

<h1>ACF</h1>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
Administration	1. Log No: ACYF-IM-CC-99-02	2. Issuance Date: July 6, 1999
for Children	3. Originating Office: Office of Administration	
and Families	4. Key Words: Child Care and Development Fund (CCDF); Terms and Conditions for Grant Awards to Indian Tribes	

INFORMATION MEMORANDUM

TO: Tribal Child Care and Development Fund (CCDF) Lead Agencies

SUBJECT: Clarification of the Terms and Conditions for Tribal grant awards issued in FY's 1997, 1998 and 1999.

LEGAL AND RELATED REFERENCES: Section 418 of the Social Security Act; The Child Care Development Block Grant Act of 1990, as amended. 45 CFR 98 and 99

GUIDANCE: It has come to our attention that some Tribes and Tribal organizations may be using outdated and incorrect CCDF Terms and Conditions for FYs 1997, 1998 and 1999. We have issued this Program Instruction to provide Tribes with written copies of the correct Terms and Conditions that apply to Mandatory, Discretionary and Construction/Renovation funds issued under CCDF. We have highlighted on the attachments key elements of those Terms and Conditions that Tribes should be aware of. **Where appropriate, Tribes must incorporate the use of the enclosed Terms and Conditions, paying particular attention to obligation and liquidation requirements.**

The following chart shows obligation and liquidation requirements for fiscal years 1997, 1998 and 1999, for all funding categories within CCDF. Please share this information with your financial staff.

	Must Be Obligated By	Must Be Liquidated By
FY 1997 Mandatory Funds	September 30, 1999	September 30, 1999
FY 1997 Discretionary Funds	September 30, 1999	September 30, 1999
FY 1997 Const. / Renovation	September 30, 1999	September 30, 1999
FY 1998 Mandatory Funds	September 30, 1999	September 30, 2000
FY 1998 Discretionary Funds	September 30, 1999	September 30, 2000
FY 1998 Const. / Renovation	September 30, 2000	September 30, 2000
FY 1999 Mandatory Funds	September 30, 2000	September 30, 2001
FY 1999 Discretionary Funds	September 30, 2000	September 30, 2001
FY 1999 Const. / Renovation	September 30, 2001	September 30, 2001

EFFECTIVE Immediately
DATE:

INQUIRIES: Direct all inquiries to the appropriate ACF Regional Administrator.

/s/

Elizabeth M. James Duke
Deputy Assistant Secretary
For Administration

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)
CHILD CARE AND DEVELOPMENT FUND
CONSTRUCTION OR MAJOR RENOVATION FUNDING (TRIBES)**

**TERMS AND CONDITIONS
FY 1997**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended the Child Care and Development Block Grant (CCDBG) Act of 1990 to allow Tribal Lead Agencies, upon requesting and receiving approval from the Administration for Children and Families (ACF), to use Child Care and Development Fund (CCDF) funds for construction or renovation of child care facilities.

This award is subject to the following terms and conditions:

1. These terms and conditions apply to funds for construction or major renovation. "Construction" means the building of a child care facility which does not currently exist. "Major Renovation" involves structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility, or the extension of a facility to increase its floor area. "Major Renovation" also includes any extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change.
2. The Tribal Lead Agency may not use these funds until its construction/renovation application is approved by ACF. The Tribal Lead Agency must administer these funds in accordance with its construction/renovation application that was approved by ACF and in accordance with the requirements in Program Instruction ACYF-CC-PI-05, dated August 18, 1997. These funds must be obligated and liquidated by September 30, 1999. They are 100% Federal funds and no Tribal match is required to use these funds.

Funds, from the Tribal Lead Agency's CCDF grant award, have been transferred to this separate grant award to be used for construction and renovation activities up to the amount of this award and may be used for construction and renovation. The balance, if any, must be used for allowable CCDF activities. If the Tribal Lead Agency determines that all or part of these funds are not needed for construction or renovation, it must notify ACF in writing before it uses the funds for other allowable CCDF activities. The written notification must specify the amount of funds that will be used for CCDF activities other than construction or renovation.

