

DEPARTMENT OF HEALTH & HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201
www.acf.dhhs.gov/programs/acyf

May 6, 1999

Dear Colleague:

Enclosed are two Program Instructions that contain application and plan procedures to apply for FY 2000 Child Care and Development Fund (CCDF) funds:

ACYF-CC-PI-99-03 contains the CCDF Plan Preprint; and

ACYF-CC-PI-99-04 contains the procedures for Tribes that elect to consolidate the CCDF program with other employment and training funding sources under an approved 102-477 plan.

Based on the CCDF amended regulations, the Tribal Plan Preprint includes new requirements for: Child Count – under age 13 (Plan section 1.9); Coordination of Services (Plan section 2.2.2); Market Rate Survey (Plan section 3.2); and TANF Agency's Criteria/Definitions Regarding Inability to Obtain Care (Plan section 4.4). Other minor changes have been made to the Plan that improve the format and provide additional clarity in certain sections.

Regardless of whether a Plan was submitted last year, all Tribal Lead Agencies must complete and submit the attached plan preprint. This revised Plan preprint will be effective for a two-year period beginning October 1, 1999.

Resource and Referral and School-Age Care Funds

A \$19,120,000 earmark was included in the FY 2000 Discretionary Funds appropriation for child care resource and referral and school age care activities. Consistent with two percent tribal set-aside, Tribes will receive \$382,400 of this amount. Because Congress earmarked funds specifically for these activities, all FY 2000 CCDF grantees are required to spend CCDF funds for this purpose.

The Tribal Estimates Chart (attached to both Program Instructions) provides the estimated amount that each Tribe must spend on these activities. The estimated allocations are based on a grant amount of \$500, plus a per child amount. The \$500 amount was established to ensure that smaller grantees have a minimum amount of funding for resource and referral and school-age care activities.

There is no separate application process to receive these earmarked FY 2000 Discretionary Funds. However, a description of resource and referral and school age care activities must be included under Plan section 5.2.

Both of these quality activities are important supports to working families that need to find quality child care arrangements during their working hours. Therefore, we strongly encourage Tribes to develop comprehensive child care programs that include both of these important quality activities.

Infant and Toddler Quality Improvement

The FY 2000 Discretionary Funds appropriation also requires States to use \$50,000,000 above the four percent quality requirement to improve the quality of infant and toddler child care. Tribes are not required to meet a specific earmark for infant and toddler quality building activities. Yet, we strongly recommend that quality enhancement activities for infants and toddlers care be included in the two-year CCDF tribal Plan that will be submitted to ACF by July 1, 1999.

Construction and Renovation Application Deadline

If you plan to apply to use FY 1999 CCDF funds for construction or renovation application prior to July 1, 1999. Please see Program Instructions ACYF-CC-PI-05 (issued August 18, 1997) and ACYF-PI-CC-97-06 (issued November 4, 1997) regarding construction and renovation procedures.

If you have any information about any of the information contained in the enclosed Program Instructions, please contact your ACF Regional Office. A list of Regional Offices is provided as an attachment to each Program Instruction.

Sincerely,

_____/s/_____
Carmen R. Nazario
Associate Commissioner, ACYF
for Child Care

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-99-04
2. **Issuance Date:** May 6, 1999
3. **Originating Office:** Child Care Bureau
4. **Key Words:** Child Care and Development Fund (CCDF) Fiscal Year 2000 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 administering child care programs under the Child Care and Development Block Grant (CCDBG) Act of 1990, as amended, and other interested parties
To provide information on the procedures to consolidate the Child Care and Development

Purpose: 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 & Related Services Demonstration Act of 1992 (P.L. 102-477).

Background: The Indian Employment, Training and Related Services Demonstration Act of 1992 (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 Child Care and Development Block Grant 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.

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 base amount under the Discretionary Funds is not included in

this calculation.

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 (or such similar age, as determined by the Secretary from the best available data). 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 and Non-Exempt Tribal Grantees:

Tribal Lead Agencies with FY 1999 CCDF allocations equal to or greater than \$500,000 are considered non-exempt grantees; therefore: 1) no less than 4 percent of the aggregate CCDF funds expended in 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).

**Funding
Estimates
And Allocation
Formulas**

ACF estimates that \$70,993,440 in FY 2000 CCDF funds will be available for tribal grantees on October 1, 2000 (\$23,653,440 in Discretionary Funds and \$47,340,000 in Tribal Mandatory Funds).

