

than one author. The works may be registered as works made for hire if they are identified in the application as such.

(4) All the works must be published within a thirty-day period, and the application must identify the date of publication for each work.

(5) The applicant must complete and submit the online application designated for a group of two-dimensional artwork. The application may be submitted by any of the parties listed in § 202.3(c)(1).

(6) The applicant must submit one complete copy of each work. The works must be assembled in an orderly form with each work contained in a separate electronic file. The file name for each work must match the title as submitted on the application. All of the works must be submitted in one of the electronic formats approved by the Office, and they must be uploaded to the electronic registration system. The file size for each uploaded file must not exceed 500 megabytes; the files may be compressed to comply with this requirement.

(7) In an exceptional case, the Copyright Office may waive the online filing requirement set forth in paragraph (l)(5) of this section or may grant special relief from the deposit requirement under § 202.20(d) of this chapter, subject to such conditions as the Associate Register of Copyrights and Director of the Office of Registration Policy and Practice may impose on the applicant.

\* \* \* \* \*

#### § 202.6 [Amended]

■ 5. In § 202.6, amend paragraph (e)(2) by removing “or a group of works published on the same album registered under § 202.4(k),” and adding in its place “a group of works published on the same album registered under § 202.4(k), or a group of two-dimensional artwork under § 202.4(l),”.

Dated: February 9, 2024.

**Suzanne Wilson,**

*General Counsel and Associate Register of Copyrights.*

[FR Doc. 2024-03063 Filed 2-14-24; 8:45 am]

BILLING CODE 1410-30-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Part 1336

[Assistance Listing Numbers: 93.581, 93.587, 93.612]

#### Notice for Public Comment on Administration for Native Americans' Program Policies and Procedures

**AGENCY:** Administration for Native Americans, Administration for Children and Families, Department of Health and Human Services.

**ACTION:** Request for public comment.

**SUMMARY:** Pursuant to section 814 of the Native American Programs Act of 1974 (NAPA), as amended, the Administration for Native Americans (ANA) is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules and general statements of policy and to give notice of the proposed changes no less than 30 days before such changes become effective. In accordance with notice requirements of NAPA, ANA herein describes proposed interpretive rules and general statements of policy that relate to ANA's Notices of Funding Opportunities (NOFOs) in fiscal year (FY) 2024. Changes to FY NOFOs will be based on the previously published programs: Environmental Regulatory Enhancement (ERE), HHS-2021-ACF-ANA-NR-1907; Native American Language Preservation and Maintenance-Esther Martinez Immersion (EMI), HHS-2021-ACF-ANA-NB-1958; Native American Language Preservation and Maintenance (P&M), HHS-2021-ACF-ANA-NL-1924; Social and Economic Development Strategies (SEDS), HHS-2021-ACF-ANA-NA-1906; Social and Economic Development Strategies-Alaska (SEDS-AK), HHS-2021-ACF-ANA-NK-1902.

**DATES:** Comments are due by March 18, 2024. If ANA does not receive any significant comments within the 30-day comment period, ANA will proceed with the proposed changes in the respective published NOFOs. The NOFOs will serve as the final notice of these proposed changes.

**ADDRESSES:** Comments may be submitted to: Carmelia Strickland, Director of Program Operations, Administration for Native Americans, 330 C Street, SW, Washington, DC 20201 or via email to: [ANAComments@acf.hhs.gov](mailto:ANAComments@acf.hhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Carmelia Strickland, Director, Division of Program Operations, Administration for Native Americans, 330 C Street SW, Washington, DC 20201; Telephone: (877) 922-9262; Email: [ANAComments@acf.hhs.gov](mailto:ANAComments@acf.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Section 814 of NAPA, as amended (42 U.S.C. 2992b-1), incorporates provisions of the Administrative Procedure Act that require ANA to provide notice of its proposed interpretive rules and statements of policy and to seek public comment on such proposals. This notice serves to fulfill the statutory notice and public comment requirement. ANA voluntarily includes rules of practice and procedures in this notice to be transparent. The proposed interpretive rules, statements of policy, and rules of ANA practice and procedure reflected in clarifications, modifications, and new text will appear in the five FY 2024 NOFOs: SEDS—HHS-2024-ACF-ANA-NK-0050; SEDS-AK—HHS-2024-ACF-ANA-NA-0051; ERE—HHS-2024-ACF-ANA-NR-0061; P&M—HHS-2024-ACF-ANA-NL-0059; EMI—HHS-2024-ACF-ANA-NB-0054.

