appropriate CSA regional office for general community funds to operate projects in geographical areas not served by CAA's ("un-capped areas").

Note.—This paragraph does not preclude CAA's from operating projects outside their officially designated boundaries where they are otherwise legally permitted to do so.

(4) SEOO's and CAP Associations may not apply as conduits for other applicants when the purpose or effect of such an arrangement is to allow those applicants to avoid the competitive process.

Note.—As an exception to CSA's general policy, an SEOO may apply as a conduit for other applicants within a state where the following conditions are met: (i) the applicant has CSA's written advance approval, (ii) the

low income residents of the area to be served were involved in the planning of the project, and (iii) two or more of the following activities are carried out on a statewide basis: (A) advocacy, (B) improved planning and coordination, and (C) mobilization of a broader range of resources. In such a case the complete work programs and budgets of the delegate applicants must be submitted to CSA along with the conduit application.

These applications will then be reviewed, rated and ranked on a competitive basis like any other application, and they must receive a minimum score of 65 points in order to be considered eligible for funding. Likewise the work program and budget of the conduit will be rated and must receive a minimum score of 65 points.

(5) CAA's and anti-hunger groups are strongly encouraged to work together where possible. This can take the form of a CAA's delegating part or all of its work program to an anti-hunger group, or vice versa; close and systematic coordination on the part of both groups in the planning, implementation and evaluation of CFNP projects; and close collaboration in the development of state anti-hunger strategies. The formation of such alliances contributes to at least one of the general standards of effectiveness (planning and coordination) and in most cases will contribute to more.

Note.—CAA's must indicate in their applications the efforts which have been undertaken to involve various community groups and organizations—including anti-hunger organizations—in the planning and implementation of their proposed activities. In the rating and ranking of applicants points will be given to applicants who furnish evidence that such coordination has taken or will take place.)

(b) Special Support Projects.

(1) Public and private non-profit organizations which meet CSA's eligibility criteria—other than CAA's, SEOO's, and CAP Associations—may apply for special support funds.

(2) Special support projects must be designed to have a broad impact on the problems of hunger and malnutrition among the poor, i.e., an impact that extends beyond the boundaries of particular communities. The objective of special support projects is to assist in the development, coordination and expansion of food and nutrition programs for the poor and/or engage in advocacy efforts to improve those programs on a statewide or multi-state basis.

(3) Special support projects must relate to one or more of the four program categories outlined in § 1061.50-7.

Special support activities may include but are not limited to:

- (i) Developing or strengthening statewide or multi-state anti-hunger coalitions and task forces;
- (ii) Monitoring and interpreting changes in relevant federal and state laws, regulations, and procedures;
- (iii) Developing or improving statewide food and nutrition information centers or clearinghouses;
- (iv) Initiating and/or stimulating the provision by others (e.g., grantees of the National Legal Services Corporation) of legal services aimed at improving the delivery of food and nutrition services to the poor.
- (v) Providing assistance to low-income individuals or their representatives to attend meetings and conferences on food and nutrition issues, etc.

Note.—In making funding decisions on applications for special support funds, CSA will give preference to applicants (a) who propose to initiate or strengthen statewide anti-hunger coalitions which will address a broad range of hunger problems and issues and (b) whose governing boards include low-income residents or their duly elected representatives as well as representatives of community action agencies and other appropriate institutions and organizations which have a concern for the nutritional status of low-income families and individuals.

(4) Applicants must show evidence of successful experience and competence in carrying out the kinds of activities described above. *In addition, applicants must indicate on their applications how CAA's have been involved in the planning of their projects and how they intend to coordinate their proposed activities with CAA's in, or adjacent to the areas they propose to serve, other CFNP grantees and the SEOO in the state(s) to be served.*

(c) *Regional Training and Technical Assistance (T&TA) Projects.*

(1) Public and private nonprofit organizations and agencies which meet CSA's general eligibility criteria may apply for Regional T&TA funds. Regional T&TA providers may operate on either a regionwide or subregional basis.

(2) Applicants for Regional T&TA projects must present in their applications a detailed statement of the following:

- (i) The kinds of T&TA they propose to deliver;
- (ii) How they intend to go about it;
- (iii) A timetable for the delivery of such;
- (iv) The results they expect to achieve; and

(vi) How they plan to evaluate results.

(3) T&TA applicants must indicate how they will assist CFNP grantees to achieve or carry out the major policy initiatives of the CFNP, such as:

- (i) Shifting the emphasis from service delivery to catalytic activity;
- (ii) Undertaking advocacy as a major component of each CFNP project;
- (iii) Effective techniques of mobilizing public and private resources, and
- (iv) Coordinating activities with other institutions and organizations involved in anti-hunger efforts.

(4) In the area of program planning and management, T&TA applicants must indicate how they will assist CFNP grantees in more precisely determining the nutritional problems and needs of low-income individuals, how to set priorities, establish realistic goals, design project strategies, and evaluate results.

(5) T&TA applicants must indicate in their proposals an understanding of the four program categories described in § 1061.50-7 and an ability to assist CFNP grantees in carrying out the activities listed there. This presupposes that the applicant has an expert knowledge of the various federal feeding programs (such as Food Stamps, School Breakfast, School Lunch, WIC, Day Care Food, Nutrition Program for the Elderly, etc.) and the ability to communicate such knowledge to CFNP grantees.

It also presupposes on the part of the applicant successful experience in such activities as:

- (i) How to organize coalitions and effectively conduct campaigns or other activities to initiate or expand the various federal feeding programs listed above;
- (ii) How to stimulate the establishment of more effective outreach efforts by the agencies which administer these programs;
- (iii) How to "monitor" such programs to assure their compliance with relevant statutes and regulations;
- (iv) How to organize family and community gardens, food co-ops and buying clubs, etc. and assist them to become self-sustaining;
- (v) How to train low-income residents to seek and obtain assistance from agencies which have a responsibility to serve them (such as agricultural extension services) or to speak on their own behalf in seeking benefits from agencies (e.g. Food Stamp "fair hearings");
- (vi) How to help CFNP grantees engage in advocacy efforts to induce federal and state agencies to design new and redesign existing nutrition education programs so they are more

responsive to the needs of low-income consumers; and

(vii) How to organize community food banks supported and sustained by a variety of resources in the community at large to meet the emergency needs of low-income individuals and families.

Note.—This list is *illustrative* and not exhaustive of the fields of expertise which may be required of the T&TA provider.

(6) T&TA applicants must not only show evidence of successful experience and competence in carrying out the kinds of activities described above, they must indicate how they will coordinate their activities with the CSA regional office, the SEOO's, special support projects and national T&TA providers. In addition they must, as soon as possible after funding decisions are reached, review the proposals of the FY 79 CFNP grantees (within their areas of coverage) and revise their work programs, in consultation with the Regional Offices, so as to more precisely meet the needs of CFNP grantees in FY 79.

(d) *Headquarters Training and Technical Assistance (T&TA) Projects and Research and Demonstration (R&D) Projects.*

(1) Public and private nonprofit organizations or agencies which meet CSA's general eligibility criteria may apply for headquarters T&TA and R&D funds.

(2) As distinct from regional T&TA projects, headquarters T&TA projects will focus on grantee needs that are common to a number of regions or require a national strategy. In addition headquarters T&TA projects may be required to address the needs of other projects administered directly from headquarters, e.g., migrant conduits.

(3) The objective of R&D projects is to develop new knowledge or demonstrate new hypotheses relevant to the solution of the problems of hunger and malnutrition among the poor. Activities proposed in applications for R&D funds should relate to activities described under the four program categories defined earlier in this subpart but should emphasize new and untried approaches to solving problems of hunger and malnutrition and potential solutions so as to have maximum impact on these problems nationwide.

(e) *Migrant Projects.* Farmworker-governed organizations which meet CSA's eligibility requirements may apply for funding under this category. Migrant conduits and other applicants proposing activities of a national or multi-regional scope will apply directly

to CSA headquarters and will be exempt from the competitive process.

Applicants proposing to operate local projects, and which meet CSA's eligibility criteria (preferably farmworker-governed organizations), may apply as sub-contractors to the appropriate migrant conduit. Applicants applying as sub-contractors of the migrant conduits will follow the procedures outlined in § 1061.50-11 and Appendix A. Their applications will be reviewed, rated and ranked by the migrant conduits on the basis of the criteria listed in Appendix D. The funding process will be competitive, with applicants with the highest scores being given funding preference.

Note.—Applicants for local migrant projects will be required to achieve the minimum score of 65 points in order to be considered eligible for funding. However, CSA may waive this requirement in unusual circumstances where such is necessary in order to serve the most needy migrant populations.

(f) *Indian Projects.* Indian groups whose governance is controlled by the populations to be served are eligible to apply for Indian project funds. This includes Indian nations, tribes, bands, pueblos, or other organized groups or communities, including Alaskan Native villages as defined in the Alaskan Claims Settlement Act who are either indigenous to the United States or who otherwise have a special relationship to the United States, or a state, through treaty agreement, executive order, law, court order, or administrative action of the Department of Interior, except as otherwise provided by federal law. Urban Indian groups are eligible to apply for funds under this category. Applicants for Indian projects should submit their applications to the appropriate CSA regional office and should follow the application procedures outlined in § 1061.50-11 and Appendix A. Their applications will be reviewed, rated and ranked according to the criteria in Appendix C and the funding process will be competitive, with funding preference being given to applicants with the highest scores.

Note.—The CSA review panels for Indian projects will include Indians and Indian applicants will be required to achieve the minimum score of 65 points in order to be considered eligible for funding. However, CSA may waive this requirement where such is necessary in order to serve the most needy Indian populations.

§ 1061.50-10 Funding.

(a) *Non-Federal Share.* The non-Federal share is waived for CFNP projects (see § 1068.20 or CSA

Instruction 6802-3a). However, grantees are expected to mobilize local and state resources throughout the life of the project.