Mail notification to:
The Administration on Children, Youth and Families
Child Care Bureau

Room 2046, 330 C Street S.W.
Washington, D.C. 20447

3. CCDF funds used to pay for planning or consultant costs related to construction or major renovation must come from this grant award (i.e., the separate construction and renovation grant award). Prior to ACF approval of its construction/renovation application, a Tribal Lead Agency may use CCDF funds from its general Tribal Mandatory or Discretionary grant award for planning or consultation costs; however, once ACF approves the application, a retroactive adjustment must be made to charge these costs to the separate construction and renovation grant award.
4. Funds cannot be used to purchase an existing building or facility.
5. Funds may be used to pay for the costs of constructing or renovating a modular unit, including the costs of buying and installing the unit, if such costs were included in the Tribal Lead Agency's construction/renovation application that has been approved by ACF. A "modular unit" is a portable structure made at another location and moved to a site for use by a Tribe to carry out a CCDF program.
6. Funds can be used for the costs of a construction or major renovation project that was ongoing or completed at the time the Tribal Lead Agency submitted its construction/renovation application, if the costs were included in the application that has been approved by ACF and if the project began after October 1, 1996.
7. Tribal Lead Agencies must submit an original annual financial status report, ACF-696T, of expenditures within 90 days after the end each fiscal year until all funds are expended. Tribes are encouraged to submit final reports as soon as all funds are expended for a fiscal year.

Mail these reports to:

The Administration on Children, Youth and Families
Child Care Bureau
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8. These grant funds may not be used to meet the matching requirements of other Federal grant programs.
9. The expenditure of funds under this program is subject to the annual audit requirements under the Single Audit Act of 1984 (P.L. 98-502) and the Office of Management and Budget Circular A-133.
10. Tribal Lead Agencies must comply with Public Law 103-227, Part C - Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. This Act requires that smoking not be permitted in any portion of any indoor

facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State and local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The Tribal Lead Agency further agrees that the above language will be included in any sub-awards which contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

The U.S. General Accounting Office maintains a toll free telephone number, (800) 424-5454, for receiving information concerning fraud, waste or abuse under grants and cooperative agreements. Such reports are kept confidential, and callers may decline to give their names if they choose to remain anonymous.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)
CHILD CARE AND DEVELOPMENT FUND (TRIBES)
TERMS AND CONDITIONS
FY 1997**

The Child Care and Development Fund includes funds made available under Section 418 of the Social Security Act, as amended by Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193. Title VI of P.L. 104-193 also amended the Child Care and Development Block Grant Act of 1990.

The Child Care and Development Fund consists of two Federal funding sources for Tribes, Tribal Mandatory and Discretionary Funds. Tribes must use these Federal funds in accordance with the requirements of Title VI of PRWORA of 1996. This award is subject to the following terms and conditions:

1. Tribal Mandatory Child Care Fund

Tribes must administer this program in accordance with their interim application for Tribal Mandatory Funds for FY 1997. These funds must be obligated and liquidated by September 30, 1999. They are 100% Federal funds and no Tribal match is required to use these funds.

Discretionary Child Care Fund

Tribes must administer this program in accordance with their interim application for Tribal Discretionary funds for FY 1997. Tribes must liquidate all obligations by September 30, 1999. Discretionary Child Care Funds are 100% Federal funds and no Tribal match is required.

2. Funds used to pay for planning or consultant costs related to construction or major renovation must come from the separate constructions and renovation grant award. However, prior to ACF approval of its construction/renovation application, a tribal Lead Agency may use CCDF funds from its general Tribal Mandatory or Discretionary grant award for planning or consultation costs; however, once ACF approves the application, a retroactive adjustments must be made to charge these costs to the separate construction and renovation grant award.
3. Tribes must submit an original annual financial status report, ACF-696T, of expenditures within 90 days after the end each fiscal year until all funds are expended. Tribes are encouraged to submit final reports as soon as all funds are expended for a fiscal year.

Mail these reports to:

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Child Care Bureau
Room 2046, 330 C Street S.W.

Washington, D.C. 20447

4. These grant funds may not be used to meet the matching requirements of other Federal grant programs.
5. The expenditure of funds under this program is subject to the annual audit requirements under the Single Audit Act of 1984 (P.L. 98-502) and the Office of Management and Budget Circulars A-128 (State Agencies) and A-133 (non-profit entities).
6. Tribes exceeding \$1 million annual allocations for the Tribal Mandatory Child Care Fund and the Discretionary Child Care Fund will receive quarterly grant awards, at the direction of the Office of Management and Budget.
7. Tribes must comply with Public Law 103-227, Part C –Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State and local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The Tribe further agrees that the above language will be included in any subawards which contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)
CHILD CARE AND DEVELOPMENT FUND CONSTRUCTION OR MAJOR
RENOVATION FUNDING (TRIBES)**

**TERMS AND CONDITIONS
FY 1998**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) amended the Child Care and Development Block Grant (CCDBG) Act of 1990 to allow Tribal Lead Agencies, upon requesting and receiving approval from the Administration for Children and Families (ACF), to use Child Care and Development Fund (CCDF) funds for construction or renovation of child care facilities.