*A. Interpretive rules, statements of policy, procedures, and practice.* The proposals in this section reflect ANA's proposed changes in rules, policy, or procedure that will take effect in the FY 2024 NOFOs.

#### 1. Fully-Funding Awards

ANA regulations state that awards will “generally . . . be made available for a one-year budget period and subsequent non-competing continuation awards with the same project period will also be for one year”. 45 CFR 1336.32 (emphasis added). In accordance with the regulation, ANA awards are currently awarded in 12-month increments and recipients with multi-year awards must submit a non-competitive continuation application to receive funding for the next budget period. In addition, if a recipient is unable to complete all activities within a budget period, they must request approval of a carryover budget amendment to use the funds from a previous budget period. In FY 2024, ANA will fully fund all competitive awards for the programs SEDS, ERE, P&M, and SEDS for Alaska for up to 36 months. This will promote self-governance and self-determination of tribes, Alaska Natives, and other Native American organizations; reduce the administrative burden of recipients by not requiring annual non-competing continuation applications for multi-year projects; and reduce the need for post-

award amendments such as carryover budget requests. In addition, this will reduce administrative burden for ANA and Office of Grants Management staff and allow more time to support recipients. ANA will consider amending its regulations to fully fund competitive awards instead of incrementally fund awards in future award cycles. Applicants should be aware that fully funding awards in FY 2024 for the entire project period will result in fewer awards in this cycle. However, the number of non-competing continuations in future years will decline, leaving more annual appropriations funding available for new, fully funded awards.

The EMI program's authorizing statute allows for a 5-year or 60-month project period. ANA will fully fund EMI projects for the first 36 months with a 36-month budget period. EMI awards with a project period of 48 or 60-months will need to submit a non-competing continuation application for the remaining budget period(s), if applicable. This will mitigate financial risk and allow ANA to fund more projects with annual appropriations.

## **2. Modify Policy for ANA Disqualification Factor for "Assurance of Representation on Board of Directors", Also Known as "Assurance"**

ANA has a long-standing requirement that all applicants, other than tribes and Alaska Native village governments, include documentation in the application that identifies Board members by name and their affiliation to the communities that ANA serves. This policy ensures that organizations applying for an ANA award have a majority of the members on its governing board that have a personal affiliation or relationship to federally or state recognized tribes, have a cultural relationship with a Native community, or are considered Native American as defined by ANA regulations and Native American Pacific Islanders. Without this assurance, an application is disqualified from competing. ANA will modify this policy by exempting state recognized tribes from the Assurance disqualification factor. In addition, the current policy requires applicants from public agencies serving Native people from Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands to submit the Assurance documentation. The revised policy will exempt public government agencies within the Pacific territories from this disqualification factor. Schools and universities that are governed by a board independent from their respective territorial governments remain subject to the Assurance requirements. Over the

years, ANA has disqualified applications from state-recognized tribes and public governmental agencies in the territories because they did not include the Assurance documentation in the application. The policy modification will no longer require state-recognized tribes and public governmental agencies in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands to submit the Assurance documentation requirement. ANA's intent is to disqualify fewer applications. Disqualified applications are considered non-responsive and the application is not included in the merit review or funded.