(b) *Federal Share.* Federal share as matching funds granted under section 222(a)(1) may be used to match USDA funds to support food stamp outreach projects, as well as nutrition projects for the elderly funded under Title XX of the Social Security Act as amended.

(c) *One-time funding.* Applicants should note that funds awarded for CFNP projects are provided on a one-time only basis. Therefore applicants should apply for projects which can be successfully completed within the proposed funding period or which will be continued beyond the funding period with funds from other sources. There is no stated or implied obligation or commitment on the part of CSA to refund any project. Consequently, applicants should inform their employees, beneficiaries and the local community that this funding is on a one-time basis in order that they may prepare for the possibility that an application for funding under CFNP in a subsequent year may not prevail in the competitive process.

§ 1061.50-11 Application procedures.

(a) *Required forms and documents.*

(1) SF 424: Federal Assistance (See CSA Instruction 6710-3a) This form initiates the A-95 clearinghouse process.

(2) OEO Form 395: Eligibility Documents (See CSA instruction 6710-1 CH 11. Note: All applicants are required to have on file with CSA the following documents in order to establish eligibility to receive CSA funds. Current grantees should check to make certain these documents are up-to-date, making changes where necessary and resubmitting. New applicants should submit them either prior to or along with the submission of their formal applications.)

(i) Articles of Incorporation (See CSA Instruction 6710-1 CH 11)

(ii) By-laws or Rules of Organizations (See CSA Instruction 6710-1 CH 11)

(iii) Personnel Policies and Procedures (See 6900 series of CSA Instructions)

(iv) Biographic Data on Key Staff (See Instruction 6710-1 CH 11)

(v) Statement of Accounting System (CSA Form 380—see OEO Instruction 6801-1)

(vi) Current Bond (See CSA Instruction 6800-3)

(vii) Participation of the Poor (See OEO Instruction 6005-1)

(A) List of current Board Members (CAA's only—See OEO Instruction 6400-01, 02)

(B) List of Policy Advisory Committee Members (LPA's Only—See OEO Instructions 6005-1)

(viii) Applicant Certifications (CSA Form 301—New applicants only)

(ix) Certification of Applicant's Attorney (OEO Form 393—New applicants only—See Instruction 6710-1 CH 11)

(3) Project Narrative (See Appendix A)

(4) OEO Form 419: Summary of Work Program & Budget (See CSA Instruction 6710-1 CH 11)

(5) CAP Form 25 & 25a: Program Account Budget and Support Sheet (See OEO Instruction 6710-1)

(6) CAP Form 84: Participant Characteristics Plan (See OEO Instruction 6710-1)

(7) OEO Form 394: Checkpoint Procedure for Coordination (*Optional*). Applicants are encouraged to use this form to indicate coordination linkages and agreements with local agencies. However, if the question of coordination is adequately addressed in the project narrative, the applicant need not include this form. See Instruction 6710-1 CH 11.)

(8) CAP Form 440: Program Progress Review Report (See CSA Instruction 6800-9. Note: Although this form is not an application document, and not normally required with an application, CSA is requiring an up-dated Form 440 from applicants currently operating CFNP projects.)

When Delegating Projects

(9) CAP Form 85: Administering Agency Funding Estimate (See OEO Instruction 6710-1)

(10) CAP Form 87: Delegate Agency Basic Information (See OEO Instruction 6710-1)

(11) CAP Form 11: Assurance of Compliance with Civil Rights (See OEO Instruction 6710-1)

(12) OEO Form 280: Agreement for Delegation of Activities (Self-explanatory)

(b) *Clearinghouse review.* (A-95). Applicants are reminded that they must comply with the requirements of OMB Circular A-95 (See CFR § 1067.10 and/or CSA Instruction 6710-3a), including the following:

(i) Ordinarily, applicants must, at least 60 days prior to the actual submission of applications to CSA, notify through the SF 424 the appropriate clearinghouses of their intent to apply. In order to comply with this requirement, applicants were urged in the proposed rule (*Federal Register*, March 8, 1979) to initiate the clearinghouse process on or about April 1. Since OMB has granted a procedural

variation for fiscal year 1979 (Administrative Note No. 9, Dated May 7, 1979), applicants who have not yet submitted their letters of intent to the clearinghouses may still do so, *but not later than May 30, 1979*. Applicants are urged to notify the clearinghouses of their intent immediately. They should also alert the clearinghouse of the deadline for the submission of applications to CSA and request, in view of the short time frame, that clearinghouses wishing to review an application notify the applicant promptly and expedite their review process as much as possible once the formal application is submitted to the clearinghouse.

(ii) Where the clearinghouse, in response to the notification of intent to apply, indicates that it wishes to review and comment on the application, applicants should forward applications to the clearinghouse as soon as possible. Applicants normally are required to submit the comments of the clearinghouse along with their applications to CSA. However, some, if not most applicants, will not be able to submit their applications to the clearinghouses in time for clearinghouse review and comment *before* the deadline for submitting applications to CSA. In order not to impose an impossible burden on both applicants and the clearinghouses, CSA has requested, and OMB has granted, a *procedural variation for FY 79* which will permit concurrent review of applications by CSA and the clearinghouses. Therefore, applicants who are unable to attach clearinghouse comments at the time of submission of their applications to CSA, should request the clearinghouse to send their comments directly to CSA headquarters or the appropriate CSA regional office. Only comments received from the clearinghouses by August 6 will be considered. Funding decisions will be announced by August 10.

(iii) Applicants proposing *statewide* projects need only submit their proposals to the state clearinghouse for review. Such applicants should indicate in writing to the state clearinghouse that their proposed project is statewide and will not be submitted to area clearinghouses. Applicants serving as conduits must submit the applications of their delegates or sub-grantees to the appropriate area or state clearinghouses if their application will be part of such conduits' application to CSA. Indian applicants who are part of a federally recognized tribal government or local sub-unit of such tribal governments are not required to submit their applications

to area or state clearinghouses but are encouraged to coordinate with the appropriate clearinghouses.

Migrant conduits are responsible for submitting subcontractor or delegate agency applications to the state clearinghouses for review pursuant to the procedural variation of the A-95 process granted by OMB. Migrant procedures for clearinghouse coordination were explained directly to the conduits in a letter dated May 8, 1979. Applicants may obtain clearinghouse addresses from the appropriate CSA Regional office or, in the case of applicants for projects of national scope, CSA headquarters.

(c) *Where to Apply*.—According to category of project send applications to:

General Community: Appropriate CSA Regional Office.

Special Support: Appropriate CSA Regional Office.

Regional T&TA: Appropriate CSA Regional Office.

Headquarters T&TA: CSA Headquarters.

Migrants: Migrant conduits and applications with a multi-state or national scope, CSA Headquarters.

Applicants proposing projects of a local nature apply to appropriate migrant conduit (see Appendix H).

Indians: Appropriate CSA Regional Office.

§ 1061.50-12 Reporting requirements.

Grantees will follow the financial and project reporting requirements outlined in CSA Instructions 6800-8 and 6800-9 respectively.

Note.—As provided in CSA Instruction 6800-9, CSA is waiving the requirement that CAAs submit the self-evaluation of CFNP projects with the 440 submitted for PA 01. For this program 440s will be submitted semi-annually and annually based on the effective date of the CFN grant.

§ 1061.50-13 Current fiscal year application and review information.

The appendices to this subpart provide additional information relevant to funding CFNP projects in the current fiscal year.

Appendix A—Fiscal Year 1979 Funding Process

1. Timetable for Accepting Applications

Applications will be accepted from the effective date of the final rule through June 30, 1979. Applications postmarked later than June 30th will not be accepted. Exception: Migrant conduits will be notified by letter of the deadline for submission of their applications and those of their sub-contractors.

2. Fiscal Year 1979 Program Category Priorities

The program categories listed in § 1061.50-7 are listed in priority order: (1) Access, (2) Self-Help, (3) Nutrition/Consumer Education, and (4) Crisis Relief. While no minimum funding percentages or bonus points are being assigned to any of the categories, it is hoped that each state will develop strong projects in the "Access" category since activities in this category are known to have, in general, the greatest impact on the problem of hunger and malnutrition among the poor.

In developing their proposals, applicants should take into account not only national priorities but also local needs. If the poor in a particular locality—and not merely "self-appointed representatives" of the poor, or those administering programs for the poor—believe that projects in categories other than Access are more suitable or address a more urgent need than Access projects, then such projects may be given a higher priority and applicants will not be penalized for their choice. However, the applicant must document the ways in which and extent to which low-income residents were involved in selecting a particular priority.

While applicants may select the program categories that best meet the needs of the poor served by them, projects in all program categories are expected to be *catalytic*, to contain a *strong advocacy thrust*, and to *mobilize significant other resources*. These three factors account for a substantial number of the total points in the rating criteria and failure to include them as essential elements in a project proposal may result in an applicant not being funded.

3. Further Clarification of the Key Terms—*"Catalytic Activity"*, *"Advocacy"*, *"Direct Service Delivery"* and *"Monitoring"*—Defined in § 1061.50-2

Contrary to the interpretation of some, the intent of the FY 1978 CFNP rule was not to completely eliminate direct service delivery from the CFNP, in favor of catalytic activity and advocacy. The intent was rather to shift the *emphasis* from non-catalytic to catalytic activity in general and from direct service delivery to advocacy in particular.

