

**Dear Colleague:**

Enclosed are two Program Instructions that contain application procedures for fiscal year (FY) 2002 Child Care and Development Fund (CCDF) monies. The materials required for FY 2002 CCDF funding must be received by the Administration for Children and Families (ACF) no later than July 1, 2001.

- ACYF-PI-CC-01-05 contains the procedures that apply to most Tribes, whether they are current grantees or new applicants. Tribes are required to submit a complete plan pre-print for the FY 2002-2003 biennium.
- ACYF-PI-CC-01-06 contains the procedures for Tribes that choose to consolidate the CCDF program with other employment and training funding sources under an approved P.L. 102-477 plan.

Please note that all Tribal Lead Agencies must submit a self-certified child count to apply for FY 2002 funds.

Construction and Renovation

Tribal Lead Agencies must first request and receive approval from ACF through a separate application process before using CCDF funds for construction or major renovation (see Program Instruction ACYF-PI-CC-01-01, dated February 5, 2001). We would like to remind you of upcoming deadlines related to the construction and renovation procedures:

- If you plan to submit an application to use FY 2001 CCDF funds for construction or renovation, your ACF Regional Office must receive your construction/renovation application prior to July 1, 2001.
- Tribal Lead Agencies with FY 1999 funds in a separate grant award for construction or renovation must liquidate these funds by September 30, 2001.

Sincerely,

James A. Harrell  
Acting Commissioner  
Administration on Children, Youth and Families

Enclosures

# ACF

Administration  
For Children  
And Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration on Children, Youth and Families

1. Log No: ACYF-PI-CC-01-06

2. Issuance Date: April 24, 2001

3. Originating Office: Child Care Bureau

4. Key Words: Child Care and Development Fund (CCDF) Fiscal Year 2002 Funding; Application and Plan Requirements to Consolidate CCDF Under a 102-477 Indian Employment, Training and Related Services Plan

## CHILD CARE AND DEVELOPMENT FUND PROGRAM INSTRUCTION

- To:** Tribal Lead Agencies consolidating child care programs under P.L. 102-477. This Program Instruction only applies to Tribes currently operating or planning to operate an employment, training and related services program under P.L. 102-477.
- Purpose:** To provide information on the procedures to consolidate the Child Care and Development Fund (CCDF) program with other employment and training funding sources under a P.L. 102-477 plan.
- References:** Section 418 of the Social Security Act; the Child Care and Development Block Grant Act of 1990 (CCDBG) as amended. 45 CFR Parts 98 and 99, and the Indian Employment, Training and Related Services Demonstration Act of 1992, as amended (P.L. 102-477).
- Background:** The Indian Employment, Training and Related Services Demonstration Act of 1992, as amended (P.L. 102-477) was enacted to:
- Demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services;
  - Reduce joblessness in Indian communities; and
  - Serve tribally determined goals consistent with the policy of self-determination.
- In accordance with P.L. 102-477, eligible tribal applicants may choose to streamline tribal services by submitting a consolidated plan for employment, training and related services to the Bureau of Indian Affairs (BIA), Department of the Interior. Eligible applicants may include the Child Care and Development Fund (CCDF) in their 102-477 plan. The CCDF is comprised of two funding sources:
- Discretionary Funds – funding that is provided under the Child Care and Development Block Grant Act, as amended; and

- Tribal Mandatory Funds – funding that is provided to eligible Tribes and tribal organizations under Section 418 of the Social Security Act.

Tribes that elect to consolidate their CCDF funds under a 102-477 plan are still required to operate comprehensive CCDF programs. By applying for CCDF funds, a Tribe agrees to follow the provisions of the CCDBG Act of 1990, as amended, and applicable regulations at 45 CFR 98 and 99. However, in contrast to the required CCDF application and plan process, Tribes that consolidate CCDF funds under a 102-477 plan are permitted to submit abbreviated applications and plans for CCDF funding.

### **CCDF Construction and/or Renovation Under a 102-477 Plan**

All Tribes receiving CCDF funds – including those with approved 102-477 plans – are required to follow ACF’s construction and renovation application procedures in order to use CCDF funds for construction or major renovation projects. Tribes are advised to contact their appropriate ACF Regional Office (Attachment A) to discuss construction or renovation plans, and to request a copy of ACF’s construction and renovation application procedures (Program Instruction ACYF-PI-CC-01-01, dated February 5, 2001). If a Tribe constructs or renovates more than one facility, it must seek ACF approval for each project (even if the projects use identical plans and specifications).

### **CCDF Eligibility:**

Pursuant to 45 CFR 98.62, a Tribe is eligible to receive CCDF funds if the Tribe is federally recognized and the tribal population includes at least 50 children under age 13.

A Tribe with fewer than 50 children under age 13 may participate in a consortium of eligible tribes. In order to be eligible to receive CCDF funds on behalf of its member Tribes, a consortium must:

- Consist of Tribes that meet the eligibility requirements for the CCDF program or that would meet the eligibility requirements if the Tribe or tribal organization had at least 50 children under age 13; and
- Adequately demonstrate it has authorization from each participating Tribe to receive CCDF funds on behalf of the Tribe.

### **Special Rule for Indian Tribes in Alaska:**

Only specified Alaska Native entities may receive Tribal Mandatory Funds. The Metlakatla Indian Community of the Annette Islands Reserve and the following Alaska Native regional nonprofit corporations are eligible to receive Tribal Mandatory Funds:

- Arctic Slope Native Association;
- Kawerak, Inc.;
- Maniilaq Association;
- Association of Village Council Presidents;
- Tanana Chiefs Conference;
- Cook Inlet Tribal Council;

- Bristol Bay Native Association;
- Aleutian and Pribilof Islands Association;
- Chugachmuit;
- Tlingit and Haida Central Council;
- Kodiak Area Native Association; and
- Copper River Native Association.

**Exempt vs.  
Non-Exempt  
Grantee Status**

Tribal Lead Agencies with CCDF allocations equal to or greater than \$500,000 for a fiscal year are considered non-exempt grantees; therefore: 1) no less than 4 percent of the aggregate CCDF funds expended for a fiscal year must be used for quality activities; and 2) the Tribal Lead Agency must operate a certificate program that offers parental choice from a full range of providers (i.e., center-based, group home, family and in-home care). A Tribal Lead Agency that moves from the exempt to non-exempt category has a phase-in period of up to one year to meet the CCDF non-exempt requirements.

For example, if a Tribal Lead Agency's FY 2001 allocation moved it into the non-exempt category, the Tribal Lead Agency must describe how it is meeting non-exempt requirements in its plan preprint due by July 1, 2001 and effective October 1, 2001.

**Funding Estimates  
And Allocation  
Formulas**

ACF estimates that \$98,339,748 in FY 2002 CCDF funds will be available for tribal grantees (\$43,999,748 in Discretionary Funds and \$54,340,000 in Tribal Mandatory Funds).

