

TABLE 1.—FY 2004 ALLOTMENTS ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Developmental disabilities councils	Percentage of total appropriation
Vermont .....	450,000	.644699
Virginia .....	1,496,132	2.143456
Washington .....	1,146,785	1.642958
West Virginia .....	646,191	.925775
Wisconsin .....	1,271,345	1.821411
Wyoming .....	450,000	.644699
American Samoa .....	234,348	.335742
Guam .....	234,348	.335742
Northern Mariana Islands .....	234,348	.335742
Puerto Rico .....	2,227,676	3.191513
Virgin Islands .....	234,348	.335742

TABLE 2.—FY 2004 ALLOTMENTS ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Protection & advocacy	Percentage of total appropriation
Total .....	1 \$34,300,000	100.000000
Alabama .....	565,733	1.649367
Alaska .....	345,429	1.007082
Arizona .....	525,992	1.533504
Arkansas .....	350,108	1.020723
California .....	2,877,721	8.389849
Colorado .....	378,623	1.103857
Connecticut .....	351,616	1.025120
Delaware .....	345,429	1.007082
District of Columbia .....	345,429	1.007082
Florida .....	1,566,984	4.568466
Georgia .....	840,683	2.450971
Hawaii .....	345,429	1.007082
Idaho .....	345,429	1.007082
Illinois .....	1,158,316	3.377015
Indiana .....	656,144	1.912956
Iowa .....	345,429	1.007082
Kansas .....	345,429	1.007082
Kentucky .....	521,777	1.521216
Louisiana .....	583,728	1.701831
Maine .....	345,429	1.007082
Maryland .....	449,533	1.310592
Massachusetts .....	561,046	1.635703
Michigan .....	1,072,003	3.125373
Minnesota .....	453,090	1.320962
Mississippi .....	409,250	1.193149
Missouri .....	600,365	1.750335
Montana .....	345,429	1.007082
Nebraska .....	345,429	1.007082
Nevada .....	345,429	1.007082
New Hampshire .....	345,429	1.007082
New Jersey .....	689,825	2.011152
New Mexico .....	345,429	1.007082
New York .....	1,765,521	5.147292
North Carolina .....	879,455	2.564009
North Dakota .....	345,429	1.007082
Ohio .....	1,233,704	3.596805
Oklahoma .....	393,667	1.147717
Oregon .....	357,565	1.042464
Pennsylvania .....	1,303,250	3.799563
Rhode Island .....	345,429	1.007082
South Carolina .....	494,963	1.443041
South Dakota .....	345,429	1.007082

TABLE 2.—FY 2004 ALLOTMENTS ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Protection & advocacy	Percentage of total appropriation
Tennessee .....	657,837	1.917892
Texas .....	2,014,073	5.871933
Utah .....	345,429	1.007082
Vermont .....	345,429	1.007082
Virginia .....	666,903	1.944324
Washington .....	511,307	1.490691
West Virginia .....	362,280	1.056210
Wisconsin .....	566,640	1.652012
Wyoming .....	345,429	1.007082
American Samoa .....	184,802	.538781
Guam .....	184,802	.538781
Northern Mariana Islands .....	184,802	.538781
Puerto Rico .....	993,137	2.895443
Virgin Islands .....	184,802	.538781
DNA People Services <sup>2</sup> .....	Legal 184,802	.538781

<sup>1</sup> In accordance with Public Law 106-402, Section 142(a)(6)(A), \$700,000 has been withheld to fund technical assistance. The statute provides for spending up to two percent (2%) of the amount appropriated under Section 142 for this purpose. Unused funds will be reallocated in accordance with Section 122(e) of the Act.

<sup>2</sup> American Indian Consortiums are eligible to receive an allotment under Section 142(a)(6)(B) of the Act.

Dated: April 9, 2003.

**Patricia A. Morrissey,**  
*Commissioner, Administration on Developmental Disabilities.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

[Program Announcement No. 02-03]

### Family Violence Prevention and Services Program

**AGENCY:** Office of Community Services (OCS), Administration for Children and Families (ACF), Department of Health and Human Services (DHHS).

**ACTION:** Notice of the availability of funding to States, Native American tribes, and tribal organizations for Family Violence Prevention and Services.

**SUMMARY:** This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act to States (including Territories and Insular Areas) and Native American tribes and tribal organizations. The purpose of these

grants is to assist States and tribes in establishing, maintaining, and expanding programs and projects to prevent domestic violence and to provide immediate shelter and related assistance for victims of domestic violence and their dependents.

