

<h1 style="margin: 0;">ACF</h1> <p style="margin: 10px 0;">Administration for Children and Families</p>	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
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	3. Originating Office: Children's Bureau Office on Child Abuse and Neglect	
	4. Key Words: Children's Justice Act	
	5. 42 U.S.C. 5101 et seq.	

PROGRAM INSTRUCTION

TO: The State Office, Agency, or Organization Designated by the Governor to Apply for a Children's Justice Act Grant (CJA)

SUBJECT: Availability of Fiscal Year (FY) 2010 Children's Justice Act Grants to States Under the Child Abuse Prevention and Treatment Act (CAPTA)

LEGAL

REFERENCES: Section 107(a), (b), (c), (d), (e) and (f) of the Child Abuse Prevention and Treatment Act (CAPTA) (42 U.S.C. 5106c et seq.) as amended by Public Law (P.L.) 108-36 enacted June 25, 2003; and the Victims of Crime Act of 1984, as amended (42 U.S.C. 10601 et seq.).

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PART I: BACKGROUND INFORMATION

SUMMARY: Section 107(a) of the Child Abuse Prevention and Treatment Act (P.L. 108-36) (the Act) authorizes grants to States for the purpose of assisting States in developing, establishing, and operating programs designed to improve: (1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect related fatalities; (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and (4) the handling of cases involving children with disabilities or serious health-related problems who are the victims of abuse or neglect.

The term "State" as used in Section 111(5) of the Act includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana

Islands. In FY 2009, 49 States, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands were deemed eligible for grants from funds deposited in the Crime Victims Fund, for a total of \$17,000,000.

Since the Virgin Islands, Guam, American Samoa and the Northern Mariana Islands may submit consolidated grant applications in accordance with 45 CFR Part 97, these jurisdictions need not submit an application under this Program Instruction (PI) if they choose to have their allotments included in a consolidated grant and to expend these funds under the authority of another program that is available for consolidation.

PURPOSE: The purpose of this PI is to set forth the eligibility requirements and the grant application procedures for FY 2010 Children’s Justice Act (CJA) grants and to provide the tentative State allocation table.

INFORMATION:

Three-Year Assessment Requirement

Section 107(d) of the Act requires the State Task Force (see description of Task Force at section A.1 on page 9) to undertake a comprehensive review and evaluation of law, policy and the investigative, administrative and judicial handling of cases of child abuse and neglect and to make training and policy recommendations in each of the three categories in Section 107(e)(1) (the three CJA categories). The State Task Force assessment (review, evaluation and recommendations) is required for an initial application and **at three-year intervals thereafter.**

Documentation of the assessment must include the report of the State Task Force study which includes its review, evaluation, and recommendations in all the areas required in Section 107(e)(1)(A), (B) and (C). See pages 6 and 7.

States which established their eligibility and first received funding **in FY 2007** and States which completed the three-year assessment requirement and received funding **in FY 2007** must **include in their FY 2010 application** documentation that the State Task Force complied with the requirement for a State Task Force study at three-year intervals. Those States are:

District of Columbia	Indiana	Maine
Michigan	Missouri	Nebraska
North Dakota	West Virginia	Wisconsin

Reporting Requirements

1. Fiscal Reports

Fiscal Reports Standard Form-269 (SF-269) is required annually and are due within 90 days after the close of each FY. First report is due December 31, 2011 (Interim) and Final Report is due on December 31, 2012.

Fiscal reports covering the Federal FY of a grant period are interim reports and reports covering the entire 24 months of a grant period are final reports.

Additional information will be provided on the Terms and Conditions issued for the FY 2010 Grants.

States are encouraged to submit their periodic financial reporting forms electronically, via the ACF On-Line Data Collection (OLDC) system. The Web address is: <https://extranet.acf.hhs.gov/oldcdocs/materials.html>. To sign up for access to OLDC, send an e-mail request to Nathaniel.West@acf.hhs.gov.

Expenditures under the CJA are to be reported by the State, using a (SF-269A), Financial Status Report and should be submitted directly to:

Administration for Children and Families
Office of Grants Management
370 L'Enfant Promenade, S.W.
6th Floor East
Washington, D.C. 20447
ATTENTION: Division of Mandatory Grants
Children's Justice Act/Nathaniel West

2. Program Performance Reports

Program Performance Reports are required once a year as part of the grant application. No other performance reports are required. (See instructions under Section C, PROGRAM DESCRIPTION INSTRUCTIONS on page 13.)