Grants from Discretionary Funds will include a base amount of \$20,000 plus a per child amount (approximately \$56 per child in FY 2000) for each Tribe or tribal consortium with a minimum of 50 children. Grants from Tribal Mandatory Funds are calculated solely on a per-child basis (approximately \$97 per child in FY 2001) and do not include a base amount.

Since the per-child amount for both Discretionary and Tribal Mandatory Funds depends upon the total number of children in all participating Tribes, ACF cannot calculate in advance the exact per-child amount. However, Tribes and tribal organizations may use the FY 2002 Tribal Estimates Chart (See Attachment B) as a guide. A new applicant should use the base amount plus approximately \$56 per child to estimate its allotment for Discretionary funding, and should use approximately \$97 per child to estimate its allotment for Tribal Mandatory funding.

A tribal consortium should estimate its allotment for Discretionary funding for each of its members by calculating a portion of the base amount that is equivalent to the ratio of the number of children in each member Tribe to 50, plus the additional per child amount. For example, a Tribe with 49 children is allotted 49/50ths of \$20,000, or \$19,600. The per child amount is then multiplied by 49 and added to the \$19,600 base amount.

The Administration's FY 2002 budget contains a proposed \$400 million increase for Discretionary Funds. The Tribal Estimates shown in Attachment B reflect this

proposed increase, which would require Congressional action. Tribes would receive 2 percent of any FY 2002 funding increase for CCDF.

Important Note: These amounts are provided for the purpose of estimating the allotments that will become available for FY 2002 and may increase or decrease when updated data become available before the final grant awards are issued. In addition, the estimates reflect the President's FY 2002 budget request, which is subject to Congressional action. If Congress enacts and the President approves a different appropriation amount, the allotments will be adjusted accordingly.

### **Discretionary Earmark**

The Administration's FY 2002 budget request includes an earmark for school-age care and resource and referral and school-age care activities. The FY 2002 Tribal Estimates Chart (Attachment B) shows the estimated earmark requirement for FY 2002. The column labeled Discretionary Earmark shows the estimated amount that must be spent on resource and referral activities and school-age care. The column labeled Discretionary After Earmark is the amount of Discretionary Funds remaining after the earmark that can be spent on any allowable CCDF activities (assuming quality expenditure, administrative cost, and other Federal requirements are met). The earmark for resource and referral activities and school-age care is based on a \$500 amount per Tribe plus a per child amount. Amounts in the FY 2002 Tribal Estimates Chart (Attachment B) are estimates that may increase or decrease when final grant awards are issued.

### **Child Counts**

For funds that become available for FY 2002, ACF will calculate grant awards based on the number of children under age 13. A Tribe must submit a declaration that certifies the number of Indian children, as defined in the 102-477 plan, **under age 13** (not age 13 and over), who reside on or near the reservation or tribal service area. The declaration must be included as an attachment to the 102-477 application and/or plan.

The Tribal Lead Agency should use the "Child Count Declaration" format at Attachment C. The declaration must be signed by the governing body of the Tribe or a person authorized to act for the applicant Tribe or organization.

**IMPORTANT NOTE REGARDING CHILD COUNTS:** In prior years, ACF had an established procedure to determine the child count for those Tribal Lead Agencies that elected not to include a child count with their annual CCDF funding application. However, beginning this year, **all Tribal Lead Agencies must submit a self-certified child count** with their application. A CCDF funding application submitted without a child count will be treated as an incomplete application. Therefore, to facilitate the approval process, the information requested on the child count declaration at Attachment C must be included with the application due by July 1. This new policy (which was originally announced a year ago in ACYF-PI-CC-00-02 and ACYF-PI-CC-00-03) is designed to ensure that funds are equitably distributed based on the most recent data.

**PLEASE BE ADVISED:** The Tribal Lead Agency **may not count** any children who are included in the child count of another CCDF Tribal Lead Agency.

To ensure unduplicated child counts, a Tribal Lead Agency is **required** to confer with **all** other CCDF Tribal Lead Agencies that have overlapping or neighboring service areas.

Tribal Lead Agencies are reminded that CCDF funds are allocated based on child counts of children from Federally recognized Indian Tribes, consistent with the Child Care and Development Block Grant Act's definition of Indian Tribe.

Tribal Lead Agencies are also advised that ACF will not accept declarations based on child counts that were conducted prior to July 1 of the previous year. For FY 2002 funding, the child count of children under age 13 must be completed no later than June 30, 2001 and no earlier than July 1, 2000.

**Special Note for Tribal Consortia:** A tribal consortium must submit individual self certified child count declarations signed by the governing body of the Tribe, or an individual authorized to act for the Tribe, for each of its members participating in the consortium. Also include a summary section listing each member's name and child count, and the total child count for all members.

Because of the statutory "Special Rule for Indian Tribes in Alaska" under Tribal Mandatory Funding, some Alaska Native Regional Nonprofit Corporations will have to provide a separate child count certification for Discretionary Funding purposes. This count will consist of its self certified Tribal Mandatory Funding count, minus the child count number for any Alaska Tribal grantee in its Region which applies directly for Discretionary Funding. In instances where a Regional Corporation has separate child counts for Discretionary and Tribal Mandatory Funds, both counts may be reported on the declaration (see format at attachment C).

**Administrative Costs**

Tribal Lead Agencies are reminded that no more than 15 percent of the aggregate CCDF funds expended from each year's allotment may be used for administrative costs. Tribal Lead Agencies are advised to review the CCDF regulations at 45 CFR 98.52 for a discussion of administrative costs. Note: the Discretionary Funds base amount is neither subject to the 15 percent limitation, nor included in the calculation for the 15 percent limitation.

**Application Requirements:**

Although 102-477 plans cover multi-year periods, applicants **must** apply annually for CCDF funds – this includes new and current 102-477 grantees. To receive CCDF funding under a consolidated 102-477 plan, all tribal grantees and tribal applicants must:

- Be eligible to receive CCDF funding (see Eligibility Section of this Program Instruction);
- Have submitted a consolidated 102-477 plan to BIA that includes the CCDF program; and
- Submit an annual application to BIA requesting CCDF program funds.

There is no required format for the application. However, the application must be signed by the tribal chairperson (or his/her designee) and **must** include the following information:

1. Funds Requested

The amount of CCDF funds requested, based on the estimated CCDF amount for each applicant. This information can be found in the last column (Estimated Total FY 2002 CCDF Funding) of Attachment B “FY 2002 Tribal Estimates Chart.”

2. Child Count Declaration

A signed declaration that certifies the number of Indian children, under age 13 for FY 2002 funding, who reside on or near the reservation or other tribal service area. The Tribal Lead Agency should use the Child Count Declaration format at Attachment C. Note: The child count self-certification process is explained under the “Funding Estimates and Allocation Formulas” section of this Program Instruction.

By applying for FY 2002 CCDF funds a Tribe agrees to follow the provisions of the Child Care and Development Block Grant Act of 1990, as amended, and applicable regulations at 45 CFR Parts 98 and 99.