Part of the confusion arose from the failure of the rule to make clear that direct service delivery can, under some circumstances, be truly catalytic. Consistent with the intent of last year's rule, the CFNP rule for 1979 makes explicit two assumptions: (1) that not all catalytic activity is advocacy and (2) that some forms of direct service delivery can be catalytic. These assumptions can be diagrammed as follows:

	Activity Aimed at Individuals	Activity Aimed at Institutions
	<u>DIRECT SERVICE</u>	<u>ADVOCACY</u>
CATALYTIC	One-on-one activity (for example, some types of out-reach activity) whose purpose is to deliver goods or services to low-income individuals and families in such a manner as to trigger a process that is carried forward by the recipient, either on his own or with the assistance of groups and agencies other than the CFNP project.	Activity whose purpose is to insure that the views of low-income individuals and families are heard, their rights observed, the benefits to which they are entitled are actually provided and their needs met to the extent possible, whether this is achieved by a change in a law, regulation, policy, procedure or attitude or by leveraging additional public or private resources.
	<u>DIRECT SERVICE</u>	
NON-CATALYTIC	One-on-one activity (for example, some types of outreach activity) whose sole effect is the delivery by a CFNP worker of goods or services to low-income individuals and families.	Activity which results in CFNP staff being co-opted into performing, without reimbursement, services which are properly the responsibility of another group or agency.

Direct Service as a Catalytic Activity

Although providing one-on-one service makes little sense in the context of advocacy and coalition-building at the state level and even less sense at the level of the national anti-hunger groups and T&TA providers, such service is important at the level at which community action agencies operate. A local CFNP project which completely severs the service link between its staff and low-income individuals, not only risks a loss of credibility in the community but is depriving itself of one of its richest resources, first-hand knowledge of the nutritional problems of those the CFNP is ultimately intended to benefit. In addition, the one-on-one relationship created through out-reach activity at the local level has two other consequences which are vital for the success of the CFNP: (1) by enhancing the opportunity to involve recipients of services in the planning and implementation of programs set up to serve them, it contributes to the achievement of the overall goal of Title II programs—self-sufficiency—and (2) it makes possible the kind of grass-roots support needed for really effective advocacy at the state and national levels.

However, as indicated earlier (§ 1061.50-4 (a) and (b) above), the same passage of the EOA which establishes the goal of self-sufficiency, points to *catalytic* activity as the

principal means of achieving this goal. This should not be construed as ruling out one-on-one service. If the delivery of a direct service by a CFNP worker to a low-income individual produces a benefit which has a continuing and expanding effect on that individual and others, even after the reduction or termination of direct CFNP support, then the delivery of that service qualifies as a catalytic activity. Non-catalytic service delivery, on the other hand, should be kept to a minimum, be provided on a temporary or emergency basis only and be supported wherever possible from local initiative funds. The intent of the EOA is reinforced by a practical consideration: the very limited funding of the CFNP. The fact that the CFNP budget is only 3/10ths of 1% of the total federal food outlay suggests not only that most of the direct service provided should be of the catalytic variety, but that there should be a very strong emphasis on that type of catalytic activity known as advocacy.

Advocacy as a Catalytic Activity

It can be inferred from the statement of the five purposes of Title II programs (see § 1061.50-6) that the two most important objectives of the CFNP are the mobilization of resources and institutional change. The techniques used to bring about these two results are what is meant in this rule by the

term "advocacy". Because advocacy, unlike catalytic activity of the direct service variety, is aimed at institutions and the general public, it obviously has the potential for producing far greater dividends for the low-income population than direct service.

The intent of the rule is that an advocacy component be built into *each project* but not necessarily into each project activity. For example, a self-help project may include as one of its activities the provision of seeds and technical assistance to low-income gardeners. The catalytic potential of this one-on-one service could be greatly increased if the project were to include a specific plan to induce other public or private institutions to make land available and assume at least part of the burden of providing seeds and technical assistance.

It may be difficult and sometimes impossible to score successes in local advocacy activity. But the rule calls on all local project operators to make a *bona fide* effort in this direction. It is especially important, in this era of dwindling public funds, to engage in vigorous *private sector* advocacy. Grantees inexperienced in advocacy techniques should seek help from the CFNP's regional and national T&TA providers.

The following examples may help to further clarify what is meant by catalytic direct service, advocacy, etc., and how these different activities can be combined in one project:

1. *Under Access. a. Direct Service.* Any one-on-one direct service activity in the Access category can be considered, for the purposes of this rule, to be catalytic. For example, an activity which is catalytic and therefore quite acceptable is searching out low-income persons eligible for food stamps, alerting them to their entitlements and referring them to the local certification office for additional counseling and enrollment in the Food Stamp program. Another example is representing an applicant for food stamps at a local or state-level hearing. Some activities, however, are more catalytic than others, that is, they produce an even greater return for the dollars invested. For example, a CFNP project, instead of directly representing individuals at Food Stamp hearings, may help low-income individuals learn the techniques needed to enable them to speak for themselves at Food Stamp hearings and to organize and train others to do the same. The most catalytic approach of all is the advocacy approach.

Advocacy. Examples of advocacy in the Access category are: (1) working out arrangements with a grantee of the national Legal Services Corporation to provide one-on-one legal counseling and representation for food stamp recipients experiencing difficulties with welfare offices; (2) monitoring of local welfare offices to insure that they comply with USDA regulations so that clients obtain the benefits to which they are entitled; (3) organizing a corps of county volunteers to provide elderly food stamp recipients with support services, such as transportation to food stamp outlets and grocery stores; (4) disseminating information locally on the national School Breakfast

Program and seeking to persuade local officials and school board members to institute breakfast programs in schools serving low-income communities.

2. *Under Self-Help. a. Direct Service.* Any one-on-one direct service in the Self-Help category is catalytic. For example, the provision of seeds and T&TA to low-income gardeners not only stimulates them to pursue an activity which promotes self-sufficiency (the goal of all Title II programs), but the gardeners, by investing their own labor at no cost to the project, are able to produce and preserve food whose value far exceeds the cost of the seeds and T&TA. Nonetheless, a gardening project becomes catalytic in the full sense if, in addition to providing seeds and T&TA, it includes a strong advocacy component.

b. *Advocacy.* Examples of advocacy in the Self-Help category are: (1) negotiating with USDA's Extension Service or other public or private agencies to provide seeds and ongoing T&TA for low-income gardeners; (2) persuading a local government to change its regulations governing the use of vacant land so as to make it available for family and community gardens; (3) negotiating with local governments to remove barriers, resulting from local ordinances or regulations, to the establishment of farmers' markets and food co-ops.

3. *Under Nutrition/Consumer Education. a. Direct Service.* As in the case of "Access" and "Self-help" activities, it is hard to think of a direct service activity in the "Nutrition Education" category which does not have some catalytic effect. For example, there is surely some multiplier effect in the activity of teaching a group of low-income individuals how to compare foods and shop wisely, in terms of nutritional content or price or both. But given the fact that other agencies have been furnished federal monies to carry out nutrition education activities, a more cost-effective expenditure of limited CFNP funds would be on advocacy activities relating to nutrition education.

b. *Advocacy.* Examples of advocacy in the Nutrition Education category are: (1) working with USDA's Extension Service or with other appropriate state agencies to insure that federally-financed nutrition education programs are, to the extent provided for under the law, designed for and directed at the low-income population; (2) organizing groups in the low-income community to monitor in local retail food outlets price increases that exceed Administration inflation guidelines.

4. *Under Crisis Relief. a. Direct Service.* Most direct service activity in the Crisis Relief category is non-catalytic, for example, issuing emergency food vouchers, paid for by CFNP funds, to a family in need.

b. *Advocacy.* Examples of advocacy in the Crisis Relief category are: (1) spinning off a currently CAA-operated food voucher program to a community coalition that raises funds to carry on the program independently of CAA subsidy; (2) negotiating with USDA, the Federal Disaster Assistance Administration, church and civic groups and local government entities to establish a mechanism in the community that will insure

prompt distribution of foodstuffs to low-income individuals in emergency situations; (3) monitoring the operation of a local food stamp program to insure that the new USDA regulation is followed which cuts food stamp issuance time for a destitute individual or family to the same day the application is filed (the so-called "same-day-service").

Monitoring

The Statutory authority for CSA's and CSA grantees' monitoring of other federally-administered programs is found in Title IX of the Economic Opportunity Act which states: "The Director shall, directly through grants or contracts, measure and evaluate the impact of all programs authorized by this Act and of poverty-related programs authorized by other Acts, in order to determine their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services * * *".

Since the USDA is the principal operator of federal food programs, the bulk of CFNP monitoring activities will be aimed at programs operated by USDA at the state and local level. Carol Tucker Foreman, Assistant Secretary for Food and Consumer Services, USDA, in commenting upon last year's proposed CFNP regulations, recognized and supported this critically important role of CSA's CFNP grantees. Having stated her commitment to improve the operation of USDA's food programs she said:

"We need support and, I am not afraid to admit, pressure. * * * we need the help and expertise of CFNP grantees. We can write the rules and publish guidelines, but we cannot peer into every community in this land to see how our programs reach people. We need to see how the programs function and receive guidance as to how they can be improved. *CFNP must see this function as its major responsibility.* There must be informed and aggressive actions state-wide and in communities across the country to monitor program implementation, to help governmental agencies do their jobs and, where necessary, insure that the law is enforced. Certainly we intend to improve our capacity to aid in this process, but most of this work must be undertaken locally where only CFNP, and the volunteer work of other civic organizations, can truly be effective." (emphasis added)

Thus the monitoring role of CFNP grantees has not only been recognized by USDA, it has been strongly encouraged, and the letter of Ms. Foreman in response to this year's proposed rule, quoted earlier in the preamble, underscores once again its importance.

It should be emphasized that the type of monitoring described above is not the same as the monitoring and oversight functions that USDA and other federal agencies, by law, must themselves carry out to insure that programs they administer comply with relevant statutes and regulations, are managed soundly, and achieve the purposes for which they were instituted. Therefore, in carrying out this function, CFNP grantees should carefully avoid conveying the impression that they are supplanting or usurping the monitoring functions proper to these other agencies.

4. Review Process

The review process for applications except Headquarters applicants will be competitive, i.e., each application will be reviewed, rated, and ranked according to the criteria published in Appendices B and C, with funding preference being given those with the highest scores. Unlike last year, applications will be reviewed, rated and ranked in their entirety, rather than by program category. Each applicant must score a minimum of 65 points in order to be funded. An applicant who scores the minimum points may be funded, if funds are available, but funding is not guaranteed.

