



Administration for Children and Families

Administration on Children, Youth and Families (ACYF)/
Family and Youth Services Bureau (FYSB)

Family Violence Prevention and Services/Grants for Domestic Violence
Shelters/Grants to Native American Tribes (including Alaska Native Villages) and
Tribal Organizations

HHS-2011-ACF-ACYF-FVPS-0165

Application Due Date: May 13, 2011

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES**

Program Office: Administration on Children, Youth and Families (ACYF),
Family and Youth Services Bureau (FYSB)

Program Announcement Number: HHS-2011-ACF-ACYF-FVPS-0165

Announcement Title: Family Violence Prevention and Services/Grants for
Domestic Violence Shelters/Grants to Native American
Tribes (including Alaska Native Villages) and Tribal
Organizations

CFDA Number: 93.671

Due Date for Applications: May 13, 2011

Executive Summary

This announcement governs the proposed award of formula grants under the Family Violence Prevention and Services Act (FVPSA) to Native American Tribes (including Alaska Native Villages) and Tribal Organizations. The purpose of these grants is to assist Tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence, and to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents. (42 U.S.C. § 10401 et seq.).

This announcement sets forth the application requirements, the application process, and other administrative and fiscal requirements for grants in fiscal year (FY) 2011. The FVPSA was reauthorized in December 2010 and therefore has been significantly reorganized with many new legal requirements. Due to these changes, applicants should be aware that this funding announcement has significantly changed from the ones in years past. Some, but not all of the changes are highlighted below. A link to the legislation is at: <http://www.gpo.gov/fdsys/pkg/PLAW-111publ320/pdf/PLAW-111publ320.pdf>.

Related FOA Section	Change explanation	FVPSA Legislation
<i>Section I. Definitions</i>	The classification of victims to be served was clarified to include victims of domestic and dating violence.	42 U.S.C. § 10401
<i>Section I. Background</i>	The classification of victims to be served was clarified to include adult and youth victims.	42 U.S.C. § 10408(a)
<i>Section I. Background</i>	The purpose of the grant was expanded to include providing specialized services for children.	42 U.S.C. § 10406

Related FOA Section	Change explanation	FVPSA Legislation
<i>Section I. Definitions</i>	The term <i>supportive services</i> replaced <i>related assistance</i> and was more clearly defined.	42 U.S.C. § 10402
<i>Section I. Definitions</i>	New definitions have been added for <i>personally identifying information, shelter, tribally designated official, and underserved populations.</i>	42 U.S.C. § 10402
<i>Section IV. Content of Application Submission</i>	A clearer emphasis on documenting the effectiveness of the programming was added.	42 U.S.C. § 10409(a)
<i>Attachment A</i>	Clarifications were made to the confidentiality provisions referencing non-disclosure of confidential or private information.	42 U.S.C. §§10406(b)(1) and 10408(b)(2)
<i>Section I. Background</i>	Clarification that no fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA.	42 U.S.C. § 10406(c)(3)
<i>Section I. Background</i>	Clarification that receipt of supportive services under the FVPSA will be voluntary. No condition can be applied for the receipt of emergency shelter.	42 U.S.C. § 10408(d)(2)
<i>Attachment A</i>	A clarification on funding distribution was provided in that 70 percent of the funds shall be for providing immediate shelter and supportive services, while 25 percent shall be to provide supportive services and not more than 5 percent of the funds can be used for administrative costs.	42 U.S.C. § 10406(b)(1)
<i>Section I. Background</i>	A requirement for tribal consultation for this grant program was added.	42 U.S.C § 10409(a)

I. Description

Legislative Authority

Fiscal year (FY) 2011 grant awards are authorized by the Family Violence Prevention and Services Act (42 U.S.C. § 10401 et seq.).

Background

The purpose of these grants is to:

- (1) prevent incidents of family violence, domestic violence, and dating violence;
- (2) provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and
- (3) provide specialized services for children exposed to family violence, domestic violence, or dating violence; underserved populations; and victims who are members of racial and ethnic minority populations.