Grant Administration Regulations

The regulations which apply to the administration of these grants are contained in 45 CFR Part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," (see website link on page 16 for a copy of 45 CFR Part 92 revised regulations).

EXPENDITURE OF FUNDS:

A State is encouraged to obligate (establish binding contracts and sign them) these funds in one year but is **required** to obligate and liquidate (spend) CJA Federal funds no later than two years after the end of the calendar year in which the funds are awarded. Grantees have until December 31, 2012 to liquidate FY 2010 CJA funds. This December 31, 2012 deadline is to assist grantees in paying invoices for services completed but invoiced by the end of the year (September 30, 2012). A negative grant award will be issued for any unobligated or unliquidated balances reported as of **December 31, 2012**, and returned to the Treasury.

States must obligate and liquidate all FY 2008 CJA funds by **December 31, 2010**.

No-cost extension requests will not be approved except in the event of a natural occurrence of destruction or distress. These circumstances are defined in 45 CFR § 95.22. (See Appendix).

Those States requesting an extension due to a natural occurrence of destruction or distress are to provide a written request, explaining the amount of money that remains to be liquidated and the circumstances for such an extension to:

Commissioner Bryan Samuels, Attn: Children's Bureau, Administration on Children, Youth and Families, 1250 Maryland Avenue, S.W., 8th Floor Washington, D.C. 20024, no later than November 1, 2010.

NOTE: The Office of Grants Management is pleased to work with grantees needing guidance in the obligation and liquidation of funds according to the terms and conditions of their grant award.

AVAILABILITY AND ALLOCATION OF FUNDS:

Funding for the CJA program is available from the Crime Victims Fund. Legislation requires in any fiscal year that funds be made available to the Department of Health and Human Services for CJA grants to the States, except that 15 percent will be reserved by the Attorney General for CJA grants to Native American Tribes. With the enactment of the Child Abuse Prevention and Enforcement Act (CAPE) in March 2000, the amount transferred to ACF is capped at \$17,000,000. The total funding available for the CJA grants is \$17,000,000.

Funds will be allocated to States based on a formula similar to that used in distributing the CAPTA State grants, i.e., a base amount of \$50,000 will be awarded to each State; an additional amount will be awarded bearing the same ratio to the total funds remaining as the number of children under the age of 18 in each State bears to the total number of children under 18 in all the States.

The tentative FY 2010 allocation for each State is shown in Attachment 1.

Excess Funds:

Any excess funds resulting from States not meeting the eligibility requirements will be awarded to eligible States on a pro rata share basis. When a State receives more than their tentative allocation, **supplemental information to explain the State's use of these additional funds should be submitted in the form of a letter to Commissioner Bryan Samuels, Administration on Children, Youth and Families, 1250 Maryland Avenue, S.W., 8th Floor, Washington, D.C. 20024 no later than November 30, 2010.**

The use of excess funds must conform to the guidelines contained in this PI.

PROJECTS AND ACTIVITIES:

In accordance with Section 107(a) of CAPTA, grants awarded are to be used to develop, establish and operate programs designed to improve:

1. the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;
2. the handling of cases of suspected child abuse or neglect related fatalities;
3. the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and
4. the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.

In particular grant funds should be used to implement State Task Force recommendations in the following three categories (the three categories from Section 107(e)(1)(A) (B) and (C)) of the Act:

- (A) investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;

- (B) experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused; and
- (C) reform of State laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation, while ensuring fairness to all affected persons.

CJA funds should be used for programs to reform State systems and improve the processes by which States respond to cases of child abuse and neglect, particularly child sexual abuse and exploitation and cases of suspected child abuse or neglect related fatalities. This will enable States to deal more effectively with both the child victim and the offender and to limit additional trauma to the child victim.

The on-going activities of a State Task Force in monitoring implementation of its recommendations and continuing interagency collaboration in carrying out the intent of the Act may be supported with these funds. **Supporting child abuse prevention programs or treatment services is not an appropriate use of CJA funds.**

PART II: APPLICATION INSTRUCTIONS

A. SUBMISSION INSTRUCTIONS

FORMAT: States are no longer required to submit a SF-424, "Application for Financial Assistance," although a State may use this form if it so chooses. States may apply in a format best suited to their needs. However, we recommend that States complete and submit the SF-424, because all of its content is required information for the applicant. In addition to the items specified in the SF-424, the application should include the Dun and Bradstreet Data Universal Numbering System (DUNS) number for the agency.