This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in fiscal year (FY) 2003.

### Closing Dates and Applications

The closing time and date for receipt of applications is 4:30 p.m. (eastern time zone) on May 15, 2003.

**Deadline:** Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline time and date at the Office of Community Services, Administration for Children and Families (ACF), Attention: James W. Gray, Ph.D., 5th Floor, West Wing, 370 L'Enfant Promenade, SW., Washington, DC 20447.

**ADDRESSES:** Applications should be sent to the Department of Health and Human Services, Office of Community Services, Administration for Children and Families, Attention: James W. Gray, Ph.D., 5th Floor, West Wing, 370 L'Enfant Promenade, SW., Washington, DC 20447.

**FOR FURTHER INFORMATION CONTACT:** William D. Riley (202) 401-5529, James W. Gray (202) 401-5705, or Sunni L. Knight (202) 401-5319, Joseph Lonergan, Director, Division of Mandatory Grants.

### Part I. Background Information: Reducing Family and Intimate Violence Through Coordinated Prevention and Services Strategies

#### *The Importance of Coordination of Services*

Family and intimate violence has serious and far-reaching consequences for individuals, families, and communities. Estimates from the Department of Justice National Crime Victimization Survey (NCVS) indicate that, in 1998, about 1 million violent crimes were committed against persons by their current or former spouses, boyfriends, or girlfriends. Such crimes termed intimate partner violence are committed primarily against women. It is important to note that, regardless of the demographic characteristics considered, women experienced intimate partner violence at higher rates than men between 1993 and 1998 (Bureau of Justice Statistics 2000).

The impact of family and intimate violence includes physical injury and

death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children witnessing or experiencing violence in homes, in which the violence occurs, increased fear, reduced mobility and employability, homelessness, substance abuse, and a host of other health and related mental health consequences.

It is estimated that between 12 percent and 35 percent of women visiting emergency rooms with injuries are there because of battering. Estimates of the number of women who are homeless because of battering range from 27 percent to 41 percent to 63 percent of all homeless women. The significant correlation between domestic violence and child abuse, and the use of welfare by battered women as an "economic escape route" also suggest the need to coordinate domestic violence intervention activities with those addressing child abuse and the welfare program under the Temporary Assistance for Needy Families (TANF) program at the State and local levels.

When programs that seek to address these issues operate independently of each other, a fragmented, and consequently less effective, service delivery and prevention system may result. Coordination and collaboration among the police, prosecutors, the courts, victim services providers, child welfare and family preservation services, faith and community-based organizations, and medical and mental health service providers is needed to provide more responsive and effective services to victims of domestic violence and their families. It is essential that all interested parties be involved in the design and improvement of intervention and prevention activities.

To help bring about a more effective response to the problem of domestic violence, the Department of Health and Human Services urges State and Native American tribes receiving funds under this grant announcement to coordinate activities funded under this grant with other new and existing resources for the prevention of family and intimate violence and related issues.

## Part II. General Programmatic and Funding Information

### A. Background

Title III of the Child Abuse Amendments of 1984 (Pub. L. 98-457, 42 U.S.C. 10401 *et seq.*) is entitled the "Family Violence Prevention and Services Act" (the Act). The Act was first implemented in FY 1986, reauthorized and amended in 1992 by Pub. L. 102-295, in 1994 by Pub. L. 103-322, the Violent Crime Control and

Law Enforcement Act, and in 1996 by Pub. L. 104-235, the Child Abuse Prevention and Treatment Act (CAPTA) of 1996. The Act was most recently amended by the "Victims of Trafficking and Violence Protection Act" (Pub. L. 106-386, October 28, 2000).

The purpose of this legislation is to assist States, Native American tribes, and tribal organizations in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of domestic violence and to provide immediate shelter and related assistance for victims of domestic violence and their dependents.

During FY 2002, 200 grants were awarded to States and Native American tribes. The Department also awarded 53 family violence prevention grants to nonprofit State domestic violence coalitions.

Additionally, the Department supports the National Resource Center (NRC) for Domestic Violence and four Special Issue Resource Centers (SIRCs). The SIRCs are the Battered Women's Justice Project, the Resource Center on Child Custody and Protection, Sacred Circle Resource Center for the Elimination of Domestic Violence Against Native Women and the Health Resource Center on Domestic Violence. The purpose of the NRC and the SIRCs is to provide resource information, training, and technical assistance to Federal, State, and Native American agencies, local domestic violence prevention programs, and other professionals who provide services to victims of domestic violence.