## **3. Change Reference in ANA Policies That Reference the Catalog of Federal Domestic Assistance (CFDA) to "Assistance Listings"**

The name for the Catalog of Federal Domestic Assistance (CFDA) changed to Assistance Listings on [www.SAM.gov](http://www.SAM.gov). ANA has several long-standing administrative policies and one disqualification factor included in all five NOFOs that include references to the CFDA. The administrative policies are known as the "Limitation on the Number of Award Under a Single CFDA Number" and "Limitation on the Number of Awards Based on Two Consecutively Funding Projects" with the same CFDA Number. The disqualification factor is known as the "Only One Active Award Per CFDA". An eligible entity can have no more than one active award per CFDA number for an ANA program at any given time. This policy disqualifies any applicant that has an active ANA award with the same CFDA number that will continue beyond the start date of a possible new award to not apply for a new award. The policies regarding the limitation of awards per CFDA number ensures that ANA funding can reach other organizations that do not have an ANA award. The CFDA-related policies help to preserve resources and maximize the reach of ANA's limited funding by precluding the review of applications that would be ineligible for funding based on ANA's administrative policies. The policies are not changing; however, due to the government's name change of the CFDA to Assistance Listings, ANA is updating the related policy names in the NOFOs.

## **4. SEDS NOFO Specific Changes**

ANA intends to fully fund awards upfront starting in FY24 and adjust the annual awards ceiling from \$400,000 to \$300,000 resulting, for example, total funding of \$900,000 per grantee for a project period of 36 months. This

change will allow ANA to fund additional projects with its annual appropriations, support management of fully funded projects, make funding more equitable across ANA's programs and positively impact more Native communities and organizations.

Since 2020, the SEDS NOFO set out bonus points in the evaluation criteria for projects that address Native American community priority areas such as veterans, emergency preparedness, and Missing and Murdered Indigenous People. Since 2021, the SEDS NOFO provided bonus points in the evaluation criteria for certain types of economic development projects that were mandated by the Indian Community Economic Enhancement Act of 2020. In this NOFO ANA intends to continue to fund projects that promote social and economic development; however, the SEDS NOFO will no longer include bonus points. This change will allow all types of proposed community-based projects in the SEDS competition to receive equal consideration while also allowing applicants to choose their own priorities that best meet the needs of their community.

## ***SEDS-AK NOFO Specific Changes***

Since 2020, the SEDS-AK NOFO allowed reviewers to add bonus points in the evaluation criteria for applications that documented that the applicant organization has never received a past award from ANA. Since 2021, the SEDS-AK NOFO provided bonus points in the evaluation criteria for certain types of economic development projects that were mandated by the Indian Community Economic Enhancement Act of 2020. In this NOFO ANA intends to continue to fund projects that promote social and economic development; however, the SEDS-AK NOFO will no longer include bonus points. This change will allow all proposed community-based projects in the SEDS-AK competition to receive equal consideration while also allowing applicants to choose their own priorities that best meet the needs of their community.

## **5. Changes to Required Application Elements**

ANA has received applicant feedback for many years that the NOFOs are burdensome, too long, and difficult to understand. For FY24, HHS announced a Simpler NOFO pilot project to make NOFOs easier to understand and navigate as part of its efforts to increase equity and inclusion for underserved and marginalized communities. All five ANA NOFOs were selected to

participate in the Simpler NOFO project. Therefore, the application requirements and evaluation criteria will change in FY24 to lessen the burden and make it easier to read, understand, and write an application. The ANA Project Framework, used in NOFOs from FY 2018–2023, will no longer be used, although some elements will remain. The required elements for an ANA application across all five NOFOs that will be evaluated will include: Project Narrative (for 75 points) to include the Current Community Condition (5 points), Project Goal (7 points), Objectives (8 points), Project Strategy and Implementation Plan (15 points), Community Based Strategy (12 points), Population to be Served (7 points), Outcomes (6 points), Objective Work Plan (15 points). The Organizational Capacity (total of 15 points) includes a Staffing Plan (5 points), Data Management Plan (3 points), Partnerships and Consultants (2 points), and Oversight Plan (5 points). The Line-Item Budget and Budget Narrative will be combined for a total of 10 points. A total of 100 points will be available for each NOFO. As mentioned earlier, no bonus points will be provided for any NOFO.