Grants from Discretionary Funds will include a base amount of \$20,000 plus a per child amount (approximately \$19 per child in FY 1999) 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 \$83 per child in FY 1999) 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 2000 Tribal Estimates Chart (See Attachment B) as a guide. A new applicant should use the base amount plus approximately \$19 per child to estimate its allotment for Discretionary funding, and should use approximately \$83 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.

These amounts are provided for the purpose of estimating the allotments that will become available on October 1, 1999 and may increase or decrease when updated data become available before the final grant awards are issued.

Self-Certification of Child Counts

For funds that become available on October 1, 1999, 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 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 an individual authorized to act for the applicant Tribe or organization. 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.

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).

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 should confer with any other Tribal Lead Agency that has an overlapping or neighboring service area.

Tribal Lead Agencies are advised that ACF will not accept declarations based on child counts that were conducted prior to July 1 of the previous year. For the application and/or plan that is due by July 1, 1999, the child count of children under age 13 must be completed no later than June 30, 1999 and no earlier than July 1, 1998.

Important Note: If a child count for children under age 13 is not included as an attachment to the application and/or plan, ACF will adjust the previous child count to reflect the change in counting children under age 16 to only counting children under age 13. ACF will calculate the adjusted child count by deducting 1/5 of the Tribal Lead Agency's child count that was used to award FY 1999 CCDF funds. The 1/5 reduction approximates the decrease from under age 16 to under age 13 (3 years). This decrease represents about 1/5 of the total years used under the prior age threshold (under age 16).

General 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 (see Attachment B "FY 2000 Tribal Estimates Chart").

2. Child Count Declaration

A signed declaration that certifies the number of Indian children, under age 13 for FY 2000 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.

Note: By applying for FY 2000 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 CDF Parts 98 and 99.

Current grantees that apply for FY 2000 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 Amendment:

All current 102-477 grantees with plans approved beyond FY 2000 must submit a plan amendment by July 1, 1999 to demonstrate how they are addressing the requirement for coordination of services at 98.14(a).

Specifically, the Tribal Lead Agency must describe the results of its 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.

We recommend that current 102-477 grantees include this plan amendment in their FY 2000 CCDF funds application. Note: The new requirement for coordination of services will not be waived under a 102-477 plan (see Attachment E).

General 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 child care services will be integrated and delivered 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 regulations, policies, or procedures that the Tribe requests to be waived. 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 authorizes the Secretary of the Department of Health and Human Services to waive and regulation, policy, or procedures requested by a Tribe, as long as the waiver is not inconsistent with the purpose of P.L. 102-477 or with provisions of the Child Care and Development Block Grant Act, as amended. P.L. 102-477 does not provide authority to waive any statutory provisions.

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

- Identify the specific regulation, policy or procedure;
- Justify the need for the waiver; and
- Discuss what the Tribe will use to replace the existing 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 application (and plans, if applicable) must be postmarked or hand delivered to the BIA no later than July 1, 1999. 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
Washington, D.C. 20240

An additional copy must be sent to the:
Administration on Children Youth and Families
Child Care Bureau
Room 2046
MIB 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 the Bureau of Indian Affairs at (202) 219-5270. 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).

Patricia Montoya
Commissioner
Administration on Children, Youth
and Families

Attachments:

Attachment A - ACF Regional Administrators List

Attachment B - FY 2000 Tribal Estimates Chart

Attachment C - Child Count Declaration

Attachment D - List of Assurances and Certifications

Attachment E - Statutory and Regulatory Requirements That Will Not Be Waived

TRIBAL SUMMARY

FY 2000 TRIBAL ESTIMATES CHART

TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
ALABAMA					
Poarch Band of Creeks	54,730	37,495	796	36,699	92,225
ALASKA					
Agdaagux Tribal Council	-	28,143	593	27,550	28,143
Akaichak Native Community	-	29,482	622	28,860	29,482
Akiak Native Community	-	26,757	563	26,194	26,757
Aleutian/Pribilof Islands Association, Inc.	58,828	175,902	818	175,084	234,730
Arctic Slope Native Association	216,097	159,523	855	158,667	375,620
Association of Village Council Presidents, Inc.	772,414	1,008,929	3,290	1,005,639	1,781,343
Bristol Bay Native Association	193,786	532,973	1,546	531,427	726,759
Central Council Tlingit & Haida Tribes of Alaska	496,305	409,412	2,538	406,874	905,717
Chugachmuit	37,519	110,483	703	109,781	148,002
Cook Inlet Tribal Council, Inc.	726,973	276,624	4,425	272,198	1,003,597
Copper River Native Association	30,234	85,816	633	85,183	116,050
Hoonah Indian Association	-	29,958	632	29,325	29,958
Kawerak, Inc.	259,991	514,653	1,904	512,749	774,644
Kenaitze Indian Tribe IRA	-	30,661	648	30,014	30,661
Kivalina IRA Council	-	27,143	571	26,572	27,143
Kodiak Area Native Association	63,381	159,864	842	159,021	223,245
Kugpagmiut, Inc	-	110,480	826	109,653	110,480
Maniilaq Manpower, Inc	220,924	288,389	1,622	286,767	509,313
Metlakatla Indian Community	47,354	35,656	756	34,900	83,010
Mt. Sanford Tribal Consortium	-	25,986	526	25,461	25,986
Native Village of Barrow	-	57,153	1,221	55,932	57,153
Native Village of Point Hope	-	30,661	648	30,014	30,661

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TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Organized Village of Kwethluk	-	32,138	679	31,458	32,138
Orutsararmuit Native Council	-	55,700	1,190	54,510	55,700
Sitka Tribe of Alaska	-	43,669	929	42,740	43,669
Tanana Chiefs Conference, Inc.	381,563	708,580	2,560	706,020	1,090,143
Yakutat Tlingit Tribe	-	27,552	580	26,972	27,552
ARIZONA					
Cocopah Indian Tribe	22,129	29,367	619	28,748	51,496
Fort McDowell Mohave-Apache	26,500	30,457	643	29,814	56,957
Gila River Indian Community	516,066	152,495	3,286	149,208	668,561
Havasupai Tribal Council	19,306	28,664	604	28,060	47,970
Hopi Tribe	215,733	77,629	1,665	75,964	293,362
Hualapai Tribal Council	109,278	51,092	1,090	50,002	160,370
Navajo Nation	7,989,677	2,015,488	43,639	1,971,849	10,005,165
Pascua Yaqui	440,937	133,766	2,881	130,886	574,703
Quechan Indian Tribe	104,725	49,957	1,065	48,892	154,682
Salt River Pima-Maricopa	213,365	77,039	1,652	75,387	290,404
San Carlos Apache Tribe	303,156	99,421	2,137	97,284	402,577
Tohono O'Odham	600,119	173,447	3,740	169,707	773,566
White Mountain Apache Tribe	634,450	182,005	3,926	178,080	816,455
Yavapai-Apache Tribe (Camp Verde)	27,502	30,707	648	30,058	58,209
CALIFORNIA					
Agua Caliente Band of Cahuilla Indians	7,194	25,645	539	25,107	32,839
Bear River Band of Rohnerville (Rohnerville Rancheria)	13,751	27,279	574	26,705	41,030
Bishop Paiute Tribe	10,837	26,553	559	25,994	37,390
California Indian Manpower, Inc	87,878	286,659	974	285,685	374,537
California Rural Indian Health Board	52,727	84,699	785	83,914	137,426
Campo Consortia	43,074	119,978	733	119,245	163,052
Chukchansi Tribe of Picayane	31,691	31,751	671	31,080	63,442