The review process for all applications will be undertaken by the office to which applications are submitted as indicated in § 1061.50-11 of this subpart. Regional Offices and Migrant conduits' ratings, rankings and favorable or unfavorable funding decisions will be reviewed by CSA Headquarters before decisions become final. Applications from conduit organizations must include copies of the applications from the sub-contractors or delegate agencies to which the conduit is redistributing CFNP funds.

4. Notification and Appeals

CSA will complete its funding decision and mail notifications of results to all applicants on August 10, 1979. The letter of notification will indicate whether the applicant was selected for funding, and will give the applicant's score and rank standing. If an applicant believes that the score assigned was unfair or that an incorrect decision regarding eligibility was made, the applicant may request additional information about the decision or may file a written appeal to the CSA Regional Director. The applicant has until August 20 to file an appeal. The appeal should state succinctly why the applicant believes the decision of CSA to be incorrect or unfair. The Regional Director will promptly schedule a meeting with the applicant, hear the applicant's complaint, provide any additional pertinent information as to why the applicant was not funded, and present a written decision on the appeal to the applicant by September 7, 1979. The decisions of the Regional Directors will be final with respect to regional appeals. Migrant subcontractors will follow the same procedure outlined above except that their appeals will be made to the appropriate Migrant Conduit's Executive Director whose decision will be final. There will be no appeals process for CSA Headquarters applicants since they are not funded on a competitive basis.

5. CSA Form 419 and Project Narrative

All applicants for CFNP funds are required to submit a CSA Form 419 (Summary of Work Program and Budget). Since funds for most applicants will be awarded on a competitive basis, it is absolutely essential that applicants provide, through the Form 419 and project narrative, as complete and specific a picture as possible of what they propose to do and how they intend doing it. In preparing the narrative, applicants should refer to the discussions in the rating criteria in the following section.

Note: The consistency of a project with legislative purposes (General Standards of Effectiveness) is dropped from the rating criteria for FY 1979. This does not mean that the requirement to conform to those purposes is being eliminated or is of less importance. On the contrary, it means that the requirement to conform both to the General Standards of Effectiveness and the Specific Standards of Effectiveness described in § 1061.50-6 must be met in order for an applicant to be considered eligible for funding.

Therefore, applicants must not only list in Item 11 of CSA Form 419 the standards which are being met in each program category, they must describe in the project narrative exactly how the standards will be addressed. In other words, in addressing the General Standards of Effectiveness, the applicant must show how the project will (1) strengthen the community's planning and coordination capabilities, and/or (2) improve service delivery systems, and/or make use of innovative approaches, and/or (4) involve maximum feasible participation by the poor in the planning and implementation of the project, and/or (5) mobilize a broad range of resources.

In addressing the specific standards of effectiveness applicants must list on the Form 419 the particular standard which is being met and describe in the project narrative the extent to which the project will result in (1) improvement in the nutritional status of the target population or (2) reduction in hunger among the target population. Projects that do not meet a minimum of three of the general standards of effectiveness and one of the specific standards will not be considered eligible for funding. In order to expedite the review process applicants are requested to identify in the project narrative their discussion of the standards of effectiveness with the heading:

Standards of Effectiveness Addressed:

In keeping with the President's efforts to keep down inflation, each applicant shall include in the project narrative a statement indicating what efforts are being made both to keep down project costs and to help low-income citizens cope with rising food costs.

6. Rating Criteria

In preparing the Form 419 and project narrative, applicants should keep in mind the seven criteria (discussed below) which will be used by CSA reviewing teams in rating and ranking applications.

(a) *Participation of the Poor.* Fundamental to all CSA-funded programs, including the CFNP Program, is the requirement that low-income residents in the areas to be served be substantively involved in the planning, conduct, and evaluation of projects at the community level. The minimum requirements for the participation of the poor are spelled out in OEO Instruction 6005-1 and all applicants are advised to review it carefully. (Note: Limited Purpose Agencies are reminded that they must "have either a governing body made up of one-third representatives of the poor or a policy advisory committee composed of at least 50 percent democratically selected

representatives of the poor being served by the CSA-funded program".)

Although participation of the poor is an eligibility requirement, it is included in rating criteria for FY 1979 in order to highlight the added emphasis that is being placed on it in the Community Food and Nutrition Program and to enable CSA to make a judgement about the quality of an applicant's efforts to secure such participation. Thus, applicants will be rated on (a) the extent to which they have involved the low-income residents of the areas to be served in the planning of the project—including the selection of goals and priorities—and (b) the ways in which the poor will be involved in operating and evaluating the project.

(b) *Needs/analysis.* The first criterion—the analysis of needs—refers to the initial step in the planning process which lies behind the project described in the Form 419 and project narrative. CSA Instruction 6710-1, change 11, requires Title II grantees to develop and maintain planning documents which contain, among other things, an analysis of the particular needs the project is addressing.

The needs analysis must describe the nature and extent of the problems of hunger and malnutrition among the poor in the community the project will serve. The analysis should indicate what efforts are currently being undertaken to meet those needs, what gaps or shortfalls there are in these efforts and the extent to which the needs or problems remain unmet or unsolved. The applicant should clearly identify, among the range of needs listed, the precise need(s) the proposed project will address. Appropriate statistics to document the need(s) should be supplied—for example, the number of persons participating in the food stamp program as compared with the number of eligible persons not participating, or the number of children in need of but not receiving school breakfasts, or the number of families which could benefit from a gardening project, or the number of persons in need of emergency food assistance.

The needs analysis must indicate which of the problems described will be addressed and why these particular problems (priorities) were selected. If the applicant is addressing other problems and needs of low-income persons, the needs analysis should indicate the order of priority which the problem of hunger and malnutrition has among those needs and should include a description of the types and level of resources already committed to solving that problem. (Community Action Agencies should indicate the amount of local initiative funds, as well as other resources, which are currently being applied to anti-hunger activities.)

(c) *Adequacy of work program and budget.* The second criterion—the adequacy of the work program and budget—refers to the project goals, activities, and budget described in the Form 419 and project narrative. The project goals (item 11 of Form 419) should be stated in specific and measurable terms and they should be appropriately related to the needs described in the needs analysis. They should reflect the changes or results which the project activities are expected to bring

about. The activities should be listed in summary form on the Form 419 (item 13) and described in detail in the project narrative. The description should indicate not only what will be done but how it will be done, i.e., the strategy that will be pursued in achieving goals. The activities should be appropriately related to the goals.

If an applicant is proposing to carry out activities in more than one program category the categories should be listed on the Form 419 in priority order, and the goals, activities and budgets for each category should be clearly delineated. While the application will be reviewed, rated and ranked in its entirety (rather than by program category), this information is needed in order for CSA to know the kinds of activities that are being funded and the funding level of each program category.

(d) *Anticipated Impact.* The statement of project goals should include a description of what the applicant intends to accomplish, i.e., what results or changes the applicant intends to bring about in relation to the problem to be solved. Thus the statement of goals is a statement of anticipated impact. The anticipated impact of the project should be stated in specific and measurable terms and should include the number of persons to be served, the extent to which their nutritional needs will be met and the extent to which unmet needs will remain after the project is completed. The applicant should also include a statement indicating the per/person cost of serving those for whom the project is intended and the dollar value of services or benefits derived.

(e) *Coordination.* Each applicant must indicate to what extent other organizations conducting anti-hunger activities were involved in the planning of the project, and the ways in which the project will be coordinated in the implementation phase with the activities of these organizations. Where such is appropriate, CAA's must indicate how they intend to coordinate their activities with anti-hunger groups and anti-hunger groups must indicate how they intend to coordinate their activities with CAA's.

(f) *Catalytic Effect of Project on Institutions.* Catalytic activity which is aimed at institutions should attempt to bring about two results: institutional change and mobilization of resources. The means of achieving these is advocacy. The applicant, therefore, should describe in detail how the project staff will, through advocacy for low-income persons before public and private institutions, seek to change interpretations of laws, regulations, policies, procedures, and attitudes in order to insure that low-income persons receive the benefits to which they are entitled. Advocacy of this sort may and should include enlisting the poor to speak on their own behalf in order to insure that their views are heard, their rights are observed, the benefits to which they are entitled are provided, and their needs are met.

The applicant should also state how the project staff will, through advocacy for low-income persons before public and private institutions, leverage dollars or in-kind contributions from other elements in the community in support of the project and what

the overall or end effect of the project itself will be in terms of leveraging dollars or services for low-income individuals.

(g) *Ability of Applicant to Perform.* CSA Instruction 6800-9 requires Title II grantees to submit a semi-annual and annual project progress review report (CSA Form 440). This report provides an analysis of the accomplishments in relation to each goal in grantee's currently approved work program, and includes an assessment of grantee status with respect to general and/or specific standards of effectiveness applicable to each goal.

Since the ability of applicants to successfully carry out their proposed work program is one of the important criteria, applicants who are currently operating (or have operated in the past) a CFNP project must attach to the application a copy of the CFNP portion of the most recent Form 440, updating it where necessary. CSA grantees who have never operated a CFNP project must attach to the application that portion of their most recent Form 440 which relates to a project they have operated that is similar to CFNP projects. Applicants not previously funded by CSA should attach to the application a third-party of self evaluation of a project they have been operating that is similar to CFNP projects, along with a brief statement summarizing their overall administrative ability and general performance record.

All applicants currently operating CFNP projects are encouraged to conduct a third-party evaluation of their current CFNP project (or in the absence of such, a self-evaluation) and attach copies of these evaluations to their applications.

7. Training and Technical Assistance

The applicant's need for training and technical assistance in carrying out the project should be carefully described in item 15 of the Form 419. It is presumed that most, if not all, projects will need some form of technical assistance. The training and technical assistance plans proposed by the regional T&TA providers will be revised, as necessary, in light of the statement of goals, activities, and T&TA needs expressed by applicants on their Form 419s. It is important therefore, that applicants be precise and specific in defining and articulating their T&TA needs.