Tribes face unique circumstances and obstacles when responding to family violence. The particular legal relationship of the United States to Indian Tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian victims of family violence. 42 U.S.C. § 10409 (a) states that the Department of Health and Human Services (HHS) will consult with tribal governments regarding this grant and the issue of violence against women. In 2010, the Administration for Children and Families (ACF) consulted with tribal governments on all of the grant programs administered by ACF. In addition, representatives from the Division of Family Violence Prevention within the Family and Youth Services Bureau (FYSB) in ACF attended the Department of Justice Tribal Consultation on Violence Against Women Issues. Throughout FY 2011, ACF is scheduling multiple opportunities for consultation with tribal leaders.

During FY 2010, HHS awarded FVPSA grants to 137 Tribes or tribal organizations, 52 States and Territories, and made 53 family violence grant awards to non-profit State Domestic Violence Coalitions. In addition, HHS supports the Sacred Circle, National Resource Center to End Violence Against Native Women and other resource centers and culturally-specific institutes.

Definitions

Tribes and tribal organizations should use the following definitions in carrying out their programs. The definitions are found in 42 U.S.C. § 10402 or as otherwise cited.

Data Universal Numbering System (DUNS) Number: The nine-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify business entities.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship (42 U.S.C § 13925(a)).

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who

is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (42 U.S.C. § 13925(a)).

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.

Indian Tribe: Any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. § 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. § 450b(e)).

Personally Identifying Information or Personal Information: Any individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including: a first and last name, a home or other physical address, contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number), a social security number and any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of the above identifiers would serve to identify any individual (42 U.S.C. § 13925(a)).

Shelter: The provision of temporary refuge and supportive services in compliance with applicable State law and regulation governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

Supportive Services: Services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety and provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents. These services may include:

- (1) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;
- (2) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;
- (3) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

- (4) provision of culturally and linguistically appropriate services;
- (5) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;
- (6) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—
 - a. assistance in accessing related Federal and State financial assistance programs;
 - b. legal advocacy to assist victims and their dependents;
 - c. medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;
 - d. assistance locating and securing safe and affordable permanent housing and homelessness prevention services;
 - e. provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and
- (7) parenting and other educational services for victims and their dependents;
- (8) prevention services, including outreach to underserved populations (42 U.S.C. §§ 110402(12) and 10408(b)).

Tribal Consortium: Groups of Tribes who agree to apply for and administer a single FVPSA grant with one Tribe or Tribal organization responsible for grant administration. In a Tribal consortium, the population of all of the Tribes involved is used to calculate the award amount. The allocations for each of the Tribes included in the consortium is combined to determine the total grant for the consortium.

Tribally Designated Official: An individual designated by an Indian Tribe, tribal organization, or nonprofit private organization authorized by an Indian Tribe, to administer a grant under 42 U.S.C. § 10409).

Tribal Organization: The recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. In any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the letting or making of such contract or grant (25 U.S.C. § 450b(1)).

Underserved Populations: Populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate (42 U.S.C. § 13925(a)).

General Grant Program Requirements

Client Confidentiality

FVPSA programs must establish or implement policies and protocols for maintaining the safety and confidentiality of the victims of family violence, domestic violence, and dating violence, and their dependants served by the programs. It is essential that the confidentiality and privacy of individuals receiving FVPSA services be protected. Confidential information in the possession of the grantee shall be safeguarded by maintaining this information in locked locations not accessible to those without a need to know and limiting access to only those staff with a need to know. Grantees may not disclose any personally identifying information (see *Section I. Definitions*) collected in connection with services requested (including services utilized or denied), through grantees' programs (42 U.S.C. § 10406(c)(5)(B)(i)).

Grantees may not reveal personally identifying information without informed, written, reasonably time-limited consent by the person for whom information is sought (42 U.S.C. § 10406(c)(5)(B)(ii)). Consent shall be given by the person, except as provided in the case of an unemancipated minor where consent shall be given by the minor and the minor's parent or guardian; or in the case of an individual with a guardian where consent shall be given by the individual's guardian (42 U.S.C. § 10406(c)(5)(B)(ii)(I)). In addition, consent may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor guardian (42 U.S.C. § 10406(c)(5)(B)(ii)(II)). Informed consent should include informing the client about the possible risks of releasing information to the third party in question. If release of information is compelled by statutory or court mandate, grantees shall make reasonable attempts to provide notice to victims affected by the release of the information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information (42 U.S.C. § 10406(c)(5)(C)). Additionally, all consents must be voluntary and cannot be or appear to be a precondition for receiving services.

