

# ACF

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For Children

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**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Administration on Developmental Disabilities**

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**2. Issuance Date:** May 28, 2003

**3. Originating Office:** Administration on Developmental Disabilities

**4. Key Words:** Protection and Advocacy Systems; Help America to Vote

## PROGRAM INSTRUCTION

**TO:** Executive Directors, State Protection and Advocacy Systems  
Chairperson, State Developmental Disabilities Councils  
Executive Directors, State Developmental Disabilities Councils  
Directors, University Centers of Excellence on Developmental Disabilities  
Directors, Designated State Agencies

**SUBJECT:** Availability of Fiscal Year 2003 Funds under the Help America Vote Act, P.L. 107-252, title II, Subtitle D, section 291, Payments for Protection and Advocacy Systems (42 USC 15461).

**PURPOSE:** The purposes of this Program Instruction are: 1) to set forth the conditions placed upon the Protection and Advocacy (P&A) Systems receiving funds under 42 USC 15461 of the Help America Vote Act of 2002 (HAVA), and 2) to require P&A Systems to agree to the assurances in writing prior to receiving funds.

**LEGAL AND RELATED REFERENCES:** Title II, Subtitle D of the Help America Vote Act of 2002 (HAVA) ((42 U.S.C. 15461); Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) (42 U.S.C. 15002)); and Section 509 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794e)

## PART I: INTRODUCTION

The Help America Vote Act (HAVA), signed into law by President George W. Bush on October 29, 2002, contains several provisions that will enable State and local units of government responsible for elections and individuals associated with operating the election process to establish, expand, and improve access to and participation in the election process by individuals with the full range of disabilities [disabilities such as blindness and visual

impairment, deafness or hearing impairment, mobility-related, dexterity-related, emotional or intellectual].

## **A. BACKGROUND**

On February 20, 2003, in P.L. 108-7, the Miscellaneous Appropriations Act of 2003, the Congress appropriated \$13 million for the Election Assistance for Individuals with Disabilities (EAID) grant program for States and \$2 million for payments for Protection and Advocacy Systems. HAVA assigned responsibility for the EAID to the Secretary of Health and Human Services (the Secretary), who has assigned responsibility for carrying out this program to the Administration for Children and Families (ACF). Within ACF, the Administration on Developmental Disabilities (ADD) is responsible for the administration of the EAID grant program. In addition to the EAID grant program, HAVA, in title II, Subtitle D, also authorizes the Secretary to pay the Protection and Advocacy System (P&A) (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act)) of each State to ensure full participation in the electoral process by individuals with disabilities, including registering to vote, casting a vote, and accessing polling places.

**CFDA Number:** The Catalog of Federal Domestic Assistance number is 93.618.

## **B. ELIGIBLE GRANTEEES**

The Protection and Advocacy System of each State and Territory under the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

## **C. USE OF FUNDS**

Section 291 of HAVA provides that funds be made available to the Protection and Advocacy System of each State and Territory to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote, and accessing polling places. Grant funds are for the purpose of providing services to individuals with disabilities within the State, as well as education and advocacy that ensure the full participation of individuals with disabilities in the electoral process.

As provided by Section 292(a), none of the HAVA funds provided to a P&A System may be used to initiate or otherwise participate in any litigation connected to election-related disability access, notwithstanding the general authorities that the Protection and Advocacy Systems are otherwise afforded under subtitle C of Title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

P&A Systems are strongly encouraged to use the funds to provide education, training and assistance to individuals with disabilities that will promote their participation in the electoral process. Such activities include, but are not limited to, education regarding voter registration,

providing individuals with disabilities the opportunity to register to vote, providing education to individuals with disabilities regarding their legal rights pertaining to voting, providing assistance to individuals with disabilities in accessing the polls on Election Day.

P&A Systems may use grant funds to participate in advocacy and education efforts revolving around all HAVA implementation efforts in their State. Such activities may include, but are not limited to, participation on the HAVA State Planning Committee, any subcommittees or coalition efforts regarding the State Plan, review of the work of the Committee, providing comments regarding the State Plan, and review, advocacy, and education concerning the enactment of HAVA State legislation.

P&A Systems may participate in the training and education of election officials, poll workers and election volunteers regarding the rights of the voters with disabilities and best practices in working with individuals with disabilities. Training and education activities may include, but are not limited to, providing training and participating in the development of training and education programs for election officials and poll workers.