Current grantees that apply for FY 2002 funds continue to be required to meet the assurances and certifications provided in the 102-477 plan for the remainder of the plan period. A **new** tribal applicant must include the required assurances and certifications as part of its plan submittal (see Attachment D).

**Plan Requirements**

The CCDF program may be incorporated into a P.L. 102-477 plan that covers multi-year periods. If an applicant elects to include CCDF in a consolidated 102-477 plan, the following CCDF requirements must be included in the 102-477 plan:

1. A statement of intent to administer the CCDF program under a P.L. 102-477 consolidated plan.
2. A description of the way CCDF services will be integrated and delivered with the employment and training programs included in the 102-477 plan, and the results expected.
3. The agency or agencies of the tribal government (or tribal consortium) to be involved in the delivery of CCDF services under the plan. Note: if the CCDF Lead Agency changes during the approved plan period, the grantee must submit a written notification of this change to the BIA.
4. A description of the results of the Tribal Lead Agency’s coordination activities with agencies responsible for health (including the agency responsible for immunizations), education, employment services or workforce development, and the State TANF agency and/or tribal TANF agency – if the Tribe is operating its own TANF program.

5. A description of the public hearing process held to provide the Tribe (or member Tribes in the case of a tribal consortium) an opportunity to comment on the proposed CCDF activities under the consolidated 102-477 plan.
6. A copy of a sliding fee scale that provides for cost sharing by families and is based on income and family size. A grantee may waive contributions from families whose incomes are at or below the poverty level for a family of the same size, or may apply different sliding fee scales.
7. Definitions for 1) Indian Child; and 2) Indian Reservation or Tribal Service Area. Tribes have broad latitude in defining these terms that are used to determine eligibility. An applicant's child count declaration -- required in the annual CCDF application -- is based on the definition of these terms.
8. Any statutory provisions, regulations, policies, or procedures that the Tribe requests to be waived.
9. A consortium must submit a demonstration (e.g., a tribal resolution) from each member Tribe that authorizes the consortium to receive CCDF funds on its behalf for the duration of the plan period.

**Waivers:**

Section 7 of P.L. 102-477, as amended, authorizes the Secretary of the Department of Health and Human Services to waive any statutory provision, regulation, policy, or procedures requested by a Tribe, as long as the waiver is not consistent with the purpose of P.L. 102-477 or with provisions of the Child Care and Development Block Grant Act, as amended.

To obtain a waiver, the 102-477 plan **must**:

- Identify the specific statutory provision, regulation, policy or procedure;
- Justify the need for the waiver; and
- Explain what the Tribe will use to replace the existing statutory provision, regulation, policy or procedure, if applicable.

Waivers will be granted or denied on a case-by-case basis for each plan. Blanket waiver requests are not acceptable. See Attachment E for a list of statutory and regulatory requirements that will not be waived.

**Deadlines:**

All CCDF applications (and plans, if applicable) must be postmarked or hand delivered to the BIA no later than July 1, 2001. Any applications and plans postmarked after that date will not be accepted. Faxed copies will not be accepted.



**Submitting the Materials:**

The original and 1 copy of the application (and plan, if applicable) **must be mailed or hand-delivered to the:**  
Bureau of Indian Affairs  
Office of Economic Development  
Division of Job Placement and Training  
1849 C Street, NW  
Mail Stop 4660 MIB  
Washington, D.C. 20240

An additional copy **must** also **be sent to the:**  
Administration on Children, Youth and Families  
Child Care Bureau  
Room 2046  
330 C Street, S.W.  
Washington, D.C. 20447

**Technical Assistance:**

Tribes should refer to the "Preparation of Tribal Plans, Pursuant to Public Law 102-477, PROPOSED GUIDANCE FOR TRIBAL DOCUMENTS" in completing a consolidated 102-477 plan. To obtain a copy of this document, or for questions related to overall operation of P.L. 102-477, please contact:

Lynn Forcia  
Chief, Division of Job Placement and Training  
Bureau of Indian Affairs  
(202) 219-5270

**OR:**

Bonnie DeWeaver  
102-477 Technical Assistance Coordinator  
(907) 265-5975

Important Note: questions related to the CCDF program should be directed to the appropriate ACF Regional Office (Attachment A).

**Reporting Requirements:**

CCDF Tribal grantees with an approved 102-477 plan will receive their CCDF funding through the BIA. Therefore, program and financial reporting of CCDF funds awarded under a 102-477 consolidated plan will be made to the BIA. However, the expenditure and obligation of all CCDF funds awarded prior to a 102-477 plan approval will continue to be reported to ACF on the ACF-696-T financial reporting form. Similarly, program data on CCDF funds awarded prior to a 102-477 plan approval must be reported on the ACF-700 form.

**Paperwork Reduction Act:**

The Paperwork Reduction Act of 1980, as amended, requires that OMB approve all reporting and recordkeeping instruments. The information required to respond to this Program Instruction is approved under OMB Number 0970-0198 (expires 05/31/02).

James A. Harrell  
Acting Commissioner  
Administration on Children, Youth and Families

Attachments:

- A - ACF Regional Administrators List
- B - FY 2002 Tribal Estimates Chart
- C - Child Count Declaration
- D - List of Assurances and Certifications
- E - CCDF Statutory and Regulatory Requirements That Will Not Be Waived