When providing statistical data on program activities and program services, no personally identifying client-level data may be shared with a third party, including Tribes, tribal organizations, the State, or other FVPSA grantees, regardless of encryption, hashing, or other data security measures, without first obtaining a written, reasonably time-limited consent to release as described in the Violence Against Women Act of 1994 (42 U.S.C. § 40002(b)(2)). The address or location of any FVPSA-funded shelter facility will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public (42 U.S.C. § 10406(c)(5)(H)).

Further, as part of its Performance Progress Report, FYSB requires only that grantees collect unduplicated client data for each program. The count should be within a single program only. FYSB acknowledges the count of individuals served may be duplicated across programs. Grantees may share aggregate data and non-identifying demographic information.

The Importance of Coordinated, Accessible Services

The impacts of family violence may include physical injury and death of primary or secondary victims, psychological trauma, isolation from family and friends, harm to children living with a parent or caretaker who is either experiencing or perpetrating family violence, increased fear, reduced mobility, damaged credit, employment and financial instability, homelessness, substance abuse, chronic illnesses, and a host of other health and related mental health consequences. In tribal communities, these dynamics may be compounded by barriers such as the isolation of vast rural areas, the concern for safety in isolated settings, lack of housing and shelter options, and the transportation requirements over long distances. These factors heighten the need for the coordination of the services through an often limited delivery system. To help bring about a more effective response to the problem of family violence, HHS urges Tribes and tribal organizations receiving funds under this grant announcement to coordinate activities funded under this grant with other resources for the prevention of family violence and related issues and to consider joining a consortium of Tribes to coordinate service delivery where appropriate.

To serve victims most in need and to comply with Federal law, programs and activities funded in whole or in part with FVPSA funds must not discriminate on the basis of age, disability, sex, race, color, national origin, or religion (42 U.S.C. § 10406(c)(2)(A) & (B)). The HHS Office for Civil Rights provides guidance to grantees in complying with these nondiscrimination requirements. Moreover, in addition to being widely accessible, all assistance must be provided on a voluntary basis; receipt of shelter or housing must not be conditioned on participation in supportive services (42 U.S.C. § 10408(d)(2)).

Annual Tribal Grantee Meeting

At least one FVPSA grant administrator per Tribe or tribal organization should expect to attend the annual FVPSA Tribal Grantee Meeting and plan for funds to be available to travel. Subsequent correspondence will advise the Tribal FVPSA Administrators of the date, time, and location of the grantee meeting.

II. Funds Available

Subject to the availability of Federal appropriations and as authorized by law, in FY 2011, HHS will make available to Tribes and tribal organizations grant funds as described in this announcement. In separate announcements, HHS will make available funds to: States to support local domestic violence programs to provide immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents); and State Domestic Violence Coalitions to provide technical assistance and training, advocacy services, and other activities.

Tribal Allocations

In computing tribal allocations, ACF will use the latest available population figures from the Census Bureau. The latest Census population counts may be viewed at: www.census.gov. Where Census Bureau data are unavailable, ACF will use figures from the Bureau of Indian Affairs' (BIA's)

Indian Population and Labor Force Report, which is available at: <http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>. The funding formula for the allocation of family violence funds is based upon the Tribe's population. The formula has two parts, the tribal population base allocation and a population category allocation.

The base allocations are determined by a Tribe's population and a funds allocation schedule. Tribes with populations between 1 and 50,000 people receive a \$2,500 base allocation for the first 1,500 people. For each additional 1,000 people above the 1,500 person minimum, a Tribe's base allocation is increased \$1,000. Tribes with populations between 50,001 to 100,000 people receive base allocations of \$125,000 and Tribes with a population of 100,001 to 150,000 receive a base allocation of \$175,000.

