than the amount of title IV-B, subpart 1 funds received by that State in FY
1979 shall certify:

(i) The amount of their expenditure in FY 1979 for child welfare services as
described in paragraphs (g) (1) and (2) of this section, and

(ii) The amount of State and local funds that have been appropriated and
are available for child welfare services as described in paragraphs (g) (1) and
(2) of this section for the fiscal year for which application for funds is being
made. Records verifying the required certification shall be maintained by
the State and made available to the Secretary as necessary to confirm com-
pliance with this section.

(h) Reallotment. (1) When a State cer-
tifies to the Commissioner that funds
available to that State under its title
IV-B, subpart 1 allotment will not be
required, those funds shall be available
for reallocation to other States.

(2) When a State, after receiving no-
tice from the Commissioner of the
availability of funds, does not certify
by a date fixed by the Commissioner
that it will be able to expend during
the period stated in paragraph (i) of
this section all of the funds available
to it under its title IV-B, subpart 1 al-
lotment, those funds shall be available
for reallocation to other States.

(3) The Commissioner may reallocate
available funds to another State when it
is determined that—

(i) The requesting State’s plan re-
quires funds in excess of the State’s
original allotment; and

(ii) the State will be able to expend
the additional funds during the period
stated in paragraph (i) of this section.

(i) Time limit on expenditures. Funds
under title IV-B, subpart 1, must be ex-
Ped by September 30 of the fiscal
year following the fiscal year in which
the funds were awarded.

[61 FR 58660, Nov. 18, 1996]

§ 1357.32 State fiscal requirements
(title IV-B, subpart 2, family preser-
vation and family support services).

(a) Scope. The requirements of this
section apply to all funds allocated to
States under title IV-B, subpart 2, of the Act.

(b) Allotments. The annual allotment
to each State shall be made in accord-
ance with section 433 of the Act.

(c) Payments. Payments to each State
will be made in accordance with sec-
ction 434 of the Act.

(d) Matching or cost sharing. Funds
used to provide services in FY 1994 and
in subsequent years will be federally
reimbursed at 75 percent of allowable
expenditures. (This is the same Federal
financial participation rate as title IV-
B, subpart 1.) Federal funds, however,
will not exceed the amount of the State’s allotment.

(1) The State’s contribution may be
in cash, donated funds, and non-public
third party in-kind contributions.

(2) Except as provided by Federal
statute, other Federal funds may not
be used to meet the matching require-
ment.

(e) Prohibition against purchase or con-
struction of facilities. Funds awarded
under title IV-B may not be used for
the purchase or construction of facili-
ties.

(f) Maintenance of effort. States may
not use the Federal funds under title
IV-B, subpart 2, to supplant Federal or
non-Federal funds for existing family
preservation and family support serv-
ces. For the purpose of implementing
this requirement, “non-Federal funds”
means State funds. ACF will collect in-
formation annually from each State on
expenditures for family support and
family preservation using the State fis-
cal year 1992 as the base year.

(g) Time limits on expenditures. Funds
must be expended by September 30 of
the fiscal year following the fiscal year
in which the funds were awarded.

(h) Administrative costs. (1) States
claiming Federal financial participa-
tion for services provided in FY 1994
and subsequent years may not claim
more than 10 percent of expenditures
under subpart 2 for administrative
costs. There is no limit on the percent-
age of administrative costs which may
be reported as State match.

(2) For the purposes of title IV-B,
subpart 2, “administrative costs” are
costs of auxiliary functions as identi-
fied through the agency’s accounting
system which are:

(i) Allocable (in accordance with the
agency’s approved cost allocation plan)
§ 1357.40 Direct payments to Indian Tribal Organizations (title IV-B, subpart 1, child welfare services).

(a) Who may apply for direct funding? Any Indian Tribal Organization (ITO) that meets the definitions in section 428(c) of the Act, or any consortium or other group of eligible Tribal organizations authorized by the membership of the Tribes to act for them is eligible to apply for direct funding if the ITO, consortium or group has a plan for child welfare services that is jointly developed by the ITO and the Department.

(b) Title IV-B Child and Family Services Plan (CFSP). (1) In order to receive funds under title IV-B, subpart 1, beginning in FY 1995, the Indian Tribe or Tribal organization must have in effect an approved five-year child and family services plan that meets the applicable requirements of §1357.15 of this part.

(2) The Indian Tribe or Tribal organization must also comply with section 422(b)(1-8) of the Act; 45 CFR part 1355 (except that the requirements in $1355.30 for a single Tribal agency and Governor’s review of the CFSP do not apply); and other applicable requirements of §§1357.10 and 1357.16.

(c) Information related to the requirements of Section 422(b)(9) of the Act. The following information must be submitted with the assurances required to be eligible for title IV-B, subpart 1 funds:

(1) A description of the arrangements, jointly developed with the State, for the provision of the child welfare services and protections in section 422(b)(9) to Indian children under both State and Tribal jurisdiction;

(2) A statement of the legal responsibility, if any, for children who are in foster care on the reservation and those awaiting adoption;

(3) A description of Tribal jurisdiction in civil and criminal matters, existence or nonexistence of a Tribal court and the type of court and codes, if any;

(4) An identification of the standards for foster family homes and institutional care and day care;

(5) The Indian Tribal organization’s political subdivisions, if any;

(6) Whether the Tribal organization is controlled, sanctioned or chartered by the governing body of Indians to be served and if so, documentation of that fact;

(7) Any limitations on authorities granted to the Indian Tribal organizations; and

(8) The Tribal resolution(s) authorizing an application for a direct title IV-B, subpart 1 grant under this Part.

(d) Grants: General. (1) Grants may be made to eligible Indian Tribal organizations in a State which has a jointly developed child and family services plan approved and in effect.

(2) Federal funds made available for a direct grant to an eligible ITO shall be paid by the Department, from the title IV-B allotment for the State in which the ITO is located. Should a direct grant be approved, the Department shall promptly notify the State(s) affected.

(3) If an eligible ITO includes population from more than one State, a proportionate amount of the grant will be paid from each State’s allotment.

(4) The receipt of title IV-B funds must be in addition to and not a substitute for funds otherwise previously expended by the ITO for child welfare services.