In February 1996, the Department funded the national domestic violence hotline to ensure that every woman has access to information and emergency assistance wherever and whenever she needs it. The national domestic violence hotline is a 24-hour, toll-free service, which provides crisis assistance, counseling, and local shelter referrals to women across the country. Hotline counselors are also available for non-English speaking persons and for people who are hearing-impaired. The hotline number is 1-800-799-SAFE; the TDD number for the hearing impaired is 1-800-787-3224. As of June 30, 2002 the National Domestic Violence Hotline has answered more than 700,000 calls.

### B. Funds Available

Of the total appropriation for the Family Violence Prevention and Services program for FY 2003, the Department of Health and Human Services will allocate 70 percent to the designated State agencies administering Family Violence Prevention and Services programs (section 310 (a)) of

the Act. The Department will allocate 10 percent to the tribes and tribal organizations for the establishment and operation of shelters, safe houses, and the provision of related services (section 310 (a)) of the Act. Additionally, we will allocate 10 percent to the State Domestic Violence Coalitions to continue their work within the domestic violence community by providing technical assistance and training, advocacy services with other local domestic violence programs, and to encourage appropriate responses to domestic violence within the States.

Five percent of our FY 2003 appropriation will be available to continue the support for the National Resource Center and the four Special Issue Resource Centers. The remaining five percent of the FY 2003 family violence prevention and services funding will be used to support demonstration programs in the areas of training and technical assistance, collaborative projects with advocacy organizations and service providers, data collection efforts, public education activities, and research and other demonstration activities at the national level.

### C. State Allocations

Family Violence grants to the States, the District of Columbia, and the Commonwealth of Puerto Rico are based on a population formula. Each State shall be allotted a base grant of \$600,000. The remaining balance of FVPSA funds are to be distributed according to the State population ratio (this ratio reflects the States population to the total populations of all States).

For the purpose of computing allotments, the statute provides that Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands will each receive grants of not less than one-eighth of one percent of the amounts appropriated.

### D. Native American Tribal Allocations

Of the funds available for FY 2003, the Department of Health and Human Services will allocate ten percent for grants to Native American Tribes. Native American Tribes and Tribal Organizations are eligible for funding under this program if they meet the definition of such entities as found in the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450 b, and are able to demonstrate their capacity to carry out a family violence prevention and services program.

Any Native American tribe that believes it meets the above eligibility criteria and should be included in the list of eligible tribes should provide

supportive documentation in its application and a request for inclusion (see Native American Tribal Application Requirements in part V).

In computing Native American tribal allocations, we will use the latest available population figures from the Census Bureau. Where Census Bureau data are unavailable, we will use figures from the Bureau Indian Affairs Indian Population and Labor Force Report.

Because section 304 of the Act specifies a minimum base amount for State allocations, we have set a base amount for Native American tribal allocations. Since FY 1986, we have found in practice that the establishment of a base amount has facilitated our efforts to make a fair and equitable distribution of limited grant funds.

Native American tribes and tribal organizations that meet application requirements are awarded base grants in amounts determined by the following chart:

Category number	Tribal population	Will receive a base amount of—
1 .....	1–1,500 .....	\$2,000
2 .....	1,501–3,000 ..	3,500
3 .....	3,001–4,000 ..	4,500
4 .....	4,001–5,000 ..	5,500
5 .....	5,001–6,000 ..	6,500
6 .....	6,001–7,000 ..	7,500
7 .....	7,001–8,000 ..	8,500
8 .....	8,001–9,000 ..	9,500
9 .....	9,001–10,000 ..	10,500
10 .....	10,001–12,000 ..	13,000
11 .....	12,001–14,000 ..	15,000
12 .....	14,001–16,000 ..	17,000
13 .....	16,001–18,000 ..	19,000
14 .....	18,001–20,000 ..	21,000
15 .....	20,001–22,000 ..	23,000
16 .....	22,001–24,000 ..	25,000
17 .....	24,001–26,000 ..	27,000
18 .....	26,001–28,000 ..	29,000
19 .....	28,001–30,000 ..	31,000
20 .....	30,001–32,000 ..	33,000
21 .....	32,001–34,000 ..	35,000
22 .....	34,001–36,000 ..	37,000
23 .....	36,001–38,000 ..	39,000
24 .....	38,001–40,000 ..	41,000
25 .....	40,001–42,000 ..	43,000
26 .....	42,001–44,000 ..	45,000
27 .....	44,001–46,000 ..	47,000
28 .....	46,001–48,000 ..	49,000
29 .....	48,001–50,000 ..	51,000
30 .....	50,001–100,000 ..	125,000
31 .....	100,001–150,000 ..	175,000
32 .....	150,001 and over.	225,000

Once the base amounts have been distributed to the tribes that have applied for family violence funding, the ratio of the tribe's population to the total population of all the applicant tribes is then considered in allocating the remainder of the funds. By distributing

a proportional amount plus a base amount to the tribes we have accounted for the variance in actual population and scope of the family violence programs. As in previous years, tribes are encouraged to apply as consortia for the family violence funding.