Once the base allocations have been distributed to the Tribes that have applied for FVPSA funding, the ratio of the tribal population category allocation to the total of all base allocations is then considered in allocating the remainder of the funds. By establishing base amounts with distribution of proportional amounts for larger Tribes, FYSB is balancing the need for basic services for all Tribes with the greater demand for services among Tribes with larger populations. In FY 2010, actual grant awards ranged from \$26,232 to \$2,295,289.

Tribes are encouraged to apply for FVPSA funding as a consortium (see *Section I. Definitions*). The allocations for each of the Tribes included in the consortium will be combined to determine the total grant for the consortium.

Expenditure Periods

The project period under this program announcement is 24 months. The FVPSA funds may be used for expenditures 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; i.e., FY 2011 funds may be used for expenditures from October 1, 2010, through September 30, 2012. For example:

Award Year (Federal Fiscal Year (FY))	Project Period (24 Months)	Application Requirements & Expenditure Periods
FY 2010	10/01/2009 – 9/30/2011	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2009. The funds may be expended through September 30, 2011.
FY 2011	10/01/2010 – 9/30/2012	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2010. The funds may be expended through September 30, 2012.
FY 2012	10/01/2011 – 9/30/2013	Regardless of the date the award is received, these funds may be expended by the grantee for obligations incurred since October 1, 2011. The funds may be expended through September 30, 2013.

Re-allotted funds, if any, are available for expenditure until the end of the fiscal year following the fiscal year that the funds became available for re-allotment. FY 2011 grant funds that are made available to Tribes and tribal organizations through re-allotment must be expended by the grantee no later than September 30, 2012.

III. Eligibility

Tribes, tribal organizations and nonprofit private organizations authorized by a Tribe, as defined in *Section I* of this Announcement, are eligible for funding under this program. . A Tribe has the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this grant. Tribes may apply singularly or as a consortium with other Tribes.

DUNS Number Requirement

All applicants for grants and cooperative agreements must have a DUNS number (Data Universal Numbering System) at the time of application. A DUNS number is required whether an applicant is submitting a paper application or using the Government-wide electronic portal: <http://www.Grants.gov>. A DUNS number is required for every application for a new award or renewal/continuation of an award, including applications or plans under formula, entitlement, and block grant programs. A DUNS number may be acquired at no cost online at: <http://www.dnb.com> . To acquire a DUNS number by phone, which takes between 5 and 10 minutes, contact the D&B Government Customer Response Center:

U.S. and U.S Virgin Islands: 1-866-705-5711

Alaska and Puerto Rico: 1-800-234-3867 (Select Option 2, then Option 1)

Monday - Friday 7 a.m. to 8 p.m. CST.

Central Contractor Registration (CCR) Registration Requirement

Central Contractor Registration (CCR): The Federal registrant database and repository into which an entity must provide information required for the conduct of business as a recipient. CCR, managed by the General Services Administration, collects, validates, stores, and disseminates data in support of agency financial assistance missions.

Effective October 1, 2010, HHS requires all grantees that plan to apply for and ultimately receive Federal grant funds from any HHS Operating/Staff Division (OPDIV) or receive subawards directly from recipients of those grant funds to:

- Be registered in the CCR prior to submitting an application of plan;
- Maintain an active CCR registration with current information at all times during which it has an active award or an application or plan under consideration by an OPDIV;
- Provide its DUNS number in each application or plan it submits to the OPDIV.

An award cannot be made until an applicant has complied with these requirements. At the time an award is ready to be made, if the intended recipient has not complied with these requirements, the OPDIV;

- May determine that the applicant is not qualified to receive an award; and
- May use that determination as a basis for making an award to another applicant.

Additionally, all first-tier subaward recipients (i.e., direct subrecipient) must have a DUNS number at the time the subaward is made.

CCR registration may be made online at: <https://www.bpn.gov/ccr> or by phone at 1-877-252-2700.

Due to the possibility of heavy traffic at the CCR website, applicants are strongly encouraged to register at the CCR well in advance of the application due date.