P&A Systems may use the grant funds to assist individuals with disabilities in filing complaints under the state-based administrative grievance procedure required by HAVA and to represent individuals with disabilities in any hearings that may be held regarding the complaint.

P&A Systems may provide assistance to States and other governmental entities regarding the physical accessibility of polling places, such as surveying polling places, identifying potential modifications to make specific polling places accessible and developing criteria for identifying accessible polling places.

P&A Systems may use the funds to obtain training and technical assistance on voting issues, including education regarding accessible voting equipment and systems.

#### **D. AVAILABILITY AND DISTRIBUTION OF FUNDS**

Congress appropriated \$2 million for payments to P&A Systems for Federal Fiscal Year (FY) 2003. These funds will be distributed in the following manner:

Approximately \$140,000 (seven percent of the appropriated amount) must be set aside for payment to eligible entities to provide training and technical assistance with respect to the activities carried out under section 291.

The remainder of the 2003 appropriation, approximately \$1.86 million, will be distributed to the Protection and Advocacy Systems, as described below:

1. Section 291(b) provides that the funds available for distribution to the P&A systems under the HAVA program will be allotted as follows:

- a. The funds (approximately \$1.86 million) will be allotted proportionately among the States and Territories based on the population of the State's ratio to the population of all States, as set forth in subsections (c) (3), (c) (4), and (c) (5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that no State shall receive less than \$70,000 and no Territory will receive less than \$35,000.
- b. The Miscellaneous Appropriations law, P.L. 108-7, provided \$2 million for section 291(b). The minimum amounts have been reduced proportionately (Attachment A).

Attachment A provides the tentative allocations for each State. The tentative allocations are based on the premise that all States will apply for and receive the funds available to them. In the event that not all States apply for or receive their tentative allocations, those funds will be redistributed proportionately among eligible States.

## **PART II: PAYMENT APPLICATION INSTRUCTIONS**

The information presented in this section is intended to summarize the submission and review of P&A applications for funding and to describe the content and documentation that must be provided in writing with the application.

1. There is no application kit; the State's application may be in the format of its choice. It must, however, be signed by the P&A Executive Director or the designated representative, and contain the assurances as outlined under "C. Use of Funds". The P&A designated representatives may signify their agreement with the conditions/assurances by signing and returning the assurance document, Attachment B, in Part IV: Attachments. The assurance document signed by the Executive Director of the P&A system or other designated person should be submitted within 60 days of the date of this issuance to the Administration on Developmental Disabilities at the address below.

Administration for Children and Families  
Office of Administration, Division of Mandatory Grants  
Attention: Joe Lonergan  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Hand-delivered applications are to be delivered to: Joseph Lonergan, Director, Division of Mandatory Grants, 901 D Street, S.W., 4<sup>th</sup> Floor East, Washington, D.C. 20447, telephone number (202) 401-6603.

2. Our goal is to award the FY 2003 HAVA funds in an as expeditious manner as possible. Therefore, State P&A Systems are encouraged to submit their applications as soon as

possible in order for ACF to award the FY 2003 funds to Systems as expeditiously as possible.

## **Certifications**

### **1. Anti-Lobbying Certification and Disclosure Form**

Pursuant to 45 CFR Part 93, the Anti-Lobbying Certification and Disclosure Form (see Attachment C) must be signed and submitted with the State application/assurances. If applicable, a Standard Form LLL, which discloses lobbying payments, must also be submitted.

### **2. Other Certifications**

The signature on the assurance document by the authorized official attests to the intent to comply with each of the following other certifications.

- (a) Certification Regarding Drug-Free Work Place;
- (b) Debarment Certification; and
- (c) Certification Regarding Environmental Tobacco Smoke.

## **PART III: ADDITIONAL INFORMATION**

### **A. CLOSING DATE FOR RECEIPT OF ASSURANCES**

Please submit the required assurances by **July 28, 2003** to the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Administration, Division of Mandatory Grants, 370 L'Enfant Promenade S.W., Washington, D.C. 20447, Attention: Joseph Lonergan. Award applications cannot be processed until the assurances are received.

### **B. GRANT ADMINISTRATION REGULATIONS**

The regulations that govern the administration of these grants appear in 45 CFR Part 16—Procedures of the Departmental Grant Appeals Board; 45 CFR Part 30—Claims Collection; 45 CFR Part 74—Administration of Grants; 45 CFR Part 76—Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants); 45 CFR Part 80—Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964; 45 CFR Part 81—Practice and Procedure for Hearings Under Part 80 of This Title; 45 CFR Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance; 45 CFR Part 91—Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance; 45 CFR Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; and 45 CFR Part 93—New Restrictions on Lobbying. Funds are available until expended.