**ESTIMATED FY 2002 CCDF TRIBAL SUMMARY**

TRIBE	ESTIMATED MANDATORY ALLOCATIN	ESTIMATED FY 2002 DISC. BASE	ESTIMATED FY 2002 DISC. PER CHILD	ESTIMATED DISCRETIONARY ALLOCATION	ESTIMATED DISCRETIONARY EARMARK	ESTIMATED DISCRETIONARY AFTER EARMARK	ESTIMATED TOTAL FY 2002 CCDF FUNDING*
<b>ALABAMA</b>							
Poarch Band of Creeks	17,368	20,000	10,799	30,799	581	30,218	48,167
<b>ALASKA</b>							
Agdaagux Tribal Council	-	20,000	12,077	32,077	591	31,486	32,077
Akaichak Native Community	-	20,000	13,674	33,674	603	33,071	33,674
Akiak Native Community	-	20,000	7,540	27,540	557	26,983	27,540
Aleutian/Pribilof Island Association, Inc.	38,025	98,400	23,643	122,043	677	121,366	160,068
Arctic Slope Native Association	155,490	140,000	79,171	219,171	1,094	218,077	374,661
Association of Village Council President, Inc.	804,787	778,400	335,405	1,113,805	3,015	1,110,790	1,918,592
Bristol Bay Native Association	179,949	369,200	111,887	481,087	1,339	479,748	661,036
Chugachmiut	41,313	91,200	25,687	116,887	693	116,194	158,200
Cook Inlet Tribal Council, Inc.	732,643	96,400	431,956	528,356	3,739	524,617	1,260,999
Copper River Native Association	27,850	61,200	13,802	75,002	603	74,399	102,852
Hoonah Indian Assoc.	-	20,000	5,495	25,495	541	24,954	25,495
Kawerak, Inc.	241,713	361,600	150,290	511,890	1,627	510,263	753,603
Kenaitze Indian Tribe IRA	-	28,000	16,550	44,550	624	43,926	44,550
Kivalina IRA Council	-	20,000	9,457	29,457	571	28,886	29,457
Knik Tribal Council	-	20,000	59,362	79,362	945	78,417	79,362
Kodiak Area Native Association	146,960	118,800	91,375	210,175	1,185	208,990	357,135
Kugpagmiut, Inc.	-	40,000	24,665	64,665	685	63,980	64,665
Maniilaq Manpower, Inc.	229,998	199,600	133,549	333,149	1,501	331,648	563,147
Metlakatla Indian Community	56,523	20,000	35,144	55,144	764	54,380	111,667
Mt. Sanford Tribal Consortium	-	22,000	3,514	25,514	526	24,988	25,514
Native Village of Point Hope	-	20,000	17,508	37,508	631	36,877	37,508
Ninilchik Traditional Council	-	20,000	12,141	32,141	591	31,550	32,141
Orutsararmuit Native Council	-	20,000	141,600	161,600	1,562	160,038	161,600
Sitka Tribe of Alaska	-	20,000	43,260	63,260	824	62,436	63,260
Tanana Chiefs Conference, Inc.	528,337	483,600	328,504	812,104	2,963	809,141	1,340,441
Central Council Tlingit & Haida Tribes of Alaska	474,589	264,800	259,749	524,549	2,448	522,101	999,138
Yakutat Tlingit Tribe	-	20,000	6,901	26,901	552	26,349	26,901
Organized Village of Kwethluk	-	20,000	19,425	39,425	646	38,779	39,425
<b>ARIZONA</b>							
Cocopah Indian Tribe	20,657	20,000	12,844	32,844	596	32,248	53,501
Fort McDowell Mohave-Apache	5,241	20,000	3,259	23,259	524	22,735	28,500
Gila River Indian Community	588,046	20,000	365,629	385,629	3,242	382,387	973,675
Hopi Tribe	227,840	20,000	141,664	161,664	1,562	160,102	389,504
Hualapai Tribal Council	143,672	20,000	89,331	109,331	1,170	108,161	253,003

Havasupai Tribal Council	16,340	20,000	10,160	30,160	576	29,584	46,500
Navajo Nation	13,121,480	20,000	8,158,543	8,178,543	61,679	8,116,864	21,300,023
Pascua Yaqui	333,898	20,000	207,607	227,607	2,057	225,550	561,505
Quechan Indian Tribe	154,873	20,000	96,296	116,296	1,222	115,074	271,169
Salt River Pima-Maricopa	200,606	20,000	124,731	144,731	1,435	143,296	345,337
San Carlos Apache Tribe	294,948	20,000	183,390	203,390	1,875	201,515	498,338
Tohono O'odham	629,565	20,000	391,444	411,444	3,435	408,009	1,041,009
White Mountain Apache Tribe	526,282	20,000	327,226	347,226	2,954	344,272	873,508
Yavapai-Apache Tribe (Camp Verde)	54,468	20,000	33,866	53,866	754	53,112	108,334
<b>CALIFORNIA</b>							
Bear River Band of Rohnerville (Rohnerville Rancheria)	15,210	20,000	9,457	29,457	571	28,886	44,667
Bishop Paiute Tribe	41,108	20,000	25,560	45,560	692	44,868	86,668
California Indian Manpower, Inc	119,623	243,600	74,378	317,978	1,058	316,920	437,601
California Rural Indian Health Board	58,990	80,000	36,678	116,678	775	115,903	175,668
Campo Consortia	31,345	74,800	19,489	94,289	646	93,643	125,634
Mechoopda Indian Tribe of Chico Rancheria	25,281	20,000	15,719	35,719	618	35,101	61,000
Chukchansi Tribe of Picayane	35,764	20,000	22,237	42,237	667	41,570	78,001
Cloverdale Rancheria	13,463	20,000	8,371	28,371	563	27,808	41,834
Cortina Indian Rancheria	6,680	20,000	4,153	24,153	531	23,622	30,833
Dry Creek Rancheria	18,498	20,000	11,502	31,502	586	30,916	50,000
Enterprise Rancheria	16,957	20,000	10,543	30,543	579	29,964	47,500
Fort Mojave Tribe	31,345	20,000	19,489	39,489	646	38,843	70,834
Hoopa Tribe (Hoopa Valley)	111,402	20,000	69,266	89,266	1,019	88,247	200,668
Hopland Band of Pomo Indians	12,435	20,000	7,732	27,732	558	27,174	40,167
Inter Tribal Council of California	232,567	353,200	144,603	497,803	1,584	496,219	730,370
Karuk	94,137	20,000	58,531	78,531	939	77,592	172,668
La Jolla	19,834	20,000	12,332	32,332	592	31,740	52,166
Lytton Rancheria	9,352	20,000	5,815	25,815	544	25,271	35,167
Mooretown Rancheria	28,262	20,000	17,572	37,572	632	36,940	65,834
North Fork Rancheria	21,993	20,000	13,674	33,674	603	33,071	55,667
Pala Band of Mission Indians	21,068	20,000	13,099	33,099	598	32,501	54,167
Pauma Band of Mission Indians	6,372	20,000	3,962	23,962	530	23,432	30,334
Pinoleville Indian Community	11,305	20,000	7,029	27,029	553	26,476	38,334
Pit River Tribe	56,112	20,000	34,889	54,889	762	54,127	111,001
Pechanga Indian Reservation	19,423	20,000	12,077	32,077	591	31,486	51,500
Potter Valley Little Lake	5,138	20,000	3,195	23,195	524	22,671	28,333
Quattrz Valley Indian Commun.	8,016	20,000	4,984	24,984	537	24,447	33,000
Redding Rancheria	221,160	20,000	137,510	157,510	1,531	155,979	378,670
Rincon San Luiseno Band	8,735	20,000	5,431	25,431	541	24,890	34,166