IV. Application Requirements

Content of Application Submission

The content of the application should include the following:

A. Cover Letter

The cover letter of the application should include the following information:

- (1) The name of the Tribe, tribal organization, or nonprofit private organization applying for the FVPSA grant and the mailing address.
- (2) A brief summary of the services to be provided with these grant funds and a description of how the funds are to be spent. For example, a half time Domestic Violence Advocate and costs for transportation to shelter.
- (3) The name of the Tribally Designated Official authorized to administer this grant, along with the telephone number, fax number and e-mail address.
- (4) The name of a Program Contact designated to administer coordination of the programming, including the telephone number, fax number, and e-mail address.
- (5) The Employee Identification Number (EIN) of the applicant organization submitting the application.
- (6) The D-U-N-S number of the applicant organization submitting the application (see *Section III. Eligibility*).
- (7) The signature of the Tribally Designated Official (see *Section I. Definitions*).

B. Involvement of Individuals and Organizations

A description of the procedures designed to involve knowledgeable individuals and interested organizations in providing services under FVPSA (42 U.S.C. § 10409). For example, knowledgeable individuals and interested organizations may include: tribal officials or social services staff involved in child abuse or family violence prevention, tribal law enforcement officials, representatives of State or Tribal Domestic Violence Coalitions, and operators of domestic violence shelters and service programs.

C. Capacity

A description of the applicant's operation of and/or capacity to carry out a FVPSA program. This might be demonstrated in ways such as the following:

- (1) The current operation of a shelter, safe house, or domestic and dating violence prevention program;

- (2) The establishment of joint or collaborative service agreements with a local public agency or a private non-profit agency for the operation of family violence prevention activities or services; or
- (3) The operation of other social services programs.

D. Services to be Provided

A description of the activities and services to be provided, including:

- (1) How the grant funds will be used to provide shelter, supportive services, and prevention services.
- (2) How the services are designed to reduce family violence, domestic violence, and dating violence.
- (3) An explanation of how the program plans to evaluate the services to determine effectiveness.

E. Involvement of Community-based Organizations

- (1) A description of how the applicant will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations.
- (2) A description of how these community-based organizations can assist the Tribe in addressing the unmet needs of such populations.

F. Current Signed Tribal Resolution

A copy of a current tribal resolution or an equivalent document that:

- (1) Covers the entirety of FY 2011, including a date when the resolution or equivalent document expires, which can be no more than 5 years.
- (2) States that the Tribe or tribal organization has the authority to submit an application on behalf of the individuals in the Tribe(s) and to administer programs and activities funded pursuant to 42 U.S.C. § 10409.

NOTE: An applicant that received no funding in the immediately preceding fiscal year must submit a new tribal resolution or its equivalent. An applicant funded as part of a consortium in the immediately preceding year that is now seeking funds as a single Tribe must also submit a new resolution or its equivalent. Likewise, an applicant funded as a single Tribe in the immediately preceding fiscal year that is now seeking funding as a part of a consortium must submit a new resolution or its equivalent.

G. Policies and Procedures

Written documentation of the policies and procedures developed and implemented, including copies of the policies and procedures, to ensure that the safety and confidentiality of clients and their dependants served is maintained. These documents should include:

- (1) The policies and/or procedures that ensure client confidentiality per *Section I.* of this document
- (2) The policies, procedures, and/or laws in place that assure compliance with the listed assurances in Attachment A.

H. Assurances

Each application must sign and include in the application as an attachment the assurances in Attachment A.

I. Certifications

All applications must submit or comply with the required certifications found in Attachments B, C, and D or online at: www.acf.hhs.gov/programs/ofs/forms.htm as follows:

- (1) Anti-Lobbying Certification and Disclosure Form (*See Attachment B*): Applicants should sign and return the certification with their application.
- (2) Certification Regarding Environmental Tobacco Smoke (*See Attachment C*): By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.
- (3) Certification Regarding Drug-Free Workplace Requirements (*See Attachment D*): By signing and submitting the application, applicants are accepting and agreeing to all terms and conditions of the certification.