To receive a grant, States must meet the eligibility requirements identified in this PI.

SIGNATURE: The application must be signed by the Governor or an individual authorized to act on behalf of the State office, agency, or organization designated by the Governor to apply for a CJA grant, and to assume for that agency the obligations imposed by the terms and conditions of the grant award.

ACCOMPANYING DOCUMENTS: The application must be accompanied by the required certification, assurances and/or documentation. (See "Documentation of Eligibility" on page 9).

COPIES: Applications being submitted in hard copy should include the signed original and one copy of the grant application, including all attachments. Applications may also be submitted electronically.

DELIVERY: The Federal government is continually striving to promote efficiency in the management of its programs. As such, States should submit the application and subsequent annual program reports electronically. If the State submits the application electronically, it must include the appropriate electronic signatures from authorized officials. Electronic applications and program reports should be sent by email to: childrensjusticeact@acf.hhs.gov by the due date. Applications and annual program reports must be submitted in Microsoft Word or Adobe Acrobat format.

However, if a State chooses to submit the application or annual program reports to OCAN by regular mail, commercial delivery, or by hand, it should be addressed to:

Children's Bureau
Office on Child Abuse and Neglect
Portals Building, 8th floor
1250 Maryland Avenue, S.W.
Washington, D.C. 20024
Attention: Catherine Luby
(202) 205-8879

B. **ELIGIBILITY INSTRUCTIONS**

1. **Eligibility Requirements**

Eligibility for a CJA grant is based on two sets of requirements:

- (1) States must be in compliance with the child abuse and neglect State Grant requirements set forth in Section 106(b) of CAPTA at the time of the CJA award. States not eligible for a State Grant will not be eligible for a FY 2010 CJA grant.
- (2) States must fulfill the CJA requirements specified in Section 107 of the Act. These requirements differ for: (A) States which have never established eligibility to receive CJA funding; (B) States which met the three-year assessment requirement and received CJA funding in FY 2007; and (C) all other States. These requirements are specified in the "Documentation of Eligibility" section which follows.

2. **Documentation of Eligibility**

N.B. All States must complete part A below and applicable sections of part C on pages 13-14. Both States which have not previously established eligibility and States required to submit a three-year assessment with this application must complete the additional requirements in Part B ADDITIONAL REQUIREMENTS FOR STATES on pages 11-12.

A. **REQUIREMENTS FOR ALL STATES**

All States **must provide** as part of the application:

1. **Establishment/Maintenance of a Task Force (Sections 107(b)(2) and 107(c) (1) of the Act.**

Documentation that the State has established or designated and maintained a multidisciplinary Task Force on children's justice, composed of professionals with knowledge of and experience with the criminal justice system and the system handling child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities.

Documentation that the State Task Force includes members representing the following disciplines **as specified in Section 107(c)(1) of the Act:**

- Law Enforcement Community
- Criminal Court Judge(s)
- Civil Court Judge(s)
- Prosecuting Attorney(s)
- Defense Attorney(s)
- Child Advocate(s) (Attorney(s) for Children)
- Court Appointed Special Advocate Representative(s), where such programs are in operation
- Health Professional(s)
- Mental Health Professional(s)
- Child Protective Service Agencies
- Individual(s) experienced in working with children with disabilities
- Parent Group Representative(s)

The documentation must include the names, titles and brief descriptions of the relevant professional experience of each Task Force member, and designation of which professional category the task force member represents.

2. **Governor's Letter**

A letter addressed to **Commissioner, Bryan Samuels, Administration on Children, Youth and Families, 1250 Maryland Avenue, S.W., 8th Floor, Washington, D.C. 20024**, signed by the Governor certifying:

- (a) **the State received the FY 2009 child abuse and neglect Basic State Grant and continues to comply** with the requirements stipulated in Section 106(b) of the Act; or the State has received a recently rendered Federal decision attesting to the State's current compliance with the requirements for the Basic State Grant under Section 106(b); **and**
- (b) **the State will maintain a State multidisciplinary task force on children's justice** (only for those States not currently receiving CJA funds); **or**
- (c) **the State has maintained a State multidisciplinary task force on children's justice** (only for those States currently receiving CJA funds); **and**
- (d) **the State has adopted or continues to progress in adopting recommendations of the State Task Force** or a comparable alternative to such recommendations; **and**
- (e) **the State will make such reports to the Secretary as may reasonably be required, including an annual report** on how assistance received under this program was expended throughout the State, with particular attention to the areas described in paragraphs (1) through (3) of Section 107(a); **and**
- (f) **the State will maintain and provide access to records relating to activities under CJA; and**
- (g) **the State will participate in at least one Federally initiated CJA meeting each year that the grant is in effect and are authorized to use grant funds to cover travel and per diem expenses for two CJA representatives (CJA Coordinator and Task Force Chairperson) to attend the meeting.**

Please note that a **new** Governor's letter with the aforementioned assurances must be included every year as part of the CJA application.

