

ACF

**Administration
for Children
and Families**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Children, Youth and Families**

1. Log No.ADD-IM-96-5

2. Issuance Date: 12/20/96

3. Originating Office: Administration on
Developmental Disabilities

4. Key Word: ADD Grantee Requirements

5. Key Word: HHS Appropriations Act of 1997

INFORMATION MEMORANDUM

TO: Directors, Designated State Agencies
Executive Directors, State Developmental
Disabilities Councils
Chairpersons, State Developmental Disabilities
Councils
Directors, State Protection and Advocacy Systems
Grantees, Projects of National Significance

SUBJECT: ADD Grantee Requirements - HHS Appropriations Act
of 1997

LEGAL AND
RELATED

REFERENCES: Developmental Disabilities Assistance and Bill of
Rights Act Amendments of 1994, Public Law 103-230

CONTENT: ADD has received questions from grantees seeking
guidance on Section 507 of the HHS Appropriations
Act of 1997. This provision covers grants only,
contracts are not involved. When issuing
statements, press releases, requests for
proposals, bid solicitations, and other documents
describing projects or programs funded in whole or
in part with Federal money, all grantees receiving
Federal funds, including but not limited to State
and local governments and recipients of Federal
research grants, shall clearly state (1) the
percentage of the total costs of the program or
project which will be financed with Federal money;
(2) the dollar amount of Federal funds for the
project or program; and (3) percentage and dollar
amount of the total costs of the project or
program that will be financed by nongovernmental
sources.

8. As stated in Section 507 of Public Law 103-333 it is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available in this Act should be American made.
9. As stated in Section 508 of Public Law 103-333, statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.
10. Grantees must comply with Public Law 103-227, Part C - Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act). This Act requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments. Federal programs include grants, cooperative agreements, loans or loan guarantees, and contracts. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug and alcohol treatment.

The grantee further agrees that the above language will be included in any subawards which contain provisions for children's services and that all subgrantees shall certify compliance accordingly. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1000 per day.

11. DHHS regulations codified in Title 45 of the Code of Federal Regulations are applicable:

- Part 16 - Department Grant Appeals Board.
- Part 30 - Claims Collection.
- Part 46 - Protection of Human Subjects.
Grants.

This reporting provision is not a new requirement and is part of the Terms and Conditions for both formula and discretionary grants funded under the Developmental Disabilities Act. The Terms and Conditions are attached to the notice of grant award issued at the beginning of the Federal fiscal year. The State Developmental Disabilities Councils should refer to item number 9 of their Terms and Conditions statement. The Protection and Advocacy Agencies should refer to item number 11 of their Terms and Conditions statement. University Affiliated Programs and Projects of National Significance grantees should refer to item number 11 of the ACF Standard Terms and Conditions statement (Revised 7/23/96).

INQUIRIES: Administration on Developmental Disabilities
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Regional Administrators, ACF, Regions I-X



Bob Williams
Commissioner
Administration on Developmental
Disabilities

COPY TO: Regional Administrators, ACF, Regions I-X
Director, Regional Operations Staff, ACF
Executive Director, National Association on
Developmental Disabilities Councils
Vice-President for Government Relations,
Consortium of Developmental Disabilities Councils,
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Protection and Advocacy Systems, Inc.
Executive Director, American Association of
University Affiliated Programs