Round Valley Indian Tribe	117,568	20,000	73,100	93,100	1,048	92,052	210,668
Scotts Valley Band of Pomo	5,961	20,000	3,706	23,706	528	23,178	29,667
Shingle Springs Rancheria	7,708	20,000	4,792	24,792	536	24,256	32,500
Soboba Band of Mission Indians	31,756	20,000	19,745	39,745	648	39,097	71,501
Southern California Tribal Chairmen's Association	13,668	41,600	8,499	50,099	564	49,535	63,767
Susanville Rancheria/Lassen	15,415	20,000	9,585	29,585	572	29,013	45,000
Table Bluff Rancheria	8,530	20,000	5,304	25,304	540	24,764	33,834
Torres Martinez Desert Cahuilla	12,435	20,000	7,732	27,732	558	27,174	40,167
Tyme Maidu Berry Creek Rancheria	16,032	20,000	9,968	29,968	575	29,393	46,000
Yurok Tribe	113,663	20,000	70,672	90,672	1,030	89,642	204,335
<b>COLORADO</b>							
Southern Ute	71,219	20,000	44,282	64,282	832	63,450	135,501
Ute Mountain Ute Tribe	56,318	20,000	35,017	55,017	763	54,254	111,335
<b>FLORIDA</b>							
Micosukee Corporation	28,159	20,000	17,508	37,508	631	36,877	65,667
<b>IDAHO</b>							
Coeur d'Alene Tribes	103,078	20,000	64,091	84,091	981	83,110	187,169
Nez Perce Tribe	83,449	20,000	51,886	71,886	889	70,997	155,335
Northwestern Band of Shoshoni Nation	16,238	20,000	10,096	30,096	576	29,520	46,334
Shoshone-Bannock Tribes	245,413	20,000	152,590	172,590	1,644	170,946	418,003
<b>KANSAS</b>							
Kickapoo	26,720	20,000	16,614	36,614	625	35,989	63,334
Prairie Band of Potawatomi	43,060	20,000	26,774	46,774	701	46,073	89,834
<b>LOUISIANA</b>							
Chitimacha Tribe	30,522	20,000	18,978	38,978	642	38,336	69,500
Coushatta Tribe	17,882	20,000	11,118	31,118	583	30,535	49,000
Tunica Biloxi	8,016	20,000	4,984	24,984	537	24,447	33,000
<b>MAINE</b>							
Aroostook Band of Micmac Indians	27,234	20,000	16,933	36,933	627	36,306	64,167
Houlton Band of Maliseet Indians	15,518	20,000	9,649	29,649	572	29,077	45,167
Indian Township Passamaquoddy	20,554	20,000	12,780	32,780	596	32,184	53,334
Penobscot Nation	40,080	20,000	24,921	44,921	687	44,234	85,001
Pleasant Point Passamaquoddy	39,669	20,000	24,665	44,665	685	43,980	84,334
<b>MASSACHUSETTS</b>							
Wampanoag of Gay Head	8,016	20,000	4,984	24,984	537	24,447	33,000
<b>MICHIGAN</b>							
Bay Mills Indian Community	31,756	20,000	19,745	39,745	648	39,097	71,501
Grand Traverse Band of Ottawa/Chippewa	43,471	20,000	27,029	47,029	703	46,326	90,500
Hannville Indian Community (Potawatomi)	28,673	20,000	17,828	37,828	634	37,194	66,501

Keweenaw Bay Indian Community	13,052	20,000	8,115	28,115	561	27,554	41,167
Lac Vieux Desert	12,846	20,000	7,987	27,987	560	27,427	40,833
Little Traverse Bay Bands of Odawa Indians	17,162	20,000	10,671	30,671	580	30,091	47,833
Saginaw Chippewa Indian Tribe	62,484	20,000	38,850	58,850	791	58,059	121,334
Sault St. Marie Tribe of Chippewas	312,933	20,000	194,572	214,572	1,959	212,613	527,505
<b>MINNESOTA</b>							
Bois Forte Reservation (Nett Lake)	64,231	20,000	39,937	59,937	799	59,138	124,168
Fond Du Lac	249,113	20,000	154,891	174,891	1,661	173,230	424,004
Grand Portage	11,613	20,000	7,221	27,221	554	26,667	38,834
Leech Lake	405,631	20,000	252,209	272,209	2,391	269,818	677,840
Millie Lacs Band of Chippewa	77,899	20,000	48,435	68,435	863	67,572	146,334
Red Lake	339,036	20,000	210,802	230,802	2,081	228,721	569,838
Shakopee Mdewakanton Sioux Community	22,095	20,000	13,738	33,738	603	33,135	55,833
Upper Sioux	10,277	20,000	6,390	26,390	548	25,842	36,667
White Earth	349,930	20,000	217,576	237,576	2,132	235,444	587,506
Lower Sioux Indian Tribe of Minnesota	20,657	20,000	12,844	32,844	596	32,248	53,501
Prairie Island Indian Community of Minn.	25,898	20,000	16,103	36,103	621	35,482	62,001
<b>MISSISSIPPI</b>							
Mississippi Band of Choctaw	265,453	20,000	165,051	185,051	1,738	183,313	450,504
<b>MONTANA</b>							
Blackfeet Nation	279,738	20,000	173,933	193,933	1,804	192,129	473,671
Chippewa-Cree Tribe (Rocky Boys)	118,801	20,000	73,867	93,867	1,054	92,813	212,668
Confederated Tribe of Salish & Kootenai	452,904	20,000	281,602	301,602	2,612	298,990	754,506
Crow Tribe	359,179	20,000	223,326	243,326	2,175	241,151	602,505
Fort Belknap Community Council	278,710	20,000	173,294	193,294	1,799	191,495	472,004
Fort Peck Assiniboine & Sioux	310,569	20,000	193,102	213,102	1,948	211,154	523,671
Northern Cheyenne Tribe	198,756	20,000	123,580	143,580	1,427	142,153	342,336
<b>NEBRASKA</b>							
Omaha	83,551	20,000	51,950	71,950	890	71,060	155,501
Ponca Tribe of Nebraska	25,692	20,000	15,975	35,975	620	35,355	61,667
Santee Sioux	30,831	20,000	19,170	39,170	644	38,526	70,001
Winnebago	99,583	20,000	61,918	81,918	964	80,954	181,501
<b>NEVADA</b>							
Ely Shoshone Duck Water Tribe	13,360	34,000	8,307	42,307	562	41,745	55,667
Fallon Paiute-Shoshone Tribe	44,088	20,000	27,413	47,413	706	46,707	91,501
Fort McDermitt	26,617	20,000	16,550	36,550	624	35,926	63,167
Inter Tribal Council of Nevada	202,661	193,600	126,008	319,608	1,445	318,163	522,269
Las Vegas Paiute	168,131	20,000	104,538	124,538	1,284	123,254	292,669

