

<h1 style="margin: 0;">ACF</h1> <p style="margin: 0;"><b>Administration for Children and Families</b></p>	<b>U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES</b> <b>Administration on Children, Youth and Families</b>	
	<b>1. Log No.:</b> ACYF-PI-CC-06-01	<b>2. Issuance Date:</b> February 6, 2006
	<b>3. Originating Office: Child Care Bureau</b>	
	<b>4. Key Words: Child Care and Development Fund</b>	

**PROGRAM INSTRUCTION**

- TO:** State and Territorial Lead Agencies administering child care programs under the Child Care and Development Block Grant Act of 1990 (the CCDBG Act), as amended, and other interested parties.
- SUBJECT:** Waivers and Technical Assistance Authorized by Public Law (P.L.) 109-148 for States Affected by or Responding to the Gulf Hurricane Disasters.
- REFERENCES:** The CCDBG Act; Section 418 of the Social Security Act; 45 CFR Parts 98 and 99; 63 Federal Register 39936-39998; P.L. 109-148.; and ACYF-IM-CC-05-03.
- PURPOSE:** To provide guidance on the provisions of P.L. 109-148 that relate to the Child Care and Development Fund (CCDF) and give States instructions on how to apply for waivers or request technical assistance.
- BACKGROUND AND POLICY:** On December 30, 2005, the President signed P.L. 109-148, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006. In addition to appropriating funds for the Department of Defense, the Act also provides the Secretary of the Department of Health and Human Services (the Secretary) with temporary authority to waive certain provisions of the CCDBG Act of 1990 for States affected by the Gulf hurricane disasters and those States serving significant numbers of individuals affected by the Gulf hurricane disasters. P.L. 109-148 also gives the Secretary authority to provide technical assistance to States in providing guidance to child care providers serving families affected by the Gulf hurricane disasters.

## GUIDANCE

### Authority Granted by P.L. 109-148:

P.L. 109-148 gives the Secretary temporary authority to grant waivers from certain provisions of the CCDBG Act to States affected by or responding to the disasters caused by Hurricanes Katrina or Rita. The Secretary's waiver authority lasts until September 30, 2006, and it is at the Secretary's discretion whether and to what extent a waiver will be granted. Alabama, Florida, Louisiana, Mississippi and Texas have been deemed "affected States" by P.L. 109-148. Other States may also qualify for waivers if they have served a "significant number of individuals adversely affected by a Gulf hurricane disaster," which includes individuals who, on August 29, 2005, were living, working or attending school in an area declared by the President to be a disaster area as a result of Hurricanes Katrina or Rita.

Eligible States may request waivers from the following CCDF requirements:

- Requirement that eligible families have income no greater than 85 percent of State Median Income;
- Requirement that eligible families be working or in training or educational programs;
- Requirement that States spend at least 4 percent of their CCDF allotment on quality activities;
- Provisions of the CCDBG Act that could be construed to prevent children designated as evacuees from receiving priority for child care services (except that children residing in a State and currently receiving services should not lose such services in order to accommodate evacuee children); and
- Requirements related to State match.

P.L. 109-148 also provides the Secretary with the authority to provide technical assistance to States in providing guidance to licensed or regulated child care providers serving families affected by the Gulf hurricane disasters. Guidance to such providers may be provided through intermediary organizations, "including those with demonstrated experience in providing training and technical assistance to programs serving school-age children up to age 13, involved in reinstating child care services on a broad scale in areas affected by a Gulf hurricane disaster."

### Applying for Waivers and Accessing Technical Assistance:

We remind States that Federal statute and regulations currently allow States broad flexibility in using CCDF funds to respond to Federal or State declared emergency situations. States are encouraged to review the Child Care Bureau's guidance issued September 6, 2005, on Flexibility in Spending CCDF Funds in Response to Federal or State Declared Emergency Situations (ACYF-IM-CC-05-03) for ways in which States can,

without the need for any waiver, serve disaster victims in accordance with the CCDBG Act.

States that wish to apply for a waiver should contact their Administration for Children and Families (ACF) Regional Office in writing. States should also send copies of all waiver requests to Shannon Christian, Associate Commissioner, Child Care Bureau, 1250 Maryland Avenue, SW, Washington, DC 20024.

In requesting a waiver, States should include the basis for their eligibility, a description of the waiver being requested, and any information needed to justify the waiver request. ACF Regional Offices and the Child Care Bureau will work with the Secretary (or his delegate) to consider and decide upon all waiver requests. Follow-up conferences and/or additional written materials, including CCDF State Plan amendments, may be requested to secure additional information needed for consideration of the waiver request.

States are reminded that waiver approval is at the discretion of the Secretary. States should not undertake any action or inaction in violation of the CCDBG Act without first obtaining a waiver from the Secretary. We further remind States that the Secretary's waiver authority expires on September 30, 2006. States should submit waiver requests as soon as possible, but no later than July 31, 2006, to allow adequate time for processing. Finally, States are reminded that no waiver could permit a State to receive more in Federal funds than would otherwise be allotted to it under current law.