8. Allocation of FY 79 Funds

The regional allocations of FY 79 CFNP funds had not been determined at the time this rule was submitted to the Federal Register. However, they will be published separately at a later date and will be based on the three-factor formula of last year, i.e., the number of poor, the number of infant deaths, and the number eligible but not participating in the Food Stamp Program. The distribution of funds by type of project (e.g., General Community, Special Support, etc.) will be announced at the same time.

9. Program Accounts

For the purposes of the Fiscal Year 1979 funding process, the following program account numbers for the national program

categories should be entered in item 16 of Form 419:

Program Accounts for CFNP Activities

- 12—Access.
- 13—Self-Help.
- 15—Nutrition education.
- 16—Crisis relief.
- 29—Research.
- 39—Demonstration.
- 42—T&TA.
- 48—Evaluation.

If the applicant proposes to address more than one national program category in the same project, only one Form 419 is needed for the project but the goals and activities falling in separate program categories (program accounts) must be clearly separated from each other on the Form 419 and a separate budget (Forms 25 and 25a) should be attached for each program account.

[6315-01-M]

APPENDIX B

RATING CRITERIA - GENERAL COMMUNITY PROJECTS

<p>1. <u>Participation of the Poor</u>(5 pts) -Substantive participation by the poor is ensured in the planning, conduct, and evaluation of the project.</p>	
<p>2. <u>Analysis of Needs/Priorities</u>(0-15 pts) -Nature and extent of problem is adequately described and documented(0-8 pts) -Priorities selected represent the most serious needs(0-7 pts)</p>	
<p>3. <u>Adequacy of Work Program and Budget</u>(0-20 pts) -Goals are appropriately related to need and are specific and measurable (0-5 pts) -Activities are adequately described and appropriately related to goals (0-10 pts) -Budget is appropriately related to activities and adequately documented (0-5 pts)</p>	
<p>4. <u>Anticipated Impact</u>(0-15 pts) In relation to the problem to be solved and the resources committed to the project, the -Impact is minimal(0-5 pts) -Impact is moderate(6-10 pts) -Impact is substantial(11-15 pts)</p>	
<p>5. <u>Coordination</u>(0-10 pts) -Applicant has involved other institutions and organizations, where appropriate, in the planning of the project(0-5 pts) -Other institutions/organziations will be involved in the implementation of the project(0-5 pts)</p>	
<p>6. <u>Catalytic Effect of Project on Institutions (ADVOCACY)</u>(0-25 pts) A. <u>Institutional Change</u>(0-15 pts) Grantee, through <u>advocacy</u> for low-income persons before public and private institutions, seeks to change interpretations of laws, regulations, policies, procedures, and attitudes in order to insure that low-income persons receive that to which they are entitled. B. <u>Mobilization of Community Resources</u>(0-10 pts) Grantee, through <u>advocacy</u> for low-income persons before public and private institutions, leverages dollars or in-kind contributions from other elements in the community. - 0-10% of total budget(0 pts) - 10-25% of total budget(1-5 pts) - 25% and up(6-10 pts)</p>	
<p>7. <u>Ability of Applicant to Perform</u>(0-10 pts) -Assessment of past CFNP or other relevant projects (including written self or third party evaluations, progress reports, or CSA on-site assessments.) (0-5 pts) -Assessment of appplicant's overall administrative ability and general track record.(0-5 pts)</p>	
<p>TOTAL POINTS POSSIBLE: 100</p>	

APPENDIX C

RATING CRITERIA - INDIAN PROJECTS

1. <u>Participation of the Poor</u> (5 pts) -Substantive participation by the poor is ensured in the planning, conduct, and evaluation of the project.	
2. <u>Analysis of Needs/Priorities</u> (0-20 pts) -Nature and extent of problem is adequately described and documented(0-10pts) -Priorities selected represent the most serious needs(0-10 pts)	
3. <u>Adequacy of Work Program and Budget</u> (0-20 pts) -Goals are appropriately related to need and are specific and measurable (0-5 pts) -Activities are adequately described and appropriately related to goals (0-10 pts) -Budget is appropriately related to activities and adequately documented (0-5 pts)	
4. <u>Anticipated Impact</u> (0-15 pts) In relation to the problem to be solved and the resources committed to the project, the -Impact is minimal(0-5 pts) -Impact is moderate(6-10 pts) -Impact is substantial(11-15 pts)	
5. <u>Coordination</u> (0-10 pts) -Applicant has involved other institutions and organizations, where appropriate, in the planning of the project(0-5 pts) -Other institutions/organizations will be involved in the implementation of the project(0-5 pts)	
6. <u>Catalytic Effect of Project on Institutions (ADVOCACY)</u> (0-20 pts) A. <u>Institutional Change</u> (0-10 pts) Grantee, through advocacy for low-income persons before public and private institutions, seeks to change interpretations of laws, regulations, policies, procedures, and attitudes in order to insure that low-income persons receive that to which they are entitled. B. <u>Mobilization of Community Resources</u> (0-10 pts) Grantee, through advocacy for low-income persons before public and private institutions, leverages dollars or in-kind contributions from other elements in the community. - 0-10% of total budget(0 pts) - 10-25% of total budget(1-5 pts) - 25% and up(6-10 pts)	
7. <u>Ability of Applicant to Perform</u> (0-10 pts) -Assessment of past CFNP or other relevant projects (including written self or third party evaluations, progress reports, or CSA on-site assessments.) (0-5 pts) -Assessment of applicant's overall administrative ability and general track record.(0-5 pts)	
TOTAL POINTS POSSIBLE: 100	

APPENDIX D

RATING CRITERIA - MIGRANT PROJECTS

1. <u>Participation of the Poor</u> (5 pts) -Substantive participation by the poor is ensured in the planning, conduct, and evaluation of the project.	
2. <u>Analysis of Needs/Priorities</u> (0-15 pts) -Nature and extent of problem is adequately described and documented(0-8 pts) -Priorities selected represent the most serious needs(0-7 pts)	
3. <u>Adequacy of Work Program and Budget</u> (0-20 pts) -Goals are appropriately related to need and are specific and measurable (0-5 pts) -Activities are adequately described and appropriately related to goals (0-10 pts) -Budget is appropriately related to activities and adequately documented (0-5 pts)	
4. <u>Anticipated Impact</u> (0-15 pts) In relation to the problem to be solved and the resources committed to the project, the -Impact is minimal(0-5 pts) -Impact is moderate(6-10 pts) -Impact is substantial(11-15 pts)	
5. <u>Coordination</u> (0-10 pts) -Applicant has involved other institutions and organizations, where appropriate, in the planning of the project(0-5 pts) -Other institutions/organizations will be involved in the implementation of the project(0-5 pts)	
6. <u>Catalytic Effect of Project on Institutions (ADVOCACY)</u> (0-25 pts) A. <u>Institutional Change</u> (0-20 pts) Grantee, through advocacy for low-income persons before public and private institutions, seeks to change interpretations of laws, regulations, policies, procedures, and attitudes in order to insure that low-income persons receive that to which they are entitled. B. <u>Mobilization of Community Resources</u> (0-5 pts) Grantee, through advocacy for low-income persons before public and private institutions, leverages dollars or in-kind contributions from other elements in the community. - 0-10% of total budget(0 pts) - 10-25% of total budget(1-2 pts) - 25% and up(3-5 pts)	
7. <u>Ability of Applicant to Perform</u> (0-10 pts) -Assessment of past CFNP or other relevant projects (including written self or third party evaluations, progress reports, or CSA on-site assessments.) (0-5 pts) -Assessment of applicant's overall administrative ability and general track record.(0-5 pts)	
TOTAL POINTS POSSIBLE: 100	

APPENDIX E

RATING CRITERIA - SPECIAL SUPPORT PROJECTS

1. <u>Participation of the Poor</u> (5 pts) -Substantive participation by the poor is ensured in the planning, conduct, and evaluation of the project.	
2. <u>Analysis of Needs/Priorities</u> (0-15 pts) -Nature and extent of problem is adequately described and documented(0-8 pts) -Priorities selected represent the most serious needs(0-7 pts)	
3. <u>Adequacy of Work Program and Budget</u> (0-20 pts) -Goals are appropriately related to need and are specific and measurable (0-5 pts) -Activities are adequately described and appropriately related to goals (0-10 pts) -Budget is appropriately related to activities and adequately documented (0-5 pts)	
4. <u>Anticipated Impact</u> (0-10 pts) In relation to the problem to be solved and the resources committed to the project, the -Impact is minimal(0-3 pts) -Impact is moderate(4-6 pts) -Impact is substantial(7-10 pts)	
5. <u>Coordination</u> (0-10 pts) -Applicant has involved other institutions and organizations, where appropriate, in the planning of the project(0-5 pts) -Other institutions/organizations will be involved in the implementation of the project(0-5 pts)	
6. <u>Catalytic Effect of Project on Institutions (ADVOCACY)</u> (0-30 pts) A. <u>Institutional Change</u> (0-20 pts) Grantee, through <u>advocacy</u> for low-income persons before public and private institutions, seeks to change interpretations of laws, regulations, policies, procedures, and attitudes in order to insure that low-income persons receive that to which they are entitled. B. <u>Mobilization of Community Resources</u> (0-10 pts) Grantee, through <u>advocacy</u> for low-income persons before public and private institutions, leverages dollars or in-kind contributions from other elements in the community. - 0-10% of total budget(0 pts) - 10-25% of total budget(1-5 pts) - 25% and up(6-10 pts)	
7. <u>Ability of Applicant to Perform</u> (0-10 pts) -Assessment of past CFNP or other relevant projects (including written self or third party evaluations, progress reports, or CSA on-site assessments.) (0-5 pts) -Assessment of applicant's overall administrative ability and general track record.(0-5 pts)	
TOTAL POINTS POSSIBLE: 100	