This award is subject to the following terms and conditions:

1. These terms and conditions apply to funds for construction or major renovation. "Construction" means the building of a child care facility which does not currently exist. "Major Renovation" involves structural changes to the foundation, roof, floor, exterior or load-bearing walls of a facility, or the extension of a facility to increase its floor area. "Major Renovation" also includes any extensive alteration of a facility such as to significantly change its function and purpose, even if such renovation does not include any structural change.
2. The Tribal Lead Agency must administer these funds in accordance with its construction/renovation application that was approved by ACF and in accordance with the requirements in Program Instruction ACYF-CC-PI-05, dated August 18, 1997. These funds must be obligated and liquidated by September 30, 2000. They are 100% Federal funds and no Tribal match is required to use these funds.

Funds, from the Tribal Lead Agency's CCDF grant award, have been transferred to this separate grant award to be used for construction and renovation activities up to the amount of this award and may be used for construction and renovation. The balance, if any, must be used for allowable CCDF activities. If the Tribal Lead Agency determines that all or part of these funds are not needed for construction or renovation, it must notify ACF in writing before it uses the funds for other allowable CCDF activities. The written notification must specify the amount of funds that will be used for CCDF activities other than construction or renovation.

Mail notification to:

The Administration on Children, Youth and Families
Child Care Bureau
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Washington, D.C. 20447

3. CCDF funds used to pay for planning or consultant costs related to construction or major renovation must come from this grant award (i.e., the separate construction and renovation grant award). Prior to ACF approval of its construction/renovation application, a Tribal Lead Agency may use CCDF funds from its general Tribal Mandatory or Discretionary grant award for planning or consultation costs; however, once ACF approves the application, a retroactive adjustment must be made to charge these costs to the separate construction and renovation grant award.
4. Funds cannot be used to purchase an existing building or facility.
5. Funds may be used to pay for the costs of constructing or renovating a modular unit, including the costs of buying and installing the unit, if such costs were included in the Tribal Lead Agency's construction/renovation application that has been approved by ACF. A "modular unit" is a portable structure made at another location and moved to a site for use by a Tribe to carry out a CCDF program.
6. Funds can be used for the costs of a construction or major renovation project that was ongoing or completed at the time the Tribal Lead Agency submitted its construction/renovation application, if the costs were included in the application that has been approved by ACF and if the project began after October 1, 1996.
7. Tribal Lead Agencies must submit an original annual financial status report, ACF-696T, of expenditures within 90 days after the end each fiscal year until all funds are expended. Tribes are encouraged to submit final reports as soon as all funds are expended for a fiscal year.

Mail these reports to:

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8. These grant funds may not be used to meet the matching requirements of other Federal grant programs.
9. The expenditure of funds under this program is subject to the annual audit requirements under the Single Audit Act of 1984 (P.L. 98-502) and the Office of Management and Budget Circular A-133.
10. Tribal Lead Agencies must comply with Public Law 103-227, Part C - Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children

under the age of 18, if the services are funded by Federal programs either directly or through State and local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF) CHILD CARE
AND DEVELOPMENT FUND (TRIBES)**

**TERMS AND CONDITIONS
FY 1998**

The Child Care and Development Fund includes funds made available under Section 418 of the Social Security Act, as amended by Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), P.L. 104-193. Title VI of P.L. 104-193 also amended the Child Care and Development Block Grant Act of 1990.

The Child Care and Development Fund consists of two Federal funding sources for Tribes, Tribal Mandatory and Discretionary Funds. Tribes must use these Federal funds in accordance with the requirements of Title VI of PRWORA of 1996.

This award is subject to the following terms and conditions:

1. Tribal Mandatory Child Care Fund

Tribes must administer this program in accordance with their application for Tribal Mandatory Funds for FY 1998. These funds must be obligated by September 30, 1999 and liquidated by September 30, 2000. They are 100% Federal funds and no Tribal match is required to use these funds.