States wishing to access technical assistance in providing guidance to child care providers serving families affected by the Gulf hurricane disasters should contact their ACF Regional Offices. States may also refer back to the Child Care Bureau's September 6, 2005, guidance, which provides information on the existing Child Care Technical Assistance Network, which provides States with technical assistance on support for child care providers in all types of settings. Child care information and resources specifically related to hurricane recovery, disaster relief and emergency preparedness may be found on the Child Care Bureau website (<http://www.acf.hhs.gov/programs/ccb/emergency/index.htm>), as well as the websites of the National Child Care Information Center (<http://nccic.acf.hhs.gov/katrina/>) and Child Care Aware (<http://www.childcareaware.org/en/disaster/>). No additional funds have been appropriated for this purpose.

**ADDITIONAL  
QUESTIONS**

Additional questions should be directed to your ACF Regional Office (see attached list of ACF Regional Administrators).

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Joan Ohl  
Commissioner  
Administration on Children,  
Youth and Families

Attachment: List of ACF Regional Administrators

## List of ACF Regional Administrators

<b>REGION I:</b> Connecticut New Hampshire Maine Rhode Island Massachusetts Vermont	Hugh Galligan, RA JFK Federal Bldg. Rm. 2000 Boston, MA 02203 617 565-1020 (ph) 617 565-2493 (fax) <a href="http://www.acf.hhs.gov/programs/region1">http://www.acf.hhs.gov/programs/region1</a>	<b>REGION VI</b> Arkansas Oklahoma Louisiana Texas New Mexico	Leon R. McCowan, RA. West-Central Regional Hub 1301 Young Street Suite 914 Dallas, Texas 75202 214 767-9648 (ph) 214 767-3743 (fax) <a href="http://www.acf.hhs.gov/programs/region6">http://www.acf.hhs.gov/programs/region6</a>
<b>REGION II:</b> New Jersey Puerto Rico New York Virgin Islands	Mary Ann Higgins, RA 26 Federal Plaza Rm. 4114 New York, NY 10278 212 264-2890 (ph) 212 264-4881 (fax) <a href="http://www.acf.hhs.gov/programs/region2">http://www.acf.hhs.gov/programs/region2</a>	<b>REGION VII</b> Iowa Missouri Kansas Nebraska	Linda Lewis, RA Federal Office Bldg. Rm. 276 601 E. 12th St. Kansas City, MO 64106 816 426-3981 (ph) 816 426-2888 (fax) <a href="http://www.acf.hhs.gov/programs/region7">http://www.acf.hhs.gov/programs/region7</a>
<b>REGION III:</b> Delaware Pennsylvania District of Columbia Virginia Maryland West Virginia	David Lett, RA 150 S. Independence Mall West- Suite 864 Public Ledger Bldg. Philadelphia, PA 19106-3499 215 861-4000 (ph) 215 861-4070 (fax) <a href="http://www.acf.hhs.gov/programs/region3">http://www.acf.hhs.gov/programs/region3</a>	<b>REGION VIII</b> Colorado South Dakota Montana Utah North Dakota Wyoming	Thomas F. Sullivan, RA Federal Office Bldg. 1961 Stout St., Rm. 926 Denver, CO 80294-3538 303 844-3100 (phone) 303 844-2313 (fax) <a href="http://www.acf.hhs.gov/programs/region8">http://www.acf.hhs.gov/programs/region8</a>
<b>REGION IV</b> Alabama Mississippi Florida North Carolina Georgia South Carolina Kentucky Tennessee	Carlis V. Williams, RA Atlanta Fed. Center 61 Forsyth Street, S.W. Suite 4M60 Atlanta, GA 30303 404 562-2900 (ph) 404 562-2981 (fax) <a href="http://www.acf.hhs.gov/programs/region4">http://www.acf.hhs.gov/programs/region4</a>	<b>REGION IX</b> Arizona Nevada California Hawaii American Samoa Guam N. Mariana Islands	Sharon M. Fujii, RA 50 United Nations Plaza Rm. 450 San Francisco, CA 94102 415 437-8400 (ph) 415 437-8444 (fax) <a href="http://www.acf.hhs.gov/programs/region9">http://www.acf.hhs.gov/programs/region9</a>
<b>REGION V</b> Illinois Minnesota Indiana Ohio Michigan Wisconsin	Joyce Thomas, RA 233 N. Michigan Ave. Suite 400 Chicago, IL 60601 312 353-4237 (ph) 312 353-2204 (fax) <a href="http://www.acf.hhs.gov/programs/region5">http://www.acf.hhs.gov/programs/region5</a>	<b>REGION X</b> Alaska Oregon Idaho Washington	Stephen Henigson, RA Blanchard Plaza 2201 Sixth Ave. Rm. 610-M/S RX-70 Seattle, Washington 98121 206 615-2547 (ph) 206 615-2574 (fax) <a href="http://www.acf.hhs.gov/programs/region10">http://www.acf.hhs.gov/programs/region10</a>