Paperwork Reduction Act of 1995, Pub. L. 104-13

The public reporting burden for the project description is estimated to average 10 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection information. The Application Requirements and Performance Progress Reports information collection is approved under OMB control number 0970-0280, which expires on December 31, 2011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Notification Under Executive Order 12372

The review and comment provisions of the Executive Order (E.O.) and Part 100 do not apply. Federally recognized Tribes are exempt from all provisions and requirements of E.O. 12372.

Applications should be sent to:

Family Violence Prevention and Services Program
Family and Youth Services Bureau
Administration on Children, Youth and Families
Administration for Children and Families
Attention: Tribal Grant Team
1250 Maryland Avenue, SW., Suite 8217
Washington, DC 20024

V. Approval/ Disapproval of an Application

The Secretary of HHS shall approve any application that meets the requirements of FVPSA and this announcement. The Secretary shall not disapprove an application unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies. The Secretary shall give such notice

within 45 days after the date of submission of the application if any of the provisions of the application have not been satisfied. If the Tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds to such Tribe until such date as the Tribe provides documentation that the deficiencies have been corrected.

VI. Reporting Requirements

Performance Progress Reports

ACF grantees must submit a Performance Progress Report (PPR) using the standardized format provided by FVPSA and approved by the Office of Management and Budget (0970-0280). This report will describe the grant activities carried out during the year, report the number of people served and contain an evaluation of the effectiveness of such activities (42 U.S.C. § 10406(d)). Consortia grantees should compile the information into a comprehensive PPR for submission. A copy of the PPR is available on the FYSB website at:

http://www.acf.hhs.gov/programs/fysb/content/forms/reportforms/fv/ACF_FYSB_FVPSA_Tribal_SF_PPR_v1_0.pdf.

PPRs for Tribes and tribal organizations are due on an annual basis at the end of the calendar year (December 30) and will cover from October 1 through September 30. PPRs should be sent to:

Family Violence Prevention and Services Program
Family and Youth Services Bureau
Administration on Children, Youth and Families
Administration for Children and Families
Attention: Tribal Grant Team
1250 Maryland Avenue, SW., Room 8217
Washington, DC 20024

Federal Financial Reports (FFR)

As of February 1, 2011, the Department of Health and Human Services (HHS) began the transition from use of the SF-269, Financial Status Report (Short Form or Long Form) to the use of the SF-425 Federal Financial Report for expenditure reporting. SF-269s will no longer be accepted for expenditure reports due after that date. If an SF-269 is submitted, the Administration for Children and Families (ACF) will return it and require the recipient to complete the SF-425. The transition strategy is allowing individual HHS Operating Divisions (OPDIVs) to select--from a limited number of options--the approach that best fits their programs and business process. This transition does not affect completion or submission of the cash reporting to the HHS Division of Payment Management's Payment Management System (PMS). The primary features of this transition for recipients are that OPDIVs that previously required electronic submission of the SF-269 will receive the SF-425 expenditure reports electronically and, until further notice, OPDIVs that have been receiving expenditure reports in hard copy will continue to do so.

All expenditure reports will be due on one of the standard due dates by which cash reporting is required to be submitted to PMS OR at the end of a calendar quarter as determined by the Operating

Division. As a result, a recipient that receives awards from more than one OPDIV may be subject to more than one approach, but will not be required to change its current means of submission or be subjected to more than eight standard due dates.

Beginning with budget periods which end from January 1 - March 31, 2011, and for all budget periods thereafter, all affected ACF grantees will be required to submit an SF-425 report as frequently as is required in the terms and conditions of their award using due dates for reports to PMS.

For budget periods ending in the months of:	The FFR (SF-425) is due to ACF on:
October 01 through December 31	January 30
January 01 through March 31	April 30
April 01 through June 30	July 30
July 01 through September 30	October 30

Fillable versions of the SF-425 form in Adobe PDF and MS-Excel formats, along with instructions, are available at: http://www.whitehouse.gov/omb/grants_forms, www.forms.gov, and on the ACF Funding Opportunity website Forms page.