### Part III. General Grant Requirements Applicable to States and Native American Tribes

#### A. Definitions

States and Native American tribes should use the following definitions in carrying out their programs. These definitions are found in section 309 of the Family Violence Prevention and Services Act (the Act).

(1) *Family Violence*: Any act or threatened act of violence, including any forceful detention of an individual, which (a) results or threatens to result in physical injury and (b) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing.

(2) *Shelter*: The provision of temporary refuge and related assistance in compliance with applicable State law and regulation governing the provision, on a regular basis, which includes shelter, safe homes, meals, and related assistance to victims of family violence and their dependents.

(3) *Related assistance*: The provision of direct assistance to victims of family violence and their dependents for the purpose of preventing further violence, helping such victims to gain access to civil and criminal courts and other community services, facilitating the efforts of such victims to make decisions concerning their lives in the interest of safety, and assisting such victims in healing from the effects of the violence. Related assistance includes:

(a) Services such as outreach and prevention services for victims and their children, employment training, parenting and other educational services for victims and their children, preventive health services within domestic violence programs (including nutrition, disease prevention, exercise, and prevention of substance abuse), domestic violence prevention programs for school age children, family violence public awareness campaigns, and violence prevention counseling services to abusers; prevention services such as education on family cohesion, marital stability, and conflict resolution; and valuing individual choices made within the context of personal spirituality, to

include faith-based belief systems, and or tribal traditions.

(b) Counseling with respect to family violence, counseling or other supportive services by peers individually or in groups, and referral to community social services;

(c) Transportation, technical assistance with respect to obtaining financial assistance under Federal and State programs, and referrals for appropriate health-care services (including alcohol and drug abuse treatment), but does not include reimbursement for any health-care services;

(d) Legal advocacy to provide victims with information and assistance through the civil and criminal courts, and legal assistance; or

(e) Children's counseling and support services, and child care services for children who are victims of family violence or the dependents of such victims.

#### B. Expenditure Periods

The family violence prevention funds under the Act may be used for obligations on and after October 1 of each fiscal year for which they are granted, and will be available for expenditure through September 30 of the following fiscal year. This means that FY 2003 funds may be used for obligations through September 30, 2004. Recipients must liquidate all obligations incurred under the award by September 30, 2005.

The family violence prevention funds allotted to Native American tribes and tribal organizations may be used on or after July 1 of each fiscal year for which they are granted, and will be available through June 30 of the following fiscal year. This means that FY 2003 funds may be used for obligations through June 30, 2004. Recipients must liquidate all obligations incurred under the award by June 30, 2005.

#### C. Reporting Requirements: Content Requirements of the State and Tribal Performance Report

Section 303(a)(4) requires that States file a performance report with the Department describing the activities carried out, and including an assessment of the effectiveness of those activities in achieving the purposes of the grant. A section of this performance report must be completed by each grantee or subgrantee that performed the direct services contemplated in the State's application certifying performance of such services. State grantees should compile performance reports into a comprehensive report for submission.

The Performance Report should include the following data elements as well as narrative examples of success stories about the services that were provided to victims and their dependents. Please note that section 303(a)(4) of the Family Violence Prevention and Services Act (FVPSA) also requires that the federal director of the FVPSA program suspend funding for an approved application if an applicant fails to submit an annual Performance Report. The Performance Report should include the following data elements:

1. *Funding*—The total amount of the FVPSA grant funds awarded; the percentage of funding used for shelters, and the percentage of funding used for related services and assistance.

2. *Shelters*—The total number of shelters and shelter programs (safe homes/motels, etc.) assisted by FVPSA program funding.

- The number of women sheltered.
- The number of shelters and safe houses in the State.
- The number of young children sheltered (birth–12 years of age).
- The number of teenagers and young adults (13–21 years of age).
- The number of men.
- The number of the elderly.
- The average length of stay.
- The number of women, children, teens, and others referred to other shelters.