## 6. Reduction in Application Page Limits

ANA's previous application total page limit was 150 pages, excluding Standard Forms such as the SF-424, SF-424A, and other OMB-approved forms including ANA's Objective Work Plan. Applicant feedback informed ANA that 150 pages is too much. While ANA limits rather than requires 150 pages, applicants sometimes feel that it is a requirement to provide 150 pages to have a competitive application. Therefore, ANA will reduce the total page limit from 150 to 100 pages to reduce the burden to apply for ANA funding. To accommodate the lower page limit, business plans will no longer be required at the time of application submission. However, if a proposed project is subject to a business plan, ANA staff will request an applicant to provide a business plan during the Internal Review of Proposed Projects process of finalizing and negotiating grant awards.

**Statutory Authority:** Sections 803 and 814 of the Native American Programs Act of 1974 (NAPA), as amended (42 U.S.C. 2291b; 2992b-1).

**Patrice H. Kunesh,**

*Commissioner, Administration for Native Americans.*

[FR Doc. 2024-03160 Filed 2-14-24; 8:45 am]

**BILLING CODE 4184-34-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 212, 215, 225, and 252

[Docket DARS-2024-0002]

RIN 0750-AL64

#### Defense Federal Acquisition Regulation Supplement: Assuring Integrity of Overseas Fuel Supplies (DFARS Case 2022-D013)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Proposed rule.

**SUMMARY:** DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement a section of the National Defense Authorization Act for Fiscal Year 2022 that requires offerors to certify that they will not provide fuel from a prohibited source and that they will comply with certain export control and anticorruption regulations and statutes for contracts awarded for the acquisition of fuel in support of overseas contingency operations.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before April 15, 2024, to be considered in the formation of a final rule.

**ADDRESSES:** Submit comments identified by DFARS Case 2022-D013, using either of the following methods:

○ *Federal eRulemaking Portal:* <https://www.regulations.gov>. Search for DFARS Case 2022-D013. Select "Comment" and follow the instructions to submit a comment. Please include "DFARS Case 2022-D013" on any attached documents.

○ *Email:* [osd.dfars@mail.mil](mailto:osd.dfars@mail.mil). Include DFARS Case 2022-D013 in the subject line of the message.

Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal information provided. To confirm receipt of your comment(s), please check <https://www.regulations.gov>, approximately two to three days after submission to verify posting.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jon Snyder, telephone 703-945-5341.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

DoD is proposing to revise the DFARS to implement section 843 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022 (Pub.

L. 117-81). Section 843 requires offerors to certify that fuel to be provided for a contract in support of an overseas contingency operation is not sourced from a prohibited nation or region and to furnish such records as are necessary to verify their compliance with applicable export control and anticorruption regulations and statutes. Section 843 requires contracting officers, when conducting a source selection for such contracts, to consider using tradeoff processes and certain evaluation factors. If the contracting officer does not consider a tradeoff process prior to issuing the solicitation, the contracting officer is required to justify in writing why a tradeoff process was not considered. Section 843 also requires the contracting officer to ensure, prior to contract award, that the offeror is not disqualified based upon an unsupported denial of access to a facility or equipment by the host nation.

##### II. Discussion and Analysis

DoD proposes to add to the DFARS a new section 225.70WW, Restriction on acquisition of fuel for overseas contingency operations. Section 225.70WW provides the scope, prohibition, and procedures for contracting officers to use for the acquisition of fuel that is for overseas contingency operations and is expected to exceed the simplified acquisition threshold. This proposed rule requires that fuel is not sourced from a nation or region prohibited from selling petroleum to the United States. The proposed rule allows contracting officers to request records from the apparent successful offeror to verify compliance with certain regulations and statutes when the head of the contracting activity determines in writing that it is necessary. In addition, the proposed rule precludes contracting officers from disqualifying an offeror based on an unsupported denial of access to a facility or equipment by a host-nation government.

This proposed rule includes a new section 215.101-71, Tradeoff process when acquiring fuel for overseas contingency operations, which requires contracting officers to consider using a tradeoff process during a source selection. When using a tradeoff process, contracting officers are required to consider the use of certain evaluation factors. This proposed rule also provides procedures for a contracting officer to justify when a tradeoff process is not considered.

A new solicitation provision is proposed at DFARS 252.225-70XX, Restriction on Acquisition of Fuel for Overseas Contingency Operations, for