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TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Cloverdale Rancheria	15,845	27,802	586	27,216	43,647
Enterprise Rancheria	12,294	26,917	566	26,350	39,211
Fort Mojave Tribe	26,682	30,503	644	29,859	57,185
Greenville Rancheria	36,608	32,977	698	32,280	69,585
Hoopa Tribe (Hoopa Valley)	122,938	54,498	1,164	53,334	177,436
Hopland Band of Pomo Indians	14,935	27,575	581	26,994	42,510
Inter Tribal Council of California	209,359	581,218	1,630	579,588	790,577
Karuk	103,086	49,548	1,057	48,492	152,634
La Jolla	10,928	26,576	559	26,017	37,504
Lytton Rancheria	10,655	26,508	558	25,950	37,163
Mechoopda Indian Tribe of Chico Rancheria	25,589	30,231	638	29,593	55,820
Mooretown Rancheria	27,137	30,616	647	29,970	57,753
Morongo Band of Mission Indians	50,632	36,473	773	35,699	87,105
North Fork Rancheria	13,478	27,211	573	26,638	40,689
Pala Band of Mission Indians	23,859	29,799	629	29,170	53,658
Pauma Band of Mission Indians	7,832	25,804	542	25,262	33,636
Pechanga Indian Reservation	16,938	28,073	591	27,482	45,011
Pinoleville Indian Community	11,383	26,689	561	26,127	38,072
Pit River Tribe	55,277	37,631	798	36,832	92,908
Potter Valley Little Lake	9,562	26,236	552	25,684	35,798
Quartz Valley Indian Commun.	8,833	26,053	548	25,506	34,886
Redding Rancheria	246,604	85,325	1,832	83,493	331,929
Rincon San Luiseno Band	18,486	28,460	600	27,860	46,946
Round Valley Indian Tribe	104,178	49,821	1,062	48,759	153,999
Scotts Valley Band of Pomo	6,192	25,395	533	24,861	31,587
Soboba Band of Mission Indians	30,234	31,388	663	30,724	61,622
Southern California Tribal Chairmen's Association	15,845	54,992	586	54,407	70,837

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Susanville Rancheria/Lassen	25,498	30,208	638	29,571	55,706
Table Bluff Rancheria	7,558	25,736	541	25,195	33,294
Torres Martinez Desert Cahuilla	9,562	26,236	552	25,684	35,798
Tuolumne Rancheria	18,942	28,573	602	27,971	47,515
Tyme Maidu Berry Creek Rancheria	15,026	27,598	581	27,016	42,624
Yurok Tribe	71,668	41,717	887	40,830	113,385
COLORADO					
Southern Ute	65,112	40,083	852	39,231	105,195
Ute Mountain Ute Tribe	63,746	39,742	844	38,898	103,488
FLORIDA					
Miccosukee Corporation	4,735	25,034	526	24,508	29,769
Seminole	79,409	43,646	929	42,717	123,055
HAWAII					
ALU LIKE, Inc.	-	1,000,000	-	-	1,000,000
IDAHO					
Coeur d'Alene Tribes	119,660	53,679	1,146	52,533	173,339
Nez Perce Tribe	45,624	35,224	746	34,478	80,848
Northwestern Band of Shoshoni Nation	18,031	28,347	597	27,749	46,378
Shoshone-Bannock Tribes	271,829	91,612	1,968	89,644	363,441
KANSAS					
Kickapoo	14,661	27,507	579	26,928	42,168
Prairie Band of Potawatomi	47,718	35,747	758	34,989	83,465
LOUISIANA					
Coushatta Tribe	14,388	27,438	578	26,860	41,826
Tunica Biloxi	9,380	26,190	551	25,640	35,570
MAINE					
Aroostook Band of Micmac Indians	18,213	28,392	598	27,794	46,605
Houlton Band of Maliseet Indians	18,668	28,505	601	27,904	47,173
Indian Township Passamaquoddy	36,608	32,977	698	32,280	69,585
Penobscot Nation	48,538	35,950	762	35,188	84,488
Pleasant Point Passamaquoddy	57,007	38,063	808	37,255	95,070
MASSACHUSETTS					

TRIBAL SUMMARY

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TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Wampanoag of Gay Head	18,122	28,369	598	27,771	46,491
MICHIGAN					
Bay Mills Indian Community	22,038	29,345	619	28,726	51,383
Grand Traverse Band of Ottawa/Chippewa	42,345	34,407	729	33,679	76,752
Hannahville Indian Community (Potawatomi)	22,311	29,413	620	28,792	51,724
Keweenaw Bay Indian Community	27,684	30,753	649	30,104	58,437
Lac Vieux Desert	13,204	27,143	571	26,572	40,347
Saginaw Chippewa Indian Tribe	60,103	38,834	825	38,010	98,937
Sault Ste. Marie Tribe of Chippewas	321,460	103,984	2,236	101,748	425,444
MINNESOTA					
Bois Forte Reservation (Nett Lake)	51,361	36,654	777	35,877	88,015
Fond Du Lac	275,927	92,634	1,990	90,644	368,561
Grand Portage	10,472	26,462	557	25,906	36,934
Leech Lake	245,147	84,961	1,824	83,137	330,108
Lower Sioux Indian Tribe of Minnesota	22,493	29,459	621	28,838	51,952
Mille Lacs Band of Chippewa	45,624	35,224	746	34,478	80,848
Prairie Island (Mdewakanton Dakota Sioux)	21,673	29,254	617	28,637	50,927
Red Lake	273,377	91,998	1,976	90,022	365,375
Shakopee Mdewakanton Sioux Community	20,672	29,005	612	28,393	49,677
Upper Sioux	13,933	27,325	575	26,749	41,258
White Earth	355,609	112,497	2,420	110,076	468,106
MISSISSIPPI					
Mississippi Band of Choctow	253,981	87,162	1,871	85,291	341,143
MONTANA					
Blackfeet Nation	244,874	84,893	1,822	83,071	329,767
Chippewa-Cree Tribe (Rocky Boys)	142,972	59,491	1,272	58,219	202,463
Confederated Tribe of Salish & Kootenai	357,522	112,974	2,430	110,543	470,496
Crow Tribe	418,171	128,092	2,758	125,334	546,263