Discretionary Child Care Fund

Tribes must administer this program in accordance with their application for Tribal Discretionary funds for FY 1998. Tribes must obligate funds by September 30, 1999 and liquidate all obligations by September 30, 2000. Discretionary Child Care Funds are 100% Federal funds and no Tribal match is required.

2. Funds used to pay for planning or consultant costs related to construction or major renovation must come from the separate constructions and renovation grant award. However, prior to ACF approval of its construction/renovation application, a tribal Lead Agency may use CCDF funds from its general Tribal Mandatory or Discretionary grant award for planning or consultation costs; however, once ACF approves the application, a retroactive adjustments must be made to charge these costs to the separate construction and renovation grant award.
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4. These grant funds may not be used to meet the matching requirements of other Federal grant programs.
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6. Tribes exceeding \$1 million cumulative annual allocations for the Tribal Mandatory Child Care Fund and the Discretionary Child Care Fund will receive quarterly grant awards, at the direction of OMB.
7. Tribes must comply with Public Law 103-227, Part C -Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994. This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State and local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)
CHILD CARE AND DEVELOPMENT FUND CONSTRUCTION OR MAJOR
RENOVATION FUNDING (TRIBES)**

**TERMS AND CONDITIONS
FY 1999**

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2. The Tribal Lead Agency must administer these funds in accordance with its construction/renovation application that was approved by ACF and in accordance with the requirements in Program Instruction ACYF-CC-PI-05, dated August 18, 1997. These funds must be obligated and liquidated by September 30, 2001. They are 100% Federal funds and no Tribal match is required to use these funds.

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Mail notification to:
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Washington, D.C. 20447

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4. Funds cannot be used to purchase an existing building or facility.
5. Funds may be used to pay for the costs of constructing or renovating a modular unit, including the costs of buying and installing the unit, if such costs were included in the Tribal Lead Agency's construction/renovation application that has been approved by ACF. A "modular unit" is a portable structure made at another location and moved to a site for use by a Tribe to carry out a CCDF program.
6. Funds can be used for the costs of a construction or major renovation project that was ongoing or completed at the time the Tribal Lead Agency submitted its construction/renovation application, if the costs were included in the application that has been approved by ACF and if the project began after October 1, 1996.
7. Tribal Lead Agencies must submit an original annual financial status report, ACF-696T, of expenditures within 90 days after the end each fiscal year until all funds are expended. Tribes are encouraged to submit final reports as soon as all funds are expended for a fiscal year.

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8. These grant funds may not be used to meet the matching requirements of other Federal grant programs.
9. The expenditure of funds under this program is subject to the annual audit requirements under the Single Audit Act of 1984 (P.L. 98-502) and the Office of Management and Budget Circular A-133.
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS)
ADMINISTRATION FOR CHILDREN AND FAMILIES (ACF)
CHILD CARE AND DEVELOPMENT FUND
(TRIBES)**

**TERMS AND CONDITIONS
FY 1999**

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The Child Care and Development Fund consists of two Federal funding sources for Tribes, Tribal Mandatory and Discretionary Funds. Tribes must use these Federal funds in accordance with the requirements of Title VI of PRWORA of 1996.

This award is subject to the following terms and conditions:

1. Tribal Mandatory Child Care Fund

Tribes must administer this program in accordance with their application for Tribal Mandatory Funds for FY 1999. **These funds must be obligated by September 30, 2000 and liquidated by September 30, 2001.** They are 100% Federal funds and no Tribal match is required to use these funds.

Discretionary Child Care Fund

Tribes must administer this program in accordance with their application for Tribal Discretionary funds for FY 1999. **Tribes must obligate funds by September 30, 2000 and liquidate all obligations by September 30, 2001.** Discretionary Child Care Funds are 100% Federal funds and no Tribal match is required.

PASSAGE OF P.L. 105-78

With the passage of P.L. 105-78, additional funds have become available for resource and referral activities and school-age care. Tribal Lead agencies must spend at least the earmarked amount on planning, establishing, operating, expanding, developing, and improving resource and referral activities and child care services for school-age children.

2. Funds used to pay for planning or consultant costs related to construction or major renovation must come from the separate constructions and renovation grant award. However, prior to ACF approval of its construction/renovation application, a tribal Lead Agency may use CCDF funds from its general Tribal Mandatory or Discretionary grant award for planning or consultation costs; however, once ACF approves the application, a retroactive adjustments must be made to charge these costs to the separate construction and renovation grant award.

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