Pyramid Lake Paiute Tribal Council	46,452	20,000	28,882	48,882	717	48,165	95,334
Reno-Sparks Indian Colony	31,961	20,000	19,873	39,873	649	39,224	71,834
Shoshone-Paiute Tribe of Duck Valley	59,709	20,000	37,125	57,125	778	56,347	116,834
Walker River Paiute Tribe	28,775	20,000	17,892	37,892	634	37,258	66,667
Lovelock Paiute Tribe	7,502	20,000	4,665	24,665	535	24,130	32,167
<b>NEW MEXICO</b>							
Eight Northern Indian Pueblos	155,387	140,000	96,615	236,615	1,224	235,391	392,002
Mescalero Apache	119,623	20,000	74,378	94,378	1,058	93,320	214,001
Pueblo of Acoma	97,220	20,000	60,448	80,448	953	79,495	177,668
Pueblo of Cochiti	33,092	20,000	20,575	40,575	654	39,921	73,667
Pueblo of Isleta	103,797	20,000	64,538	84,538	984	83,554	188,335
Pueblo of Jemez(Jemus Pueblo)	72,041	20,000	44,793	64,793	836	63,957	136,834
Pueblo of Laguna	164,328	20,000	102,174	122,174	1,266	120,908	286,502
Pueblo of Sandia	11,407	20,000	7,093	27,093	553	26,540	38,500
Pueblo de San Felipe	89,409	20,000	55,592	75,592	917	74,675	165,001
Pueblo of Zia	17,676	20,000	10,991	30,991	582	30,409	48,667
Pueblo of Zuni	223,832	20,000	139,172	159,172	1,544	157,628	383,004
Santa Ana Pueblo	16,751	20,000	10,416	30,416	578	29,838	47,167
Santo Domingo Pueblo	132,675	20,000	82,493	102,493	1,119	101,374	235,168
Taos Pueblo	73,788	20,000	45,879	65,879	844	65,035	139,667
<b>NEW YORK</b>							
St. Regis Mohawk	121,371	20,000	75,465	95,465	1,066	94,399	216,836
Seneca Nation	119,110	20,000	74,059	94,059	1,055	93,004	213,169
<b>NORTH CAROLINA</b>							
Eastern Band of Cherokee	303,581	20,000	188,757	208,757	1,915	206,842	512,338
<b>NORTH DAKOTA</b>							
Spirit Lake Nation	289,707	20,000	180,131	200,131	1,851	198,280	489,838
Standing Rock Sioux Tribe	660,293	20,000	410,550	430,550	3,579	426,971	1,090,843
Three Affiliated Tribes	207,183	20,000	128,820	148,820	1,466	147,354	356,003
Trenton Indian Service Area	66,286	20,000	41,215	61,215	809	60,406	127,501
Turtle Mountain Band of Chippewa	506,036	20,000	314,638	334,638	2,859	331,779	840,674
<b>OKLAHOMA</b>							
Absentee Shawnee Tribe	44,602	20,000	27,732	47,732	708	47,024	92,334
Alabama-Quassarte Tribal Town	59,195	20,000	36,806	56,806	776	56,030	116,001
Apache Tribe of Oklahoma	59,709	20,000	37,125	57,125	778	56,347	116,834
Caddo Indian Tribe of Oklahoma	30,831	20,000	19,170	39,170	644	38,526	70,001
Central Tribes of Shawnee Area, Inc.	320,229	20,000	199,109	219,109	1,993	217,116	539,338
Cherokee Nation	3,918,286	20,000	2,436,271	2,456,271	18,769	2,437,502	6,374,557
Cheyenne & Arapaho	329,684	20,000	204,987	224,987	2,037	222,950	554,671
Chicksaw Nation	839,523	20,000	521,990	541,990	4,414	537,576	1,381,513
Choctaw Nation	1,869,271	20,000	1,162,256	1,182,256	9,215	1,173,041	3,051,527

Cit Band Potawatomi	1,048,453	20,000	651,896	671,896	5,388	666,508	1,720,349
Comanche Tribe of Oklahoma	128,462	20,000	79,874	99,874	1,099	98,775	228,336
Delaware Tribe of Indians	503,570	20,000	313,104	333,104	2,848	330,256	836,674
Delaware Tribe of Western Oklahoma	20,554	20,000	12,780	32,780	596	32,184	53,334
Eastern Shawnee	325,984	20,000	202,687	222,687	2,020	220,667	548,671
Fort Sill Apache Tribe	10,688	20,000	6,645	26,645	550	26,095	37,333
Iowa Tribe of Oklahoma	103,386	20,000	64,282	84,282	982	83,300	187,668
Kaw	118,390	20,000	73,611	93,611	1,052	92,559	212,001
Kialegee	8,119	20,000	5,048	25,048	538	24,510	33,167
Kickapoo	65,772	20,000	40,895	60,895	807	60,088	126,667
Kiowa	188,171	20,000	116,999	136,999	1,377	135,622	325,170
Miami Tribe of Oklahoma	419,196	60,000	260,643	320,643	2,454	318,189	739,839
Modoc Tribe of Oklahoma	179,538	20,000	111,631	131,631	1,337	130,294	311,169
Muscogee-Creek Nation	2,444,677	20,000	1,520,025	1,540,025	11,898	1,528,127	3,984,702
Osage Nation	522,582	20,000	324,926	344,926	2,937	341,989	867,508
Otoe-Missouria	52,207	20,000	32,461	52,461	743	51,718	104,668
Pawnee	34,736	20,000	21,598	41,598	662	40,936	76,334
Ponca Tribe	78,310	20,000	48,691	68,691	865	67,826	147,001
Quapaw Tribe	237,808	20,000	147,862	167,862	1,609	166,253	405,670
Seminole Tribe of Oklahoma	230,203	20,000	143,133	163,133	1,573	161,560	393,336
Seneca Cayuga Tribe of Oklahoma	325,984	20,000	202,687	222,687	2,020	220,667	548,671
Thlopthlocco Tribal Town	16,443	20,000	10,224	30,224	577	29,647	46,667
Tonkawa Tribe	38,744	20,000	24,090	44,090	681	43,409	82,834
Wichita and Affiliated Tribes	64,539	20,000	40,128	60,128	801	59,327	124,667
Wyandotte Tribe	325,984	20,000	202,687	222,687	2,020	220,667	548,671
<b>OREGON</b>							
Burns Paiute Tribe	7,913	20,000	4,920	24,920	537	24,383	32,833
Confederated Tribes of Coos, Lower Umpqua, Siuslaw	16,957	20,000	10,543	30,543	579	29,964	47,500
Conderated Tribes of Grande Ronde	135,039	20,000	83,963	103,963	1,130	102,833	239,002
Conf. Tribes of Siletz Indians	57,243	20,000	35,592	55,592	767	54,825	112,835
Confederated Tribes of Umatilla Indian Reservation	120,959	20,000	75,209	95,209	1,064	94,145	216,168
Conf. Tribes of Warm Springs	118,904	20,000	73,931	93,931	1,054	92,877	212,835
Coquille Indian Tribe	11,921	20,000	7,412	27,412	556	26,856	39,333
Cow Creek Band Of Umpqua Tribe	14,593	20,000	9,074	29,074	568	28,506	43,667
Klamath Tribes	100,817	20,000	62,685	82,685	970	81,715	183,502
<b>RHODE ISLAND</b>							
Narragansett	52,823	20,000	32,844	52,844	746	52,098	105,667
<b>SOUTH CAROLINA</b>							
Catawba Indian Nation	93,006	20,000	57,828	77,828	934	76,894	170,834