TRIBAL SUMMARY

FY 2000 TRIBAL ESTIMATES CHART

TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Fort Belknap Community Council	148,891	60,967	1,304	59,663	209,858
Fort Peck Assiniboine & Sioux	253,070	86,936	1,866	85,069	340,006
Northern Cheyenne Tribe	227,663	80,602	1,729	78,873	308,265
NEBRASKA					
Omaha	77,132	43,079	916	42,162	120,211
Ponca Tribe of Nebraska	26,864	30,548	645	29,903	57,412
Santee Sioux	23,677	29,754	628	29,126	53,431
Winnebago	45,259	35,134	744	34,389	80,393
NEVADA					
Ely Shoshone Duck Water Tribe	16,210	46,497	588	45,909	62,707
Fallon Paiute-Shoshone Tribe	29,414	31,184	659	30,525	60,598
Fort McDermitt	21,127	29,118	614	28,504	50,245
Inter Tribal Council of Nevada	103,541	152,224	1,059	151,165	255,765
Lovelock Paiute Tribe	6,648	25,509	536	24,974	32,157
Pyramid Lake Paiute Tribal Council	51,361	36,654	777	35,877	88,015
Reno-Sparks Indian Colony	34,605	32,478	687	31,791	67,083
Shoshone-Paiute Tribe of Duck Valley	49,630	36,224	768	35,456	85,854
Walker River Paiute Tribe	31,964	31,819	673	31,147	63,783
NEW MEXICO					
Eight Northern Indian Pueblos	151,805	204,804	1,320	203,484	356,609
Mescalero Apache	131,043	56,518	1,208	55,310	187,561
Pueblo of Acoma	107,639	50,684	1,081	49,602	158,323
Pueblo of Cochiti	29,050	31,093	657	30,436	60,143
Pueblo of Isleta	107,184	50,570	1,079	49,492	157,754
Pueblo of Jemez(Jemus Pueblo)	74,491	42,420	902	41,518	116,911
Pueblo of Laguna	175,027	67,481	1,445	66,036	242,508
Pueblo of Sandia	10,199	26,394	555	25,839	36,593
Pueblo de San Felipe	88,515	45,917	978	44,939	134,432
Pueblo of Zia	24,952	30,071	635	29,436	55,023
Pueblo of Zuni	300,333	98,717	2,122	96,596	399,050
Santa Ana Pueblo	20,672	29,005	612	28,393	49,677