APPENDIX F

RATING CRITERIA - REGIONAL T & TA PROJECTS

<p>1. <u>Applicant has Skills/Abilities to Perform Adequately</u>(0-30 pts)</p> <p>-Applicant's past experience (0-10 pts)</p> <p>-Quality of staff:</p> <p>-Knowledge of Food and Nutrition Field (including other federal food programs)(0-10 pts)</p> <p>-Knowledge/skills in four program categories(0-10 pts)</p>	
<p>2. <u>Proposal is Responsive to CSA Policy Priorities</u>(0-25 pts)</p> <p>Applicant demonstrates an understanding of an adequate plan to assist CFNP grantees in moving from a service delivery to a catalytic role by engaging in advocacy to effect:</p> <p>-Institutional change(0-15 pts)</p> <p>-Mobilization of resources(0-10 pts)</p>	
<p>3. <u>Proposal is Responsive to CFNP Grantee Needs for T&TA in Four Program Categories</u>(0-25 pts)</p> <p>-Plan is adequate to meet grantee needs(0-15 pts)</p> <p>-Plan is appropriately related to the activities in the four categories (0-10 pts)</p>	
<p>4. <u>Proposal is Responsive to CFNP Grantee Needs for T&TA in Program Management</u> (0-10 pts)</p> <p>Applicant proposes an appropriate and adequate plan to assist grantees to improve their ability to:</p> <p>-Assess needs</p> <p>-Set goals and priorities</p> <p>-Evaluate results</p>	
<p>5. <u>Proposal Includes a Plan to Coordinate T&TA Activities with Other Appropriate Entities</u> (0-5 pts)</p> <p>6. <u>Proposal Includes a Plan to Evaluate Results of Applicant's Efforts</u>(0-5 pts)</p>	
TOTAL POINTS POSSIBLE: 100	

Appendix G

Regional Offices

REGION I (Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Community Services Administration, CFNP
Coordinator: Franklyn B. Jackson, Jr., John F. Kennedy Federal Bldg., Rm. 432, Boston, MA 02203, *Phone (617) 223-0975.

Regional Director: Mr. Ivan Ashley, *Phone (617) 223-4080.

REGION II (Serving: New Jersey, New York, Puerto Rico, Virgin Islands)

Community Services Administration, CFNP
Coordinator: Sandra Hamilton, 26 Federal Plaza, 32nd Floor, New York, NY 10007, *Phone (212) 264-1946.

Regional Director: Mr. John Finley, *Phone (212) 264-1900.

REGION III (Serving: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia)

Community Services Administration, CFNP
Coordinator: Norma Clarkson, Old U.S. Courthouse, 9th & Market Streets, Philadelphia, PA 19104.

Regional Director: Dr. W. Astor Kirk, *Phone (215) 597-1139.

REGION IV (Serving: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Community Services Administration, CFNP
Coordinator: Raymond Keigher (Acting), 101 Marietta Street, NW., Atlanta, GA 30303, Phone (404) 221-2799.

Regional Director: Mr. William "Sonny" Walker, Phone (404) 221-2717.

REGION V (Serving: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Community Services Administration, CFNP
Coordinator: Elizabeth Newsome, 300 S. Wacker Drive, 24th Floor, Chicago, Illinois 60606, *Phone (312) 353-6021.

Regional Director: Mr. Glenwood Johnson, *Phone (312) 353-5562.

REGION VI (Serving: Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Community Services Administration, CFNP
Coordinator: Mr. Hamah King, 1200 Main Street, Dallas, TX 75202, Phone (214) 767-6146.

Regional Director: Mr. Ben Haney, Phone (214) 767-6125.

REGION VII (Serving: Iowa, Kansas, Missouri, Nebraska)

Community Services Administration, CFNP
Coordinator: Ms. Grace Ledwidge, 911 Walnut Street, Kansas City, MO 64106, Phone (816) 374-3561.

Regional Director: Mr. Wayne Thomas, Phone (816) 374-3761.

REGION VIII (Serving: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Community Services Administration, CFNP
Coordinator: Willard O'Berry, Federal Bldg., 1961 Stout Street, Denver, CO 80294, Phone (303) 837-3211.

Regional Director: Mr. David Vanderburgh, Phone (303) 837-4767.

REGION IX (Serving: Arizona, California, Hawaii, Nevada, Trust Territories)

Community Services Administration, CFNP
Coordinator: Carl Shaw (Acting), 450 Golden Gate Avenue, San Francisco, CA 94102, *Phone (415) 556-7895.

Regional Director: Mr. Alphonse Rodrigues, *Phone (415) 556-5400.

REGION X (Serving: Alaska, Idaho, Oregon, Washington)

Community Services Administration, CFNP
Coordinator: Alberta Adams, 1321 Second Avenue, Seattle, WA 98101, Phone (206) 442-7194.

Regional Director: Mr. Dean Morgan, Phone (206) 442-4910.

*The commercial and FTS exchange are the same.

Migrant Conduits

Minnesota Migrant Council (Serving: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota)

P.O. Box 1231, St. Cloud, Minnesota 56301.
CFNP Coordinator: Rich Echola, Phone (612) 253-7010.

Migrant and Seasonal Farmworkers Association (Serving: Alabama, Mississippi, Georgia, Louisiana, West Virginia, Tennessee, South Carolina, Maryland, Virginia, North Carolina)

P.O. Box 33315, 3929 Western Blvd., Raleigh, North Carolina 27606.
CFNP Coordinator: Marian Tucker, Phone (919) 851-7611.

Florida Farmworker's Council (Serving: Florida)

1975 East Sunrise Boulevard, Suite 850, Ft. Lauderdale, Florida 33304.

CFNP Coordinator: Anita McGruder, Phone (305) 763-5252.

Rural New York (Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Delaware, Pennsylvania)

339 East Avenue, Suite 305, Rochester, New York 14604.

CFNP Coordinator: Kathleen Hynes, Phone (716) 546-7180.

Campeños Unidos (Serving: New Mexico, Arizona, California, Nevada)

P.O. Box 203, Brawley, California 92227.
CFNP Coordinator: Jose Lopez, Phone (714) 344-4500.

Idaho Migrant Council (Serving: Colorado, Washington, Wyoming, Montana, Utah, Idaho)

7155 Capital Blvd., Suite 406, Boise, Idaho 83706.

CFNP Coordinator: Sam Byrd, Phone (208) 345-9761.

Colonias del Valle (Serving: Oklahoma, Arkansas, Texas)

P.O. Box 907, San Juan, Texas 78759.
CFNP Coordinator: Isaias Aguayo, Phone (512) 787-9901.

[FR Doc. 79-15809 Filed 5-18-79; 8:45 am]

BILLING CODE 6315-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1036

[Ex Parte No. 252 (Sub-No. 2)]

Incentive Per Diem Charges on Gondolas

AGENCY: Interstate Commerce Commission.

ACTION: To make regulations effective.

SUMMARY: The Commission has decided to make effective the regulations in Part 1036 as they pertain to the application of an incentive element on gondola cars. The regulations were previously stayed at 42 FR 26985, May 26, 1977. The reason for implementing the regulations at this time is because the plain gondola car fleet is found to be inadequate to meet the future needs of the Nation. The regulations are also modified. The level of incentive charges has been reduced and the 15-year guarantee eliminated. Given recent changes in basic car-hire compensation the Commission believes that the former level of incentive charges and the guarantee are no longer necessary. The parties have 20 days from the publication of this notice to file comments in regard to the modification of the regulations.

EFFECTIVE DATE: The amended rules are to be effective as of June 1, 1979.

FOR FURTHER INFORMATION CONTACT: Janice M. Rosenak, Interstate Commerce Commission, Washington, D.C. 20423; Phone No. 202-275-7693

SUPPLEMENTAL INFORMATION: The proceeding was to determine if incentive per diem (IPD) charges should be applied to plain gondola cars. Based upon an extensive record, the Commission found in a report and order served April 14, 1977, 353 I.C.C. 612, that IPD charges should be applied to plain gondolas. The Commission stated that no significant net shortages of plain gondolas were reported at the time. However, it nevertheless determined that the supply of plain gondolas was inadequate. This conclusion was based on the chronic shortages experienced in the past, and on the expectation that with the "expected economic recovery," significant plain gondola shortages would occur in the near future.

Contrary to the expectations of most economists, the expected economic recovery did not occur to the extent forecast. The steel industry experienced layoffs and declines in profits. An econometric model produced by the Data Resources, Inc., which had been relied upon in the earlier finding of

inadequate supply, reversed its conclusion on the needs of the steel industry. That led the Commission, upon petition, to reexamine the finding of inadequate car supply, and particularly its forecast of gondola car shortages caused by anticipated future steel production. In an order served February 2, 1978, the Commission determined that expectations for the production and consumption of steel were down considerably from the time of its earlier report. Since much of the traffic carried by plain gondolas consists of domestic steel products, the forecast for plain gondola car demand was also revised downward. The revised economic analysis found that projected carloadings per car would not recover to its 1973 and 1974 levels until at least 1983, which was at least five years away. Because the supply of plain gondolas appeared adequate for IPD purposes the Commission stayed the regulations establishing IPD charges on those cars. In that same order, the Commission allowed parties to file comments and replies to its appended economic analysis and conclusions.

After considering the comments filed by the parties, the Commission has refined and updated its projection of the supply and demand for gondola cars and concluded that the supply of plain gondola cars is inadequate to meet the future needs of the Nation. Accordingly, it was decided on May 16, 1979 that an incentive element shall be made applicable to plain gondolas, effective June 1, 1979. It was also decided that the level of incentive charges initially proposed resulted in a combination of incentive plus basic charges that was unnecessarily high. The Commission decided to reduce the level of incentive charges. Furthermore, the Commission has decided that the 15-year guarantee applicable to newly purchased or acquired plain gondola cars is no longer necessary and should be eliminated. The parties are allowed to file comments discussing the charges in the regulations, however such comments should not exceed 10 pages.