3. *Types of individuals served including special populations.* Record information by numbers and percentages against the total population served. Individuals and special populations served should include:

- Racial identification.
- Cultural classification.
- Language (other than English).
- Women of color.
- And other special needs populations.

4. *Related services and assistance.* List the types of related services and assistance provided to victims and their family members by indicating the number of women, children, and men that have received services. Services and assistance may include but are not limited to the following:

- Individual counseling,
- Group counseling,
- Marital Counseling,
- Crisis intervention/hotline,
- Information and referral,
- Batterers support services,
- Legal advocacy services,
- Transportation,
- Services to teenagers,
- Child care,
- Training and technical assistance,
- Housing advocacy,
- Other innovative program activities.

5. *Volunteers*—List the total number of volunteers and hours worked.

6. *Identified Abuse*—Indicate the number of women, children, and men who were identified as victims of physical, sexual, and emotional abuse.

7. *Service referrals*—List the number of women, children, and men referred for the following services: (**Note:** If the individual was identified as a batterer please indicate).

- Alcohol abuse,
- Drug abuse,
- Batterer intervention services,
- Abuse as a child,
- Witnessed abuse,
- Emergency medical intervention,
- Law enforcement intervention.

8. The performance report should include narratives of success stories about services provided and the positive impact on the lives of children and families. Examples may include the following:

- An explanation of the activities carried out including an assessment of the major activities supported by the family violence funds, what particular priorities within the State, tribe, or tribal organization were addressed, and what special emphases were placed on these activities;
- A description of the specific services and facilities that your agency funded, contracted with, or otherwise used in the implementation of your program (e.g., shelters, safehouses, related assistance, programs for batterers);
- An assessment of the effectiveness of the direct service activities contemplated in the application;
- A description of how the needs of under-served populations, including populations under-served because of ethnic, racial, cultural, language diversity, or geographic isolation were addressed, and
- A description and assessment of the prevention activities supported during the program year, e.g., community education events, and public awareness efforts.

Performance reports for the States are due on an annual basis on December 29. Performance reports for tribes and tribal organizations are due on an annual basis on September 28 of each year.

#### *D. Reporting Requirements: Deadlines for Program and Financial Reports*

All State grantees are reminded that the annual Program Reports and annual Financial Status Reports (Standard Form 269) are due 90 days after the end of each Federal fiscal year, i.e., reports are due on December 28 of each year.

All tribal program reports and annual financial status reports are due 90 days

after the end of the expenditure period, i.e., September 29 of each year.

### **Part IV. Application Requirements for States**

#### *A. Eligibility: States*

“States” as defined in section 309(6) of the Act are eligible to apply for funds. The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands.

In the past, Guam, the Virgin Islands and the Commonwealth of the Northern Mariana Islands have applied for funds as a part of their consolidated grant under the Social Services Block grant (the Republic of Palau has applied for funds through the Community Services Block Grant). These jurisdictions need not submit an application under this Program Announcement if they choose to have their allotment included as part of a consolidated grant application.

#### *B. Approval/Disapproval of a State's Application*

The Secretary will approve any application that meets the requirements of the Act and this announcement and will not disapprove any such application except after reasonable notice of the Secretary's intention to disapprove has been provided to the applicant and after a six-month period providing an opportunity for the applicant to correct any deficiencies.

The notice of intention to disapprove will be provided to the applicant within 45 days of the date of the application.

#### *C. Content of the State Application*

The State's application must be signed by the Chief Executive of the State or the Chief Program Official designated as responsible for the administration of the Act.

All applications must contain the following information or documents:

(1) The name of the State agency, the name of the Chief Program Official designated as responsible for the administration of funds under this Act, and the name of a contact person if different from the Chief Program Official (section 303)(a)(2)(D)).

(2) A plan describing in detail how the needs of underserved populations will be met, including populations underserved because of ethnic, racial, cultural, language diversity, or geographic isolation (section 303(a)(2)(C)).

(a) Identification of the underserved populations that are being targeted for outreach and services.

(b) In meeting the needs of the underserved population, describe the domestic violence training that will be provided to the individuals who will do the outreach and intervention to these populations; and

(c) Describe the public information component of the State's outreach program; describe the elements of your program that are used to explain domestic violence, the most effective and safe ways to seek help and identify available resources, etc.

(3) Provide a complete description of the process and procedures used to involve State domestic violence coalitions and other knowledgeable individuals and interested organizations, including faith and community-based organizations, to assure an equitable distribution of grants and grant funds within the State and between rural and urban areas in the State (sections 303(a)(2)(C)) and 311(a)(5)).