Final program performance and financial reports are due 90 days after the close of the project period. Final reports may be mailed to:

Kalika France
 Division of Mandatory Grants
 Office of Grants Management
 Administration for Children and Families
 370 L'Enfant Promenade, SW., 6th Floor
 Washington, DC 20447
 (202) 401-5677
Kalika.France@acf.hhs.gov

Further instructions will be provided, as necessary, with award terms and conditions that will address specific reporting periods and due dates on an award-by-award basis. Additional information on frequency of reporting is available on the ACF Funding Opportunities web site at: http://www.acf.hhs.gov/grants/msg_sf425.html.

Awards issued as a result of this funding opportunity may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 C.F.R. Part 170. See ACF's Award Term for Federal Financial Accountability and Transparency Act (FFATA) Subaward and

Executive Compensation Reporting Requirement implementing this requirement and additional award applicability information.

Failure to submit reports on time may be a basis for withholding grant funds, suspension, or termination of the grant. In addition, all funds reported after the obligation period will be recouped.

VII. Administrative And National Policy Requirements

Prohibition Against Profit

Grantees are subject to the limitations set forth in 45 C.F.R. Part 74, Subpart E-Special Provisions for Awards to Commercial Organizations (45 C.F.R. §74.81 Prohibition against profit), which states that, "...no HHS funds may be paid as profit to any recipient even if the recipient is a commercial organization. Profit is any amount in excess of allowable direct and indirect costs."

http://edocket.access.gpo.gov/cfr_2009/octqtr/pdf/45cfr74AppE.pdf .

Equal Treatment for Faith-Based Organizations

Grantees are also subject to the requirements of 45 C.F.R. Part 87, Equal Treatment for Faith-Based Organizations: "Direct Federal grants, sub-award funds, or contracts under this ACF program shall not be used to support inherently religious activities such as religious instruction, worship, or proselytization. Therefore, organizations must take steps to separate, in time or location, their inherently religious activities from the services funded under this program. Regulations pertaining to the Equal Treatment for Faith-Based Organizations, which includes the prohibition against Federal funding of inherently religious activities, can be found at the HHS web site at:

<http://www.hhs.gov/fbc/waisgate21.pdf>. A faith-based organization receiving HHS funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs. For example, a faith-based organization may use space in its facilities to provide secular programs or services funded with Federal funds without removing religious art, icons, scriptures, or other religious symbols. In addition, a faith-based organization that receives Federal funds retains its authority over its internal governance, and it may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents in accordance with all program requirements, statutes, and other applicable requirements governing the conduct of HHS funded activities." Additional information on "Understanding the Regulations Related to the Faith-Based and Community Initiative" can be found at: <http://www.hhs.gov/fbc/regulations/index.html> .

The Code of Federal Regulations (C.F.R.) is available at: <http://www.gpoaccess.gov/cfr>.

Award Term and Condition under the Trafficking Victims Protection Act of 2000

Awards issued under this announcement are subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104). For the full text of the award term, go to: http://www.acf.hhs.gov/grants/award_term.html. If you are unable to access this link, please contact the Grants Management Contact identified in *Section VI*. Agency Contacts of this announcement to obtain a copy of the Term.

VIII. Other Information

For Further Information Contact: Rebecca K. Odor at (202) 205-7746 or e-mail at: Rebecca.Odor@acf.hhs.gov.

Attachments:

- A. Assurances
- B. Certification Regarding Lobbying
- C. Certification Regarding Environmental Tobacco Smoke
- D. Drug-Free Workplace Requirements

ASSURANCES OF COMPLIANCE WITH GRANT REQUIREMENTS

The grantee certifies that it will comply with the following assurances under 42 U.S.C. § 10401, et. seq.:

(1) Family Violence Prevention and Services Act (FVPSA) grant funds will be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents. 42 U.S.C. § 10408(b)(1).

(2) Not less than 70 percent of the funds distributed shall be for the primary purpose of providing immediate shelter and supportive services as defined in 42 U.S.C. § 10402(9) and (12) to adult and youth victims of family violence, domestic violence, or dating violence as defined in 42 U.S.C. § 10402(2),(3), and (4), and their dependents. 42 U.S.C. § 10408(b)(2).