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLAS

It is ordered that regulations prescribed in Part 1036 of Subchapter A, Chapter X of Title 49 of the Code of Federal Regulations, and in the Commission report, 353 I.C.C. 612, published 40 FR page 23511 on May 9, 1977; and modified by Commission order dated September 14, 1977, published in

42 FR page 48883; be amended as follows:

Sections 1036.2, 1036.6 and 1036.7 are amended to read as follows, while 1036.8 is eliminated (the former § 1036.8 is replaced as § 1036.7).

Amount of Incentive Hourly Charge Collectible on Unequipped Boxcars for a 6-Month Period From September 1 of Each Year Through February 28 of the Following Year and a Year-Round Basis for XF-Cars

Cost bracket	0-5 years hourly charge (cents)	6-10 years hourly charge (cents)	11-15 years hourly charge (cents)	16-20 years hourly charge (cents)	21-25 years hourly charge (cents)	26-30 years hourly charge (cents)	Over 30 years hourly charge (cents)
\$0-\$1,000	1	1	1	1	1	1	1
1,001-3,000	3	2	2	1	1	1	1
3,001-5,000	5	5	4	3	2	1	1
5,001-7,000	6	7	6	4	3	2	1
7,001-9,000	11	9	7	6	4	2	1
9,001-11,000	14	11	9	7	5	3	1
11,001-13,000	16	14	11	8	6	3	2
13,001-15,000	19	18	13	10	7	4	2
15,001-17,000	22	18	15	11	8	4	2
17,001-19,000	24	20	16	12	9	5	3
19,001-21,000	27	23	18	14	10	5	3
21,001-23,000	30	25	20	15	10	6	3
23,001-25,000	32	27	22	17	11	6	4
25,001-27,000	35	29	24	18	12	7	4
27,001-29,000	38	32	26	19	13	7	4
29,001-31,000	41	34	27	21	14	8	4
31,001-33,000	43	36	29	22	15	8	5
33,001-35,000	46	38	31	24	16	9	5
35,001-37,000	49	41	33	25	17	9	5
37,001-39,000	51	43	35	26	18	10	6
39,001-41,000	54	45	37	28	19	10	6

Amount of Incentive Hourly Charge in Cents Collectible on Unequipped Gondola Cars on a Year-Round Basis

Cost bracket	0-5 years hourly charge (cents)	6-10 years hourly charge (cents)	11-15 years hourly charge (cents)	16-20 years hourly charge (cents)	21-25 years hourly charge (cents)	26-30 years hourly charge (cents)	Over 30 years hourly charge (cents)
\$0-\$1,000	1	1	1	1	1	1	1
1,001-3,000	2	1	1	1	1	1	1
3,001-5,000	3	4	3	2	1	1	1
5,001-7,000	5	5	4	3	2	2	1
7,001-9,000	6	6	5	4	3	2	1
9,001-11,000	9	7	6	5	3	2	1
11,001-13,000	11	10	8	5	4	2	1
13,001-15,000	12	11	9	7	5	3	2
15,001-17,000	15	12	10	8	6	3	2
17,001-19,000	16	14	10	8	6	4	2
19,001-21,000	18	16	12	10	6	4	2
21,001-23,000	20	17	13	10	6	4	2
23,001-25,000	22	18	15	12	8	4	3
25,001-27,000	23	20	16	13	8	5	3
27,001-29,000	26	22	18	13	9	5	3
29,001-31,000	28	23	18	15	9	5	3
31,001-33,000	29	25	20	15	11	5	3
33,001-35,000	31	26	21	17	11	6	3
35,001-37,000	34	28	23	17	11	6	3
37,001-39,000	34	29	24	18	12	6	4
39,001-41,000	37	31	26	20	12	7	4

§ 1036.6 Effective date.

The rules set forth in §§ 1036.1 and 1036.2 shall apply for a 6 month period from September 1 of each year through February 28 of the following year on general service, unequipped boxcars, and on a year-round basis for XF cars. The rules set forth in §§ 1036.1, 1036.2, and 1036.5 shall apply on a year-round basis for gondola cars, effective June 1, 1979.

§ 1036.2 Amount of incentive charge.

The incentive hourly charges applicable in each cost bracket by age group are set forth below:

§ 1036.7 Rules and regulations suspended.

The operation of all rules and regulations, insofar as they conflict with the provisions of this part, is hereby suspended. The charge herein provided shall be paid for each day cars are held, but nothing in this part shall prevent the operation of hourly or per diem reclaim

agreements customarily employed by and between particular railroads to provide for special situations, or with the use of customary methods of settling balance of hourly or per diem accounts.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-15804 Filed 5-18-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 17 and 222

Totoaba; Listing as an Endangered Species

AGENCIES: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and the U.S. Fish and Wildlife Service (FWS), Department of the Interior.

ACTION: Final Regulation.

SUMMARY: The National Marine Fisheries Service ("NMFS") determined the totoaba (*Cynoscion macdonaldi*) to be an endangered species throughout its range, pursuant to Section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (the "Act"). This species is added to the List of Endangered and Threatened Wildlife found in 50 CFR 17.11 and 50 CFR 222.23.

FOR FURTHER INFORMATION CONTACT: Dr. William Aron, Director, Office of Marine Mammals and Endangered Species, NMFS, Washington, D.C. 20235 (202) 634-7287.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1976, NMFS/FWS published a proposal to list the totoaba as an endangered species under the Act (41 FR 56839). This action was taken pursuant to Section 4(a) of the Act which provides that the Secretary may list a species because of any of the following circumstances:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence.

With the exception of enforcement responsibilities for certain plants, the Act defines "Secretary" to mean either the Secretary of the Interior or the Secretary of Commerce. Most marine species, including the totoaba, are the sole responsibility of the Secretary of Commerce. The authority of the Secretary has been delegated to the Assistant Administrator for Fisheries, NOAA.

The proposal summarized the information from the scientific literature and particular scientists that led to the proposed listing of totoaba as an endangered species. In September 1978, a workshop to evaluate the biological status of totoaba was convened by the NMFS at its Southwest Fisheries Center in La Jolla, California (the "Workshop"). The Workshop included scientists from the United States and Mexico who were most knowledgeable with this species and who reviewed the available information from the literature and from recent field work conducted in the upper Gulf of California.

The conclusions of the scientists participating in the Workshop were similar to those supporting the original proposal and they were summarized in a report which is available for public inspection upon request (see later discussion of the National Environmental Policy Act).

(1) *The present or threatened destruction, modification or curtailment of its habitat or range.* The totoaba spawns in the mouth of the Colorado River in the spring (probably April and May). In late winter, mature adults move out of the deeper waters of the northern half of the Gulf of California into the shallower waters along the east side of the Gulf. They form schools that move northward to the mouth of the Colorado River where spawning takes place. It has been postulated that this pattern of spawning migration responded historically to a salinity gradient or train of "odors" of freshwater or river substrate formed by the spring flood waters of the river mixing with the saline water of the upper Gulf. The result was a brackish water environment at the head of the Gulf that was apparently favored by totoaba as a spawning and nursery area.

Diversions of Colorado River water began in the early 1900's and spring floods essentially have been controlled since 1935 with the completion of Hoover Dam. Extensive diversion and construction of storage facilities

occurred throughout the latter half of the 1930's, and into the 1950's.

Southwest regional and international agreements for diversion of the Colorado River water were negotiated throughout this period resulting in a situation where Mexico is guaranteed a minimum of 1.5 million acre feet of water annually. The entire remainder of river flow (recent average is 11-13 million acre feet) is either stored or diverted for crop irrigation and municipal water supply within the southwestern United States. After the completion of Morelos Dam by Mexico in 1950, Mexico had the capability to use their entire allocation. However, some water continued to flow into the Gulf until the early 1960's because in years of above average flow the United States sometimes provided extra water to Mexico and drainage from irrigation by Mexico was returned to the main channel of the Colorado River.

It was demonstrated at the Workshop that at the present time (and for the past 10-15 years) essentially no water has entered the upper Gulf of California through the channel of the Colorado River. There was agreement among the Workshop participants that the reduction in river flow was one of several factors that contributed to the initial reduction of the totoaba population by altering the spawning and nursery habitat.

(2) *Overutilization for commercial, sporting, scientific, or educational purpose.* The totoaba is found exclusively in Mexican waters in the Gulf of California. It is the largest species (reportedly reaching a length of 2 m. and a weight of 90 kgs.) of the genus *Cynoscion* in the family *Sciaenidae* (which includes the California white sea bass, corvina, and other game fish).

As mentioned above, totoaba spawn in the spring. They leave the deep water in the northern half of the Gulf and migrate northward in shallower waters along the east side of the Gulf to the spawning area near the mouth of the Colorado River. Spawning behavior leads to a high density of fish within a limited area. During this period, as well as during the northern migration, the fish are highly vulnerable to sport and commercial fishing.

The commercial catch of totoaba for human consumption began in the early 1920's. From the time that the Mexican Government began keeping records (1929) the catch increased steadily to a peak in excess of 2,000 metric tons (m.t.) in 1942 (Flanagan and Hendrickson, 1976, Attachment VIII of the Totoaba

Workshop Report, 1978¹). The catch declined steadily after that to a 1958 low of about 300 m.t. It increased again from 1959 to 1966 when it peaked at about 1,100 m.t. The second increase may have been, in part, a response to protective measures that had been implemented in 1955 (creation of a sanctuary at the mouth of the Colorado River and a 45 day closed season during the spring spawning period) that may have allowed the population to increase, and/or, more efficient gear (nylon gillnets, for example) that allowed an increased catch, regardless of the population trend (Hendrickson, pers. comm., October 1978). The catch decreased again after 1966, to an all-time low of only 58 m.t. in 1975. There are no recent (last 20 years) estimates of the take in the sport fishery.