TRIBAL SUMMARY

FY 2000 TRIBAL ESTIMATES CHART

TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Santo Domingo Pueblo	143,519	59,627	1,275	58,352	203,146
Taos Pueblo	55,003	37,563	797	36,766	92,566
NEW YORK					
St. Regis Mohawk	93,433	47,142	1,004	46,137	140,575
Seneca Nation	131,953	56,744	1,212	55,532	188,697
NORTH CAROLINA					
Eastern Band of Cherokee	303,429	99,489	2,138	97,351	402,918
NORTH DAKOTA					
Spirit Lake Nation	220,377	78,787	1,690	77,097	299,164
Standing Rock Sioux Tribe	366,810	115,288	2,481	112,808	482,098
Three Affiliated Tribes	191,692	71,636	1,535	70,101	263,328
Trenton Indian Service Area	79,227	43,601	928	42,673	122,828
Turtle Mountain Band of Chippewa	286,126	95,177	2,045	93,132	381,303
OKLAHOMA					
Absentee Shawnee Tribe	60,467	38,925	826	38,098	99,392
Alabama-Quassarte Tribal Town	51,088	36,586	776	35,810	87,674
Apache Tribe of Oklahoma	65,749	40,241	855	39,386	105,990
Caddo Indian Tribe of Oklahoma	24,770	30,026	634	29,392	54,796
Central Tribes of Shawnee Area, Inc.	354,516	112,225	2,414	109,810	466,741
Cherokee Nation	4,340,071	1,105,727	23,934	1,081,793	5,445,798
Cheyenne & Arapaho	365,171	114,881	2,472	112,409	480,052
Chicksaw Nation	818,948	227,996	4,922	223,074	1,046,944
Choctaw Nation	2,070,456	539,967	11,679	528,288	2,610,423
Cit Band Potawatomi	825,414	229,607	4,957	224,650	1,055,021
Comanche Tribe of Oklahoma	164,372	64,825	1,388	63,438	229,197
Delaware Tribe of Indians	557,774	162,892	3,512	159,380	720,666
Delaware Tribe of Western Oklahoma	27,866	30,799	650	30,148	58,665
Eastern Shawnee	12,203	26,894	566	26,328	39,097
Fort Sill Apache Tribe	14,570	27,484	579	26,906	42,054
Iowa Tribe of Oklahoma	35,060	32,591	689	31,902	67,651
Kaw	130,952	56,495	1,207	55,288	187,447

TRIBAL SUMMARY

FY 2000 TRIBAL ESTIMATES CHART

TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Kialegee	5,464	25,214	530	24,684	30,678
Kickapoo	64,201	39,855	847	39,008	104,056
Kiowa	234,857	82,396	1,768	80,628	317,253
Miami Tribe of Oklahoma	530,545	203,807	3,365	200,442	734,352
Modoc Tribe of Oklahoma	5,464	25,214	530	24,684	30,678
Muscogee-Creek Nation	2,708,002	698,892	15,122	683,770	3,406,894
Osage Nation	445,855	134,992	2,907	132,085	580,847
Otoe-Missouria	9,380	26,190	551	25,640	35,570
Pawnee	57,007	38,063	808	37,255	95,070
Ponca Tribe	66,022	40,309	856	39,453	106,331
Quapaw Tribe	263,360	89,501	1,922	87,579	352,861
Seminole Tribe of Oklahoma	151,714	61,671	1,319	60,352	213,385
Seneca Cayuga Tribe of Oklahoma	70,940	41,535	883	40,652	112,475
Thlopthlocco Tribal Town	18,213	28,392	598	27,794	46,605
Tonkawa Tribe	29,596	31,229	660	30,569	60,825
Wichita and Affiliated Tribes	74,947	42,534	905	41,629	117,481
Wyandotte Tribe	577,626	167,840	3,619	164,221	745,466
OREGON					
Burns Paiute Tribe	8,924	26,076	548	25,528	35,000
Confederated Tribes of Coos, Lower Umpqua, Siuslaw	17,576	28,233	595	27,638	45,809
Conderated Tribes of Grande Ronde	149,529	61,126	1,307	59,819	210,655
Conf. Tribes of Siletz Indians	63,746	39,742	844	38,898	103,488
Confederated Tribes of Umatilla Indian Reservation	66,660	40,468	860	39,608	107,128
Conf. Tribes of Warm Springs	140,513	58,878	1,259	57,619	199,391
Coquille Indian Tribe	13,204	27,143	571	26,572	40,347
Cow Creek Band Of Umpqua Tribe	15,117	27,620	582	27,039	42,737
Klamath Tribes	93,524	47,164	1,005	46,159	140,688
RHODE ISLAND					
Narragansett	62,289	39,379	836	38,543	101,668
SOUTH CAROLINA					
Catawba Indian Nation	80,046	43,805	932	42,873	123,851
SOUTH DAKOTA					