3. **Certifications**

The following certifications are required at the time of application for Federal funds:

(a) **Certification Regarding Lobbying (See Website on Page 16)**

Pursuant to 45 CFR Part 93, the certification must be signed and submitted with the application. If applicable, a SF LLL, which discloses lobbying payments, must be submitted.

A retyped certification or a State's own certification form **will not** be acceptable.

(b) **Certification Regarding Drug-Free Work Place (See Website on Page 16)**

Signature on the application by an authorized individual attests to the applicant's intent to comply with Drug-Free Work Place requirements. A signed form does not have to be returned with the application.

(c) **Debarment Certification (See Website on Page 16)**

Signature on the application by an authorized individual attests to the applicant's compliance with the Debarment requirements. A signed form does not have to be returned with the application.

(d) **Certification Regarding Environmental Tobacco Smoke (See Website on Page 16)**

Signature on the application by an authorized individual attests to the applicant's compliance with the Environmental Tobacco Smoke requirements. A signed form does not have to be returned with the application.

B. **ADDITIONAL REQUIREMENTS FOR STATES**

States which have not previously established eligibility and States which are required to submit a three-year assessment with this application must provide:

1. a statement of the Task Force's function/purpose; and
2. the date the Task Force was established.

Note: A Commission or Task Force established after January 1, 1983 and presently maintained with substantially comparable membership and functions meets the Task Force requirements. See Section 107(c)(2)

States not previously eligible and States required to submit a three-year assessment with this application must also provide:

1. **Task Force Recommendations (Section 107(d))**

Documentation that the Task Force has comprehensively:

- (a) reviewed and evaluated State investigative, administrative, and civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal; and
- (b) made policy and training recommendations in **each** of the three CJA categories described in Section 107(e) of the Act. (See pages 6-7)

Documentation must include a report of the State Task Force study including its recommendations in all areas required in Section 107(e) of the Act.

2. **State Implementation of the Task Force Recommendations (Section 107(e)) of the Act**

Documentation that the State adopted the Task Force recommendations as stipulated in 1(b) above.

Note: As provided in Section 107(e)(2) of the Act, a State shall be considered to be in fulfillment of Section 107(e)(1) requirements if it:

- (a) adopts comparable alternatives to the recommendations of the Task Force in each of the categories for which the Task Force's recommendations are not adopted; or
- (b) is making substantial progress toward adopting the Task Force recommendations or comparable alternatives to such recommendations.

The documentation must identify all Task Force recommendations adopted and/or comparable alternatives designed to carry out the purposes of the Act; describe the actions yet to be taken and timetables for implementing each recommendation or comparable alternative; or be sufficient to support a showing that the State is making substantial progress in adopting Task Force recommendations or comparable alternatives.

C. **PROGRAM DESCRIPTION INSTRUCTIONS**

PROGRAM PERFORMANCE REPORTING REQUIREMENTS AND PROGRAM CONTENT:

Only one program performance report is required annually. The performance report is to be included as part of the application. The reporting period for a program performance report should include activities for the 12 month period preceding the date of submission of the application.

1. A program performance report should focus on the **outcomes** of CJA activities and projects:

- measure the impact of an activity or project on the system serving abused and neglected children;
- assess whether there has been significant change in the knowledge, attitudes, and/or behaviors of a program's participant population; and
- determine whether the activity resulted in the expected changes and improvements.

Applications from States currently receiving CJA funds must contain a performance report which describes project impact and/or progress in the following areas:

- (a) activities undertaken to improve the investigative, administrative and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child maltreatment related fatalities and cases involving a potential combination of jurisdictions, including a discussion of how these improvements have reduced or will reduce additional trauma to the child victim;
- (b) steps taken to establish experimental, model or demonstration programs to improve the prompt and successful resolution of civil and criminal court proceedings or to enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse and exploitation cases; and
- (c) activities undertaken to reform State laws, ordinances, regulations, protocols or procedures to protect children from abuse, particularly child sexual abuse and exploitation

All applications must contain:

2. A description of the activities (as described in C.1. (a), (b) and (c) above) to be assisted with Children's Justice Act grant funds including:

- project objectives;
- the amount of funds for each proposed activity;
- the number and characteristics of the individuals to be targeted;
- approaches to be used;
- results expected; and
- the extent to which the activity contributes to the reform of State systems handling cases of child abuse and neglect.