### **C. REPORTING REQUIREMENTS**

The P&A Systems will prepare and submit annually a narrative report that describes the activities performed, e.g., number of individuals served, types of outreach and education, etc., with the funds authorized under 42 U.S.C. 15461 of the Help America Vote Act of 2002. The annual narrative report is due December 31 of each year. These reports are to be mailed to:

Administration on Developmental Disabilities  
Administration for Children and Families  
200 Independence Avenue, Southwest, Room 300-F  
Washington, D.C. 20201

Expenditures under the HAVA program are to be reported using a Financial Status Report (SF-269). Grantees are also required to submit annual financial reports (SF-269) at the end of each 12 month grant period (October 1-September 30) until all funds have been expended. Funds under HAVA are available until expended. Reports are due 90 days after the end of the grant period (December 31).

Submit the original SF-269 to ACF at the address below:

Administration for Children and Families  
Office of Administration  
Division of Mandatory Grants  
Attn: Joe Lonergan  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

**INQUIRIES TO:** Faith T. McCormick  
Administration on Developmental Disabilities  
200 Independence Avenue, S.W., Room 300-F  
Washington, D.C. 20201  
Office: (202) 690-6590; FAX: (202) 690-6904  
E-Mail: [fmccormick@acf.hhs.gov](mailto:fmccormick@acf.hhs.gov)

**EFFECTIVE DATE:** Upon Issuance.

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Patricia A. Morrissey, Ph. D.  
Commissioner  
Administration on Developmental  
Disabilities

**PART IV. ATTACHMENTS**

Attachment A – FY 2003 Tentative Allocations Table

Attachment B – Assurance Document

Attachment C – Certification Regarding Lobbying

**ATTACHMENT A****Tentative Allocations to the Protection and Advocacy System  
Under the Help America to Vote Act (HAVA)**

<b>State</b>	<b>FY 2003 Allotment</b>	<b>State</b>	<b>FY 2003 Allotment</b>
Alabama	34,128	New Jersey	34,128
Alaska	34,128	New Mexico	34,128
Arizona	34,128	New York	34,128
Arkansas	34,128	North Carolina	34,128
California	34,128	North Dakota	34,128
Colorado	34,128	Ohio	34,128
Connecticut	34,128	Oklahoma	34,128
Delaware	34,128	Oregon	34,128
District of Columbia	34,128	Pennsylvania	34,128
Florida	34,128	Puerto Rico	34,128
Georgia	34,128	Rhode Island	34,128
Hawaii	34,128	South Carolina	34,128
Idaho	34,128	South Dakota	34,128
Illinois	34,128	Tennessee	34,128
Indiana	34,128	Texas	34,128
Iowa	34,128	Utah	34,128
Kansas	34,128	Vermont	34,128
Kentucky	34,128	Virginia	34,128
Louisiana	34,128	Washington	34,128
Maine	34,128	West Virginia	34,128
Maryland	34,128	Wisconsin	34,128
Massachusetts	34,128	Wyoming	34,128
Michigan	34,128	American Samoa	17,064
Minnesota	34,128	Guam	17,064
Mississippi	34,128	Northern Mariana Islands	17,064
Missouri	34,128	Virgin Islands	17,064
Montana	34,128	DNA People Legal Services, Inc.	17,064
Nebraska	34,128		1,860,000
Nevada	34,128	7% set-aside	140,000
New Hampshire	34,128		2,000,000



ATTACHMENT B

FY 2003 Assurances for the Help America to Vote Act

This is to certify that the undersigned P&A (name/location) \_\_\_\_\_ agrees to expend the Funds received under this Program Instruction (03-01) in accordance with Title II, Part 5, Subtitle D, 42 USC 15461 and 15462 of the Help America Vote Act of 2002, P.L. 107-252, and all other applicable statutes and regulations.

\_\_\_\_\_  
P&A

\_\_\_\_\_  
Date

Please mail to:

Administration for Children and Families  
Office of Administration, Division of Mandatory Grants  
Attention: Joe Lonergan  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

# DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

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

0348-0046

(See reverse for public burden disclosure.)

<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 (including address if different from No. 10a)</b> (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 Fed 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)	

## 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.