TRIBAL SUMMARY

FY 2000 TRIBAL ESTIMATES CHART

TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Cheyenne River Sioux	346,594	110,250	2,371	107,878	456,844
Crow Creek Sioux Tribe	123,757	54,701	1,168	53,533	178,458
Flandreau Santee Sioux Tribe	48,356	35,905	761	35,144	84,261
Lower Brule Sioux	49,448	36,178	767	35,411	85,626
Oglala Sioux	1,231,109	330,737	7,147	323,590	1,561,846
Rosebud Sioux	562,964	164,186	3,540	160,646	727,150
Sisseton-Wapheton Sioux Tribe	143,610	59,650	1,275	58,374	203,260
Yankton Sioux Tribe	184,953	69,956	1,499	68,457	254,909
TEXAS					
Alabama-Coushatta	26,409	30,435	643	29,792	56,844
Ysleta Del Sur Pueblo	31,053	31,593	668	30,925	62,646
UTAH					
Paiute Indian Tribe	21,947	29,322	618	28,704	51,269
Ute Indian Tribe	109,096	51,046	1,089	49,957	160,142
WASHINGTON					
Confederated Tribes of Colville	134,685	57,425	1,227	56,198	192,110
Confederated Tribes of Yakama Indian Nation	524,080	154,492	3,330	151,163	678,572
Jamestown S'Kallam Tribe	92,795	46,983	1,001	45,982	139,778
Kalispel Tribe of Indians	8,287	25,917	545	25,373	34,204
Lower Elwha Tribal Council	36,335	32,909	696	32,213	69,244
Lummi Indian Nation	184,680	69,888	1,497	68,391	254,568
Makah Tribal Council	83,689	44,714	952	43,762	128,403
Muckleshoot Indian Tribe	117,474	53,136	1,134	52,001	170,610
Nooksack Indian Tribe	32,146	31,865	674	31,191	64,011
Port Gamble S'Kallam	18,486	28,460	600	27,860	46,946
Puyallup Tribe of Indians	570,978	166,183	3,583	162,600	737,161
Quileute Tribal Council	14,115	27,370	576	26,794	41,485
Quinault Indian Nation	135,960	57,744	1,234	56,510	193,704
Samish Indian Tribe	7,285	25,668	539	25,129	32,953

TRIBAL SUMMARY

FY 2000 TRIBAL ESTIMATES CHART

TRIBE	FY 2000 TRIBAL MANDATORY ESTIMATE	FY 2000 TRIBAL DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY ESTIMATE	FY 2000 DISCRETIONARY AFTER EARMARK	FY 2000 TOTAL CCDF ESTIMATE
Sauk Suiattle Indian Tribe	5,373	25,192	529	24,663	30,565
Skokomish Indian Tribe	44,531	34,952	740	34,212	79,483
South Puget Intertribal Planning Agency	187,594	142,169	1,513	140,656	329,763
Spokane Tribe of Indians	59,648	38,721	822	37,899	98,369
Stillaguamish	35,060	32,591	689	31,902	67,651
Suquamish	32,601	31,978	676	31,302	64,579
Swinomish Tribal Community	36,608	32,977	698	32,280	69,585
Tulalip Tribes	144,247	59,809	1,279	58,530	204,056
Upper Skagit Indian Tribe	19,397	28,686	605	28,082	48,083
WISCONSIN					
Bad River Band of Lake Superior Tribe of Chippewas	34,332	32,410	685	31,724	66,742
Forest County Potawatomi (Potawatomi Community)	39,978	33,817	716	33,101	73,795
Ho-Chunk Nation (Winnebago)	87,696	45,712	974	44,738	133,408
Lac Courte Oreilles	123,849	54,724	1,169	53,555	178,573
Lac Du Flambeau Chippewa	49,175	36,110	766	35,345	85,285
Menominee Indian Tribe of Wisconsin	230,395	81,283	1,744	79,539	311,678
Oneida Tribe	115,926	52,749	1,126	51,623	168,675
Red Cliff Chippewas	37,519	33,204	703	32,501	70,723
Sokaogan Chippewa	19,943	28,824	608	28,216	48,767
St. Croix Chippewa	43,893	34,794	737	34,057	78,687
Stockbridge-Munsee Tribal Council	21,947	29,322	618	28,704	51,269
WYOMING					
Shoshone-Arapahoe Tribes (Wind River)	318,455	127,087	2,219	124,867	445,542
Totals	47,340,000	23,653,440	382,400	22,271,040	70,993,440

The estimates in this chart are based on child counts used to determine FY 1999 awards. The final allocations, which will be based on updated FY 2000 child counts, will be different.