(3) Not less than 25 percent of the funds distributed shall be for the purpose of providing supportive services and prevention services as described in 42 U.S.C. § 10408(b)(1)(B) through (H), to victims of family violence, domestic violence, or dating violence, and their dependents. 42 U.S.C. § 10408(b)(2).

(4) Not more than 5 percent of the funds will be used for administrative costs. 42 U.S.C. § 10407(a)(2)(B)(i).

(5) Grant funds will not be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim. 42 U.S.C. § 10408(d)(1).

(6) No income eligibility standard will be imposed on individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out the FVPSA. 42 U.S.C. § 10406(c)(3).

(7) No fees will be levied for assistance or services provided with funds appropriated to carry out the FVPSA. 42 U.S.C. § 10406(c)(3).

(8) The address or location of any shelter or facility assisted under the FVPSA that otherwise maintains a confidential location will, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public. 42 U.S.C. § 10406(c)(5)(H).

(9) Procedures are established to ensure compliance with the provisions of 42 U.S.C. § 10406(c)(5) regarding non-disclosure of confidential or private information. 42 U.S.C. § 10407(a)(2)(A).

(10) Pursuant to 42 U.S.C. § 10406(c)(5), the FVPSA provisions regarding non-disclosure of confidential or private information, the applicant will comply with requirements imposed by that section which include, but are not limited to: (1) grantees shall not disclose any personally identifying information collected in connection with services requested (including services

utilized or denied), through grantee’s funded activities or reveal personally identifying information without informed, written, reasonably time-limited consent that satisfies the requirements of 42 U.S.C. § 10406(c)(5)(B)(ii); (2) grantees releasing information compelled by statutory or court mandate shall adhere to the requirements of 42 U.S.C. § 10406(c)(5)(C); (3) grantees may share non-personally identifying information in the aggregate for the purposes enunciated in 42 U.S.C. § 10406(c)(5)(D)(i); and (4) grantees may share personally identifying information as provided in 42 U.S.C. § 10406(c)(5)(D)(ii) and (iii).

(11) Grant funds awarded to the Tribe under the FVPSA will be used in accordance with 42 U.S.C. § 10406(c)(2) that prohibits discrimination on the basis of age, disability, sex, race, color, national origin, or religion.

(12) 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 objectives of the FVPSA. 42 U.S.C. § 10406(c)(6).

(13) Receipt of supportive services under the FVPSA will be voluntary. No condition will be applied for the receipt of emergency shelter as described in 42 U.S.C. § 10408(b)(1)(A). 42 U.S.C. § 10408(d)(2).

(14) The Tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures. 42 U.S.C. § 10407(a)(2)(H).

Tribally Designated Official

Tribe or Tribal Organization

Title

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

CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

The Pro-Children Act of 2001, 20 U.S.C. 7181 through 7184, imposes restrictions on smoking in facilities where Federally-funded children's services are provided. HHS grants are subject to these requirements only if they meet the Act's specified coverage. The Act specifies that smoking is prohibited in any indoor facility (owned, leased, or contracted for) used for the routine or regular provision of kindergarten, elementary, or secondary education or library services to children under the age of 18. In addition, smoking is prohibited in any indoor facility or portion of a facility (owned, leased, or contracted for) used for the routine or regular provision of federally-funded health care, day care, or early childhood development, including Head Start services to children under the age of 18. The statutory prohibition also applies if such facilities are constructed, operated, or maintained with Federal funds. The statute does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, portions of facilities used for inpatient drug or alcohol treatment, or facilities where WIC coupons are redeemed. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1,000 per violation and/or the imposition of an administrative compliance order on the responsible entity.

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE
REQUIREMENTS**

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.

**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:

- (1) 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;
- (2) Establishing an ongoing drug-free awareness program to inform employees about
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;

- (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (3) 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);
 - (4) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - (a) Abide by the terms of the statement; and
 - (b) 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;
 - (5) Notifying the agency in writing, within 10 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;
 - (6) 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 –
 - (a) 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
 - (b) 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;
 - (7) 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:

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

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