**SOUTH DAKOTA**

Cheyenne River Sioux	360,206	-	223,965	-	243,965	2,179	241,786	604,171
Crow Creek Sioux Tribe	111,710	20,000	69,458	20,000	89,458	1,021	88,437	201,168
Flandreau Santee Sioux Tribe	43,677	20,000	27,157	20,000	47,157	704	46,453	90,834
Lower Brule Sioux	49,638	20,000	30,863	20,000	50,863	731	50,132	100,501
Oglala Sioux	1,351,417	20,000	840,270	20,000	860,270	6,801	853,469	2,211,687
Rosebud Sioux	603,359	20,000	375,150	20,000	395,150	3,313	391,837	998,509
Sisseton-Waphton Sioux Tribe	142,336	20,000	88,500	20,000	108,500	1,164	107,336	250,836
Yankton Sioux Tribe	153,332	20,000	95,337	20,000	115,337	1,215	114,122	268,669

**TEXAS**

Alabama-Coushatta	20,143	-	12,524	20,000	32,524	594	31,930	52,667
Ysleta Del Sur Pueblo	24,048	20,000	14,952	20,000	34,952	612	34,340	59,000

**UTAH**

Paiute Indian Tribe	17,471	20,000	10,863	20,000	30,863	581	30,282	48,334
Ute Indian Tribe	141,719	20,000	88,116	20,000	108,116	1,161	106,955	249,835

**WASHINGTON**

Confederated Tribes of Colville	302,450	-	188,054	20,000	208,054	1,910	206,144	510,504
Confederated Tribes of Yakama Indian Nation	558,449	20,000	347,226	20,000	367,226	3,104	364,122	925,675
Jamestown S'Kallam Tribe	104,722	20,000	65,113	20,000	85,113	988	84,125	189,835
Kalispel Tribe of Indians	8,324	20,000	5,176	20,000	25,176	539	24,637	33,500
Lower Elwha Tribal Council (Elwha)	104,208	20,000	64,793	20,000	84,793	986	83,807	189,001
Lummi Indian Nation	125,173	20,000	77,829	20,000	97,829	1,084	96,745	223,002
Makah Tribal Council	91,979	20,000	57,189	20,000	77,189	929	76,260	169,168
Muckleshoot Indian Tribe	116,540	20,000	72,461	20,000	92,461	1,043	91,418	209,001
Nooksack Indian Tribe	38,847	20,000	24,154	20,000	44,154	681	43,473	83,001
Port Gamble S'Kallam	23,534	20,000	14,633	20,000	34,633	610	34,023	58,167
Puyallup Tribe of Indians	772,620	20,000	480,391	20,000	500,391	4,102	496,289	1,273,011
Quileute Tribal Council	17,985	20,000	11,182	20,000	31,182	584	30,598	49,167
Quinault Indian Nation	153,435	20,000	95,401	20,000	115,401	1,215	114,186	268,836
Samish Indian Tribe	9,866	20,000	6,134	20,000	26,134	546	25,588	36,000
Sauk Suiattle Indian Tribe	5,344	20,000	3,323	20,000	23,323	525	22,798	28,667
Skokomish Indian Tribe	47,788	20,000	29,713	20,000	49,713	723	48,990	97,501
South Puget Intertribal Planning Agency	224,654	80,000	139,683	80,000	219,683	1,547	218,136	444,337
Spokane Tribe of Indians	66,697	20,000	41,470	20,000	61,470	811	60,659	128,167
Stillaguamish	50,871	20,000	31,630	20,000	51,630	737	50,893	102,501
Suquamish	29,392	20,000	18,275	20,000	38,275	637	37,638	67,667
Swinomish Tribal Community	25,898	20,000	16,103	20,000	36,103	621	35,482	62,001
Tulalip Tribes	130,209	20,000	80,960	20,000	100,960	1,107	99,853	231,169
Upper Skagit Indian Tribe	20,040	20,000	12,460	20,000	32,460	593	31,867	52,500



<b>WISCONSIN</b>									
Bad River of Lake Superior	39,566	-	24,601	-	44,601	684	43,917	84,167	
Forest County Potawatomi (Potawatomi Community)	45,219	20,000	28,115	20,000	48,115	711	47,404	93,334	
Ho-Chunk Nation (Winnebago)	80,777	20,000	50,224	20,000	70,224	877	69,347	151,001	
Lac Court Oreilles	94,239	20,000	58,595	20,000	78,595	939	77,656	172,834	
Lac Du Flambeau Chippewa	62,381	20,000	38,787	20,000	58,787	791	57,996	121,168	
Menominee Indian Tribe of Wisconsin	169,261	20,000	105,241	20,000	125,241	1,289	123,952	294,502	
Oneida Tribe	283,129	20,000	176,041	20,000	196,041	1,820	194,221	479,170	
Red Cliff Chippewas	53,337	20,000	33,163	20,000	53,163	749	52,414	106,500	
Sokaogan Chippewa	23,637	20,000	14,697	20,000	34,697	610	34,087	58,334	
St. Croix Chippewa	59,401	20,000	36,934	20,000	56,934	777	56,157	116,335	
Stockbridge-Munsee Tribal Council	34,325	20,000	21,342	20,000	41,342	660	40,682	75,667	
<b>WYOMING</b>									
Eastern Shoshone	73,480	-	-	20,000	65,688	843	64,845	139,168	
Northern Arapaho	243,872	20,000	151,632	20,000	171,632	1,637	169,995	415,504	
<b>OTHER TRIBAL ORGANIZATIONS</b>									
ALU LIKE	-	-	-	-	1,000,000	-	1,000,000	1,000,000	
<b>TOTALS</b>	<b>54,340,000</b>	<b>9,074,000</b>	<b>33,925,748</b>	<b>9,074,000</b>	<b>43,999,748</b>	<b>382,400</b>	<b>43,617,348</b>	<b>98,339,748</b>	

\* The estimated allotment amounts are based on the President's FY 2002 Budget Request and are contingent on Congressional appropriations. If Congress enacts and the President approves a different appropriation amount, the allotments will be adjusted accordingly.

In addition, the estimated allotment amounts are calculated on FY 2001 child counts, and final allocations will be based on FY 2002 child counts.