(4) Provide a complete description of the process and procedures implemented that allow for the participation of the State domestic violence coalition in planning and monitoring the distribution of grant funds and determining whether a grantee is in compliance with (section 303(a)(2)(A), 303(a)(3) and 311(a)(5)).

(5) Provide a copy of the procedures developed and implemented that assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under the Act. Include procedures that ensure that individual client records cannot be identified when providing statistical data on program services and activities (section 303(a)(2)(E)).

(6) Include a description of how the State plans to use the grant funds, a description of the target population, the number of shelters to be funded, the services the State will provide, and the expected results from the use of the grant funds (section 303(a)(4)).

(7) Provide a copy of the law or procedures that the State has implemented for the eviction of an abusive spouse from a shared household (section 303(a)(2)(F)).

All applications must contain the following assurances:

(a) That grant funds under the Act will be distributed to local public agencies and nonprofit private organizations (including religious and charitable organizations and voluntary associations) for programs and projects within the State to prevent incidents of family violence and to provide immediate shelter and related assistance for victims of family violence and their

dependents in order to prevent future violent incidents (section 303(a)(2)(A)).

(b) That not less than 70 percent of the funds distributed shall be used for immediate shelter and related assistance to the victims of family violence and their dependents and not less than 25 percent of the funds distributed shall be used to provide related assistance (section 303(f)).

(c) That not more than 5 percent of the funds will be used for State administrative costs (section 303(a)(2)(B)(i)).

(d) That in distributing the funds, the States will give special emphasis to the support of faith and community-based projects of demonstrated effectiveness carried out by non-profit private organizations, particularly those projects the primary purpose of which is to operate shelters for victims of family violence and their dependents and those which provide counseling, advocacy, and self-help services to victims and their children (section 303(a)(2)(B)(ii)).

(e) That grants funded by the States will meet the matching requirements in section 303(e), *i.e.*, not less than 20 percent of the total funds provided for a project under this title with respect to an existing program, and with respect to an entity intending to operate a new program under this title, not less than 35 percent. The local share will be cash or in kind; and the local share will not include any Federal funds provided under any authority other than this title (section 303(e)).

(f) That grant funds made available under this program by the State will not be used as direct payment to any victim or dependent of a victim of family violence (section 303(c)).

(g) That no income eligibility standard will be imposed on individuals receiving assistance or services supported with funds appropriated to carry out the Act (section 303(d)).

(h) That the address or location of any shelter-facility assisted under the Act will not be made public, except with the written authorization of the person or persons responsible for the operation of such shelter (section 303(a)(2)(E)).

(i) That programs or activities funded in whole or in part under the Act will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (section 307).

(j) That funds made available under the FVPSA will be used to supplement and not supplant other Federal, State, and local public funds expended to provide services and activities that promote the purposes of the FVPSA.

(k) That States will comply with the applicable Departmental record-keeping

and reporting requirements and general requirements for the administration of grants under 45 CFR part 92.

## **Part V. Application Requirements for Native American Tribes**

### *A. Eligibility: Native American Tribes*

As described above, Native American tribes and tribal organizations are eligible for funding under this program if they meet the definition of such entities as found in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act and are able to demonstrate their capacity to carry out a family violence prevention and services program.

A list of currently eligible Native American tribes is found at Appendix B of this document. Any Native American tribe that believes it meets the eligibility criteria and should be included in the list of eligible tribes should provide supportive documentation and a request for inclusion in its application (*see* Application Content Requirements below).

As in previous years, Native American tribes may apply singularly or as a consortium. In addition, a non-profit private organization, approved by a Native American tribe for the operation of a domestic violence shelter or program on a reservation is eligible for funding.

### *B. Approval/Disapproval of a Native American Tribes Application*

The Secretary will approve any application that meets the requirements of the Act and this Announcement, and will not disapprove an application unless the Native American tribe or tribal organization has been given reasonable notice of the Department's intention to disapprove and an opportunity to correct any deficiencies (section 303(B)(2)).

### *C. Native American Tribe Application Content Requirements*

The application from a Native American tribe must be signed by the Chief Executive Officer or tribal chairperson of the tribe.

All applications must contain the following information/documents:

(1) The name of the organization or agency and the Chief Program Official designated as responsible for administering funds under the Act, and the name, telephone number, and fax number, if available, of a contact person in the designated organization or agency.

(2) A copy of a current resolution stating that the designated organization

or agency has the authority to submit an application on behalf of the Native American individuals in the tribe(s) and to administer programs and activities funded under this program (section 303(b)(2)).