* The discretionary earmark is the amount of FY 2000 funds required to be spent on resource and referral and school-aged care activities.

CHILD COUNT DECLARATION

Name of Tribal Lead Agency

This certifies that the number of Indian children under age 13 (as defined in Appendix 2, #2) who reside on or near the reservation or service area (as defined in Appendix 2, #3) is : _____(number).

This count shows the number of Indian children under age 13 as of _____ (date).

Signature of Individual Authorized to Act for Tribal Lead Agency

**ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964,
SECTION 504 OF THE REHABILITATION ACT OF 1973, TITLE IX OF THE EDUCATION
AMENDMENTS OF 1972, AND THE AGE DISCRIMINATION ACT OF 1975**

The Applicant provides this assurance in consideration of and for the purpose of obtaining Federal grants, loans, contracts, property, discounts or other Federal financial assistance from the Department of Health and Human Services. THE APPLICANT HEREBY AGREES THAT IT WILL COMPLY WITH:

1. Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 80), to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United State shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.

2. Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 84), to the end that, in accordance with Section 504 of that Act and the Regulation, no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.

3. Title IX of the Educational Amendments of 1972 (Pub. L. 92-318), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 86, to the end that, in accordance with Title IX and the Regulation, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives Federal financial assistance from the Department.

4. The Age Discrimination Act of 1975 (Pub. L. 94-135), as amended, and all requirements imposed by or pursuant to the Regulation of the Department of Health and Human Services (45 CFR Part 91), to the end that, in accordance with the Act and the Regulation, no person in the United States shall, on the basis of race, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department.

The Applicant agrees that compliance with this assurance constitutes a condition of continued receipt of Federal financial assistance, and that it is binding upon the Applicant, its successors, transferees and assignees for the period during which such assistance is provided. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession or the property. The Applicant further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this assurance.

The person or persons whose signature(s) appear(s) below is/are authorized to sign this assurance, and commit the Applicant to the above provisions.

Signature and Title of Authorized Official Date

Name of Applicant or Recipient

Street Address City State Zip Code

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTIONS**

Instructions for Certification

- 1) By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
- 2) The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- 3) The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
- 4) The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- 5) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- 6) The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.
- 7) The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- 8) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).
- 9) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- 10) Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature/Date

Title/Organization

**DEFINITIONS FOR USE WITH CERTIFICATION REGARDING DEBARMENT
(FROM 45 CFR PART 76)**

Covered transaction

For purposes of these regulations, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

Primary covered transaction

Except as noted at 45 CFR 76.110(a)(2), a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S. Department of Housing and Urban Development in such agency's regulations governing debarment and suspension.

Lower tier covered transaction

A lower tier covered transaction is:

- Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.
- Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently \$25,000) under a primary covered transaction.
- Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are:
 - Principal investigators
 - Providers of Federally-required audit services
 - Researchers

Debarment

An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is debarred.

Ineligible

Excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal

employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

Participant

Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.

Person

Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

Principal

Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are:

- Principal investigators
- Researchers

Proposal

A solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

Suspension

An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is suspended.

Voluntary exclusion/voluntarily excluded

A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

HHS CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS: GRANTEES OTHER THAN INDIVIDUALS

Instructions for Certification

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

1) This certification is required by regulations implementing the Drug-Free Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HSS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

2) Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of

application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

3) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

4) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

5) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

- "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);
- "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;
- "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;
- "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

b) Establishing an ongoing drug-free awareness program to inform employees about --

- 1) The dangers of drug abuse in the workplace;
- 2) The grantee's policy of maintaining a drug-free workplace;
- 3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- 4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --

- 1) Abide by the terms of the statement; and
- 2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted

employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted:

- 1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or 2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments if needed):

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

---->NOTE: Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For HHS, the central receipt point is Division of Grants Management and Oversight, Office of Management and Acquisition, HHS, Room 517-D, 200 Independence Ave, S.W., Washington, D.C. 20201

Signature/Date

Title/Organization

CERTIFICATION OF COMPLIANCE WITH THE PRO-CHILDREN ACT OF 1994

Grantees must comply with Public Law 103-227, Part C Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act). 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 or 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 grantee 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 \$1000 per day.

Signature:

Title:

Organization:

Date:

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 TANF agency and/or tribal TANF agency – if the Tribe is operating its own TANF 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 to use funds for construction and renovation purposes. (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))