**CHILD COUNT DECLARATION**

Name of Tribal Lead Agency

This certifies that the number of Indian children under age 13 (as defined in the CCDF section of the 102-477 plan) who reside on or near the reservation or service area (as defined in the CCDF section of the 102-477 plan) is: \_\_\_\_\_.  
number

This count shows the number of Indian children under age 13 as of \_\_\_\_\_.  
date

\_\_\_\_\_  
Signature of Individual Authorized to  
Act for the Tribe

## Attachment D

### Assurances and Certifications

The applicant Tribe or tribal consortium assures that:

- (1) Upon approval, it will have in effect a program that complies with the provisions of the Plan printed herein, and is administered in accordance with the Child Care and Development Block Grant Act of 1990, as amended, Section 418 of the Social Security Act, and all other applicable Federal laws and regulations. (658D(b), 658E(a), 98.15(a)(1))
- (2) The parent(s) of each eligible child within the Tribe or tribal service area who receives or is offered child care services for which financial assistance is provided is given the option either to enroll such child with a child care provider that has a grant or contract for the provision of the service or to receive a child care certificate. (658E(c)(2)(A)(i), 98.2, 98.30, 98.15(a)(2)) **[Exempt Tribal Lead Agencies are not required to operate certificate programs.]**
- (3) In cases in which the parent(s) elect(s) to enroll the child with a provider that has a grant or contract with the Lead Agency, the child will be enrolled with the eligible provider selected by the parent to the maximum extent practicable. (658E(c)(2)(A)(ii), 98.15(a)(3), 98.30)
- (4) The child care certificate offered to parents shall be of a value commensurate with the subsidy value of child care services provided under a grant or contract. (658E(c)(2)(A)(iii), 98.15(a)(4), 98.30) **[Exempt Tribal Lead Agencies are not required to operate certificate programs.]**
- (5) The Tribe, or tribal consortium, will coordinate, to the maximum extent feasible, with the Lead Agency(ies) in the State(s) in which the child care programs or activities will be carried out. (98.12, 98.14(a)&(b), 98.81(b)(3)(i), 98.82)
- (6) Tribal Child Care and Development Fund programs and activities will be carried out for the benefit of Indian children on an Indian reservation (except for Programs located in Alaska, California, or Oklahoma). (98.81(b)((3)(ii), 98.83(b)).
- (7) With respect to State and local regulatory requirements (or tribal regulatory requirements), health and safety requirements, payment rates, and registration requirements, State or local (or tribal) rules, procedures or other requirements promulgated for the purpose of the Child Care and Development Fund will not significantly restrict parental choice from among categories of care or types of providers. (658E©(2)(A), 98.15(a)(5), 98.15(p), 98.30(e)&(f), 98.40(b)(2), 98.41(b), 98.43(d), 98.45(d))

The applicant Tribe or tribal consortium also certifies that:

- (1) It has procedures in place to ensure that providers of child care services for which assistance is provided under the Child Care and Development Fund afford parents unlimited access to their children and to the providers caring for their children during the normal hours of operation and whenever such children are in the care of such providers. (658E(c)(2)(B), 98.15(b)(1), 98.31)
- (2) It maintains a record of substantiated parental complaints and makes information regarding such complaints available to the public on request. (658E(c)(2)(C), 98.15(b)(2), 98.32)
- (3) It will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices. (658E(c)(2)(D), 98.15(b)(3), 98.33)
- (4) There are in effect licensing requirements applicable to child care services provided within the State (or area served by the tribal Lead Agency), pursuant to §98.40. (98.15(b)(4), 98.40)
- (5) There are in effect, under tribal, local or State law, requirements designed to protect the health and safety of children; these requirements are applicable to child care providers that provide services for which assistance is made available under the Child Care and Development Fund. (658E(c)(2)(F), 98.15(b)(5), 98.41)
- (6) Procedures are in effect to ensure that child care providers that provide services for which assistance is provided under the Child Care and Development Fund comply with all applicable health and safety requirements. (658E(c)(2)(G), 98.15(b)(6), 98.41)
- (7) Payment rates under the Child Care and Development Fund for the provision of child care services will be sufficient to ensure equal access for eligible children to comparable child care services in the Tribe or tribal service area that are provided to children whose parents are not eligible to receive assistance under this program or under any other Federal or State child care assistance programs. (658E(c)(4)(A), 98.15(b)(7), 98.43)

### Statutory and Regulatory Requirements That Will Not be Waived

The following are the CCDF statutory and regulatory requirements that will not be waived under a consolidated 102-477 plan.

- Grantees will coordinate, to the maximum extent feasible, with the Lead Agency(ies) in the State(s) in which the child care programs or activities will be carried out. (658O(c)(2)(A), 98.12, 98.14(a)&(b), 98.81(b)(3)(1), 98.82)
- Grantees must describe the results of the Lead Agency's coordination activities with agencies responsible for health (including the agency responsible for immunizations), education, employment services or workforce development, and the State Temporary Assistance to Needy Families agency and/or tribal Temporary Assistance to Needy Families agency - if the Tribe is operating its own Temporary Assistance to Needy Families program. (98.14(a), 98.16(d))
- With the exception of applicants located in Alaska, California, or Oklahoma, CCDF programs and activities will be carried out for the benefit of Indian children on Indian reservations. (658O(c)(2)(B), 98.81(b)(3)(ii), 98.83(b))
- Applicants must demonstrate the administrative capability to successfully administer the proposed program in their initial plan. (658O(c)(3)(B))
- Grants and/or contracts are limited to a period of no more than 3 years. (658O(c)(4))
- Funds may not be used for the purchase or improvement of land. (658F(b)(1), 98.54(b)(1))
- Funds may not be used to pay for tuition or to contract for sectarian activities including worship or instruction. (658M, 98.54(c)&(d))
- Applicants must assure they will comply with provisions regarding a drug-free workplace, nondiscrimination, section 504 of the Rehabilitation Act of 1973, Education Amendments, and Age Discrimination Act of 1975, as amended at 45 CFR part 91. (98.13(b)(5))

Note: Since these certifications and assurances are required as part of the consolidated 102-477 plan, they do not need to be submitted with the CCDF application.

- At least one public hearing must be held by Tribes to allow for public comment. (98.14(c))
- Grantees shall establish, and periodically revise a sliding fee scale(s) that provides for cost sharing by families, and is based on income and family size. Grantees may waive contributions and may apply different sliding fee scales. (658E(c)(5), 98.42)
- There are in effect, under tribal, local or State law, requirements designed to protect the health and safety of children that are applicable to child care providers of services for which CCDF assistance is provided. These requirements shall include the prevention and control of infectious diseases (including immunizations); building and physical premises safety; and minimum health and safety training appropriate to the provider setting. (98.41(a))

- Grantees must submit a request to the Secretary of the Department of Health and Human Services, in accordance with uniform procedures, to use funds for construction and renovation purposes. Funds may not be used for construction or major renovation of child care facilities until the Tribe's 102-477 scope of work has been modified to allow for construction or major renovation. (658O(c)(6)(C), 98.84(a)&(b))
- Grantees are not permitted to use amounts for construction or renovation purposes if such use will result in a decrease in the level of services provided by the grantee in the preceding fiscal year. (658O(c)(6)(C), 98.84(b)(3))
- Not more than 15 percent of the aggregate CCDF funds expended by a Tribal Lead Agency from each fiscal year (including amounts used for construction and renovation in accordance with section 98.84, but not including the base amount provided under section 98.83(e)) shall be expended for administrative activities. Amounts used for construction and major renovation in accordance with section 98.84 are not considered administrative costs. (98.52(b), 98.83(g))