(3) A description of the procedures designed to involve knowledgeable individuals and interested organizations in providing services under the Act (section 303(b)(2)). For example, knowledgeable individuals and interested organizations may include: tribal officials or social services staff involved in child abuse or domestic violence prevention, tribal law enforcement officials, representatives of State coalitions against domestic violence, and operators of domestic violence shelters and service programs.

(4) A description of the tribe's operation of and/or capacity to carry out a domestic violence prevention and services program. This might be demonstrated in ways such as the following:

(a) The current operation of a shelter, safehouse, or domestic violence prevention program;

(b) The establishment of joint or collaborative service agreements with a local public agency or a private non-profit agency for the operation of domestic violence prevention activities or services; or

(c) The operation of social services programs as evidenced by receipt of "638" contracts with the Bureau of Indian Affairs (BIA); title II Indian Child Welfare grants from the BIA; Child Welfare Services grants under title IV-B of the Social Security Act; or Family Preservation and Family Support grants under title IV-B of the Social Security Act.

(5) A description of the services to be provided, how the Native American tribe or tribal organization plans to use the grant funds to provide the direct services, to whom the services will be provided, and the expected results of the services (section 303(b)(2)).

(6) Documentation of the procedures that assure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services by any program assisted under the Act. Include procedures that ensure that individual client records cannot be identified when providing statistical

data on program services and activities (section 303(a)(2)(E)).

(7) The EIN number of the Native American tribe, tribal organization, or non-profit organization submitting the application.

Each application must contain the following assurances:

(a) That not less than 70 percent of the funds shall be used for immediate shelter and related assistance for victims of family violence and their dependents and not less than 25 percent of the funds distributed shall be used to provided related assistance (section 303(f)).

(b) That grant funds made available under the Act will not be used as direct payment to any victim or dependent of a victim of family violence (section 303(c)).

(c) That the address or location of any shelter or facility assisted under the Act will not be made public, except with the written authorization of the person or persons responsible for the operations of such shelter (section 303(a)(2)(E)).

(d) That law or procedure has been implemented for the eviction of an abusing spouse from a shared household (section 303(a)(2)(F)).

(e) That all programs or activities funded in whole or in part under the Act will prohibit discrimination on the basis of age, handicap, sex, race, color, national origin or religion (section 307).

(f) That applicant will comply with the applicable Departmental record-keeping and reporting requirements and general requirements for the administration of grants under 45 CFR parts 74 and 92.

## Part VI. Other Information

### A. Notification Under Executive Order 12372

For States, this program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," for State plan consolidation and implication only—45 CFR 100.12. The review and comment provisions of the Executive Order and part 100 do not apply. Federally-recognized Native American tribes are exempt from all provisions and requirements of E.O. 12372.

### B. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-511),

the application requirements contained in this instruction have been approved by the Office of Management and Budget under control number 0970-0062.

## C. Certifications

Applications must comply with the required certifications found at Appendix A as follows:

1. Anti-Lobbying Certification and Disclosure Form. Pursuant to 45 CFR part 93, the certification must be signed and submitted with the application. If applicable, a standard form LLL, which discloses lobbying payments must be submitted.

2. Certification Regarding Drug-Free Workplace Requirements.

3. Certification Regarding Debarment: The signature on the application by the chief program official attests to the applicants intent to comply with the Drug-Free Workplace requirements and compliance with the Debarment Certification. The Drug-Free Workplace and Debarment certifications do not have to be returned with the application.

4. Certification Regarding Environmental Tobacco Smoke: The signature on the application by the chief program official attests to the applicants intent to comply with the requirements regarding environmental tobacco smoke and services to children under age 18 of the Pro-Children Act of 1994. The applicant further agrees that it will require the language of this certification be included in any sub-awards which contain provisions for children's services and that all grantees shall certify accordingly.

(Catalog of Federal Domestic Assistance number 93.671, Family Violence Prevention and Services.)

Dated: April 8, 2003.

**Clarence H. Carter,**

*Director, Office of Community Services.*

## Appendix A—Required Certifications:

Attachment—A Certification Regarding Lobbying and Disclosure of Lobbying Activities and Instructions

Attachment—B Certification Regarding Debarment;

Attachment—C Regarding Environmental Tobacco Smoke; and

Attachment—D Drug-Free Workplace Requirements.

**BILLING CODE 4184-01-P**

Administration for Children and Families  
U.S. Department of Health and Human Services

**Attachment A**

**CERTIFICATION REGARDING LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

**INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.



## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure.)