The added mortality of juveniles taken incidentally by shrimp trawls in the upper Gulf area was, and continues to be, another important point of vulnerability, although to an unknown extent. Some shrimp fishing is known to occur (illegally) in the sanctuary area of the head of the Gulf (field observations of Walker, et al., Spring, 1978¹) but there are no data to indicate the actual amount of shrimp or the magnitude of the incidental catch of totoaba. Workshop participants indicated that although the total shrimp catch, which increased steadily during recent years, has apparently stabilized, the number of boats has continued to increase (about 40 new boats were preparing to enter the fishery in the fall of 1978). That implies a steady increase in effort and suggests an increase in incidental take of totoaba in the shrimp fishery.

Scientists participating in the Workshop¹ confirmed conclusions in the original proposal that overfishing by both directed fisheries and incidental take in the shrimp fishery, the diversion of the Colorado River flow (that caused changes in the spawning habitat), and possibly insecticides, drastically reduced the population of totoaba initially in the 1940's and 1950's to an unknown fraction of its former abundance. It was also noted that the directed fisheries and incidental take continued after the protective measures were instituted in 1955, with the commercial catch increasing markedly from 1959 to 1966 when it most recently

peaked. Incidental catch in the shrimp fishery may have also increased. The catch declined steadily thereafter to the all-time low in 1975, whereupon Mexico recognized the totoaba as a protected species on June 19, 1975, and declared an indefinite prohibition on all forms of directed fishing for the species. The Workshop concluded that the totoaba is very likely endangered and that the continued incidental take of both juveniles (in the shrimp fishery) and adults (in the gillnet fisheries for other species) was currently the principal threat to the species.

(3) *Disease or predation.* There are no diseases known to be significantly affecting this species. Predation of eggs, larvae and juveniles by other species of fish and other animals undoubtedly occurs, but to an unknown extent.

(4) *The inadequacy of existing statutory mechanisms.* The totoaba is currently listed as a protected species by Mexico and all directed fisheries are prohibited. Incidental catch, however, is allowed in the shrimp and gillnet fisheries of the northern Gulf of California. In addition, the totoaba is currently listed on Appendix I of the International Convention on Trade in Endangered Species of Fauna and Flora (CITES) which prohibits the importation of this species for other than scientific purposes or for enhancement or propagation of the species. This final listing duplicates the prohibition on importation and is expected to provide the following added benefits to the species: an additional deterrent to commercial and sporting take by persons subject to U.S. jurisdiction; an impetus to development of joint research with Mexico; and an encouragement to Mexico to reduce the remaining take to allow rebuilding of the population.

(5) *Other natural or man-made factors affecting its continued existence.* There are no other known factors significantly affecting this species.

Summary of Comments and Recommendation

Five comments were received favoring the proposal. Only one negative comment was received from a fish importer in southern California who protested the action as unnecessary. He pointed out that the fish was caught in Mexico and asserted that the Mexican Fisheries Department had the totoaba situation well in hand. The information available to the NMFS, however, indicates that the totoaba situation remains serious and that the listing as endangered is entirely appropriate.

Effect of This Rulemaking

Section 9(a) of the Act sets forth a series of general prohibitions which apply to all endangered species of fish and wildlife. With respect to any endangered species listed pursuant to Section 4 of the Act, it is unlawful for any person subject to the jurisdiction of the United States to:

(1) Import any such species into, or export any such species from, the United States;

(2) Take any such species within the United States or the territorial sea of the United States;

(3) Take any such species upon the high seas;

(4) Possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such species taken in violation of (2) or (3) above;

(5) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;

(6) Sell or offer for sale in interstate or foreign commerce any such species; or

(7) Violate any regulations pertaining to such species and promulgated by the Secretary pursuant to authority provided by the Act.

The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Section 4(a)(1), as amended on November 10, 1978, also states that "At the time any such regulation is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be critical habitat." Since the totoaba occurs only in Mexican waters no critical habitat is designated for this species. The Act does not contemplate the designation of critical habitat in foreign countries and, under previously established policy, the United States has refrained from making foreign designations.

National Environmental Policy Act

The Assistant Administrator has determined that the proposed designation of the totoaba as an endangered species is not a major Federal action which would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. An environmental assessment pertaining to this determination is available for public review in the Office of Marine Mammals and Endangered Species, National Marine Fisheries

¹Report of the Workshop to Evaluate the Biological Status of Totoaba, *Cynoscion macdonaldi*, held at the National Marine Fisheries Service Southwest Fisheries Center, La Jolla, California, September 18-19, 1978, with 9 attachments. This report, which confirms previous biological conclusions about totoaba, is attached to the Environmental Assessment pertaining to this listing. The assessment may be reviewed or obtained as indicated in the National Environmental Policy Act section of the preamble.

Service, 3300 Whitehaven Street, N.W., Washington, D.C. or may be obtained by writing to the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. The workshop report referred to in this preamble is attached to the Environmental Assessment.

Miscellaneous: Under Executive Order 12044 (43 FR 23170) and

Department of Commerce Administrative Order 218-7 (44 FR 2082), the Assistant Administrator for Fisheries has determined that this final action is not a significant regulation in accordance with established agency criteria and that preparation of a regulatory analysis is not required.

The primary author of this final rule is Dr. Robert V. Miller, Office of Marine Mammals and Endangered Species, (202) 634-7461.

Regulation Promulgation

Accordingly, 50 CFR Chapter I, Part 17 and Chapter II, Part 222, are amended as follows:

§ 17.11 [Amended]

(1) The list of endangered and threatened wildlife in 50 CFR § 17.11 is amended by adding the totoaba under the class entitled "FISHES" and immediately before "Trout, Arizona," as follows:

Species		Popula- tion	Range		Status	When listed	Special rules
Common name	Scientific name		Known distribution	Portion endangered			
Totoaba	<i>Cynoscion macdonaldi</i>	N/A	Gulf of California	Entire	E	N/A

Dated: April 12, 1979.

Lynn A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-15803 Filed 5-18-79; 8:45 am]

BILLING CODE 3510-22-M

§ 222.23 [Amended]

(2) 50 CFR § 222.23(a) is amended by adding "Totoaba (*Cynoscion macdonaldi*)" immediately after "Shortnose Sturgeon (*Ancipenser brevirostrum*)" in the second sentence.

Proposed Rules

Federal Register

Vol. 44, No. 99

Monday, May 21, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

Proposed Alteration of Terminal Control Area; Kansas City, Mo.; Informal Airspace Meeting No. 1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces an informal airspace meeting to be held at 1:00 PM, Monday, June 18, 1979, in Room 140, at the Federal Office Building, 601 East 12th Street, Kansas City, Missouri. The purpose of this meeting is to discuss a proposed alteration of the Kansas City, Missouri, Terminal Control Area (TCA), Docket 18605-ACE-1. Comments on the potential economic and environmental effects are also invited. Attendance is open to the interested public, but is limited to the space available.

With the approval of the Chairman, members of the public may present statements at the meeting. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. The time limit may be waived at the discretion of the Chairman. Written statements in addition to, or in lieu of, oral presentations will be accepted. These should be submitted to the Chairman or as directed at the meeting.

DATE: Monday, June 18, 1979; 1:00 p.m.

ADDRESS: Room 140, Federal Office Building, 601 East 12th St., Kansas city, Missouri.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th

Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

Issued in Kansas City, Missouri, on May 4, 1979.

Robert I. Gale,

Chief, Air Traffic Division, FAA Central Region.

[FR Doc. 79-15255 Filed 5-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Ch. I]

Proposed Alteration of Terminal Control Area; St. Louis, Missouri; Informal Airspace Meeting No. 2

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces an informal airspace meeting to be held at 7:00 PM, Wednesday, June 20, 1979, in the McDonnell Douglas World Headquarters Building, Special Event Theater, Brown Road & Airport Road, St. Louis, Missouri. The purpose of this meeting is to discuss a proposed alteration of the St. Louis, Missouri, Terminal Control Area (TCA), Docket 18605-ACE-2. Comments on the potential economic and environmental effects are also invited. Attendance is open to the interested public, but is limited to the space available.

With the approval of the Chairman, members of the public may present statements at the meeting. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. The time limit may be waived at the discretion of the Chairman. Written statements in addition to, or in lieu of, oral presentations will be accepted. These should be submitted to the Chairman or as directed at the meeting.

DATE: Wednesday, June 20, 1979; 7:00 p.m.

ADDRESS: McDonnell Douglas World Headquarters Building, Special Event Theater, Brown Road & Airport Road, St. Louis, Missouri.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th

Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

Issued in Kansas City, Missouri, on May 4, 1979.

Robert I. Gale,

Chief, Air Traffic Division, FAA Central Region.

[FR Doc. 79-15256 Filed 5-18-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Ch. I]

Proposed Terminal Control Area; Des Moines, Iowa; Informal Airspace Meeting No. 3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Informal Airspace Meeting.

SUMMARY: This notice announces an informal space meeting to be held at 7:00 PM, Monday, June 21, 1979, in Classroom A at the Iowa Air National Guard, 3100 McKinley Avenue, Des Moines, Iowa. The purpose of this meeting is to discuss a proposed Des Moines, Iowa, Terminal Control Area (TCA), Docket 18605-ACE-3. Comments on the potential economic and environmental effects are also invited. Attendance is open to the interested public, but is limited to the space available.

With the approval of the Chairman, members of the public may present statements at the meeting. Individual speakers will be limited to five minutes, with ten minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. The time limit may be waived at the discretion of the Chairman. Written statements in addition to, or in lieu of, oral presentations will be accepted. These should be submitted to the Chairman or as directed at the meeting.

DATE: Thursday, June 21, 1979; 7:00 p.m.

ADDRESS: Iowa Air National Guard 3100 McKinley Avenue Des Moines, Iowa.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.