3. A statement of how the activities proposed to be funded support implementation of State task force recommendations.

PART III: ADDITIONAL INFORMATION

CLOSING DATE FOR RECEIPT OF APPLICATIONS:

The signed original, including all attachments, must be submitted to the Federal Project Officer at the Office on Child Abuse and Neglect **by May 28, 2010.**

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS (EXECUTIVE ORDER 12372):

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," for State plan consolidation and simplification only (See 45 CFR 100.12). The review and comment provisions of the Executive Order and Part 100 do not apply.

PAPERWORK REDUCTION ACT

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 Office of Management and Budget (OMB) Control Number.

Public reporting burden for this collection of information is estimated to average 60 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

In accordance with the Paperwork Reduction Act of 1995 (P.L. 104-13), the Department is required to submit to OMB for review and approval any reporting and record-keeping requirements or program announcements. This program announcement meets all information collection requirements approved for ACF grant applications under OMB Control Number 0980-0196, which expires July 31, 2011.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) # 93.643

INQUIRIES TO:

Catherine E. Luby
Children's Bureau, Office on Child Abuse and Neglect
Telephone: (202) 205-8879
Fax: (202) 205-7887
Internet address: Catherine.Luby@acf.hhs.gov

EFFECTIVE DATE: Upon Issuance.

Bryan Samuels
Commissioner

Websites to CJA Resource Materials

Please visit the following websites listed below to download the relevant CJA resource materials for this PI:

http://www.access.gpo.gov/nara/cfr/waisidx_01/45cfr92_01.html

45 CFR Part 92, revised as of October 1, 1996

<http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=45&PART=95&SECTION=22&YEAR=1999&TYPE=TEXT>

45 CFR Part 95.22, revised as of October 1, 1999

http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2003/im0304a.pdf

Keeping Children and Families Safe Act, 2003

<http://www.acf.hhs.gov/programs/ofs/forms.htm#rf>

Certification Regarding Lobbying

Drug-Free Work Place Certification

Certification Regarding Debarment, Suspension, and Other

Responsibility Matters

Certification Regarding Environmental Tobacco Smoke

<http://www.dpm.psc.gov/>

Payment Management System

ATTACHMENT 1

TENTATIVE FISCAL YEAR 2010 STATE ALLOCATION TABLE

ALABAMA	262,249
ALASKA	84,031
ARIZONA	372,990
ARKANSAS	182,903
CALIFORNIA	1,821,683
COLORADO	278,379
CONNECTICUT	203,663
DELAWARE	89,017
DISTRICT OF COLUMBIA	71,192
FLORIDA	807,571
GEORGIA	532,217
HAWAII	103,965
IDAHO	128,068
ILLINOIS	651,487
INDIANA	349,807
IOWA	184,820
KANSAS	182,525
KENTUCKY	240,716
LOUISIANA	259,618
MAINE	102,002
MARYLAND	303,626
MASSACHUSETTS	319,981
MICHIGAN	502,203
MINNESOTA	287,367
MISSISSIPPI	195,056
MISSOURI	318,929
MONTANA	91,690

NEBRASKA	134,567
NEVADA	176,342
NEW HAMPSHIRE	105,501
NEW JERSEY	437,384
NEW MEXICO	145,059
NEW YORK	883,956
NORTH CAROLINA	474,483
NORTH DAKOTA	77,063
OHIO	566,562
OKLAHOMA	221,413
OREGON	214,137
PENNSYLVANIA	572,545
RHODE ISLAND	93,238
SOUTH CAROLINA	251,720
SOUTH DAKOTA	87,518
TENNESSEE	329,736
TEXAS	1,322,453
UTAH	210,743
VERMONT	74,392
VIRGINIA	394,933
WASHINGTON	341,576
WEST VIRGINIA	123,057
WISCONSIN	298,675
WYOMING	74,303
AMERICAN SAMOA	54,832
GUAM	60,378
PUERTO RICO	53,355
VIRGIN ISLANDS	235,837
VIRGIN ISLANDS	56,487