Approved by OMB

0348-0046

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known:	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$ _____	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI):	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

**Attachment B**

Administration for Children and Families  
U.S. Department of Health and Human Services

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

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 or default. 4. The prospective primary participant shall provide immediate written notice to the department or agency to which 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 department or agency to which this proposal is being 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 proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 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 the department or agency entering into this covered transaction, 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

proposed for debarment under 48 CFR part 9, subpart 9.4, 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 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.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 proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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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 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.  
Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--  
Lower Tier Covered Transactions

Instructions for Certification 1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.3. The prospective lower tier participant shall provide immediate written notice to the person to

which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.4. 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 meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those

regulations.5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.7. 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 proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, 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 List of Parties Excluded from Federal Procurement and Nonprocurement Programs.8. 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.9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

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Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE**

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for 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, by Federal grant, contract, loan, or loan guarantee. 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 or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity. By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

## Attachment D

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

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This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(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 the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

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**Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below. 2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards 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, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. 3. For grantees other than individuals, Alternate I applies. 4. For grantees who are individuals, Alternate II applies. 5. 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. 6. 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). 7. 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 paragraph five). 8. 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).

**Certification Regarding Drug-Free Workplace Requirements**

**Alternate I. (Grantees Other Than Individuals)** 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).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:
- Place of Performance (Street address, city, county, state, zip code)

---

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

#### Alternate II. (Grantees Who Are Individuals)

The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[FR Doc. 03-9154 Filed 4-14-03; 8:45 am]  
BILLING CODE 4184-01-C

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Administration for Children and Families

##### President's Committee on Mental Retardation: Notice of Meeting

**AGENCY:** President's Committee on Mental Retardation (PCMR), HHS.

**ACTION:** Notice of meeting.

**DATES:** Monday, May 12, 2003 from 9 a.m. to 5 p.m.; and Tuesday, May 13, 2003, from 9 a.m. to 3 p.m. The full committee meeting of the President's Committee on Mental Retardation will be open to the public.

**ADDRESSES:** The meeting will be held at the Aerospace Center Building, Aerospace Auditorium, 6th Floor East, 370 L'Enfant Promenade, SW., Washington, DC 20447. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.*, interpreting services, assistive listening devices, materials in alternative format) should notify Sally Atwater at 202-619-0634 no later than April 25, 2003. We will attempt to meet requests after that date, but cannot guarantee availability. All meeting sites are barrier free.

**Agenda:** The Committee plans to discuss critical issues relating to individuals with mental retardation

concerning education and transition, family services and support, public awareness, employment, and assistive technology and information.

##### FOR FURTHER INFORMATION CONTACT:

Sally Atwater, Executive Director, President's Committee on Mental Retardation, Aerospace Center Building, Suite 701, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone—(202) 619-0634, Fax—(202) 205-9519, E-mail—[satwater@acf.hhs.gov](mailto:satwater@acf.hhs.gov).

**SUPPLEMENTARY INFORMATION:** The PCMR acts in an advisory capacity to the President and the Secretary of the U.S. Department of Health and Human Services on a board range of topics relating to programs, services, and supports for persons with mental retardation. The Committee, by Executive Order, is responsible for evaluating the adequacy of current practices in programs, services and supports for persons with mental retardation, and for reviewing legislative proposals that impact on the quality of life that is experienced by citizens with mental retardation and their families.

Dated: March 25, 2003.

**Sally Atwater,**

*Executive Director, President's Committee on Mental Retardation.*

[FR Doc. 03-9087 Filed 4-14-03; 8:45 am]

BILLING CODE 4184-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Administration for Children and Families

##### Privacy Act of 1974, As Amended; Computer Matching Program

**AGENCY:** Office of Child Support Enforcement (OCSE), ACF, DHHS.

**ACTION:** Notice of a computer matching program.

**SUMMARY:** In compliance with the Privacy Act of 1974, as amended by Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, we are publishing a notice of a computer matching program that OCSE will conduct on behalf of itself and the District of Columbia Department of Human Services, Income Maintenance Administration (IMA) for verification of continued eligibility for Public Assistance. The match will utilize National Directory of New Hire (NDNH) records and IMA records. The purpose of the computer matching program is to exchange personal data for purposes of identifying individuals who are employed and also are receiving payments pursuant to the Temporary Aid to Needy Families (TANF) benefit program being administered by IMA.

**DATES:** OCSE will file a report of the subject OCSE matching program with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives and the