ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Grants Management
Division of Mandatory Grants
330 C Street, SW Mailstop 3127
Washington, DC 20201

GENERAL TERMS AND CONDITIONS
MANDATORY FORMULA, BLOCK and ENTITLEMENT GRANT PROGRAMS

Except as noted otherwise, these Terms and Conditions apply to all mandatory grant programs administered by the Administration for Children and Families (ACF), see Appendix A. Please also review the separate program-specific Addendum to these Terms and Conditions applicable to each program.

By acceptance of the individual awards, each grantee agrees to comply with these requirements. Failure to comply may result in the loss of Federal funds and may be considered grounds for the suspension or termination of the grant.

ADMINISTRATIVE REQUIREMENTS

1. These programs are governed by the following Federal regulations:

   - **2 CFR Part 376** – Nonprocurement Debarment and Suspension;
   - **2 CFR Part 382** – Requirements for Drug-Free Workplace (Financial Assistance);
   - **45 CFR Part 16** – Procedures of the Departmental Grant Appeals Board;
   - **45 CFR Part 30** – Claims Collection;
   - **45 CFR Part 75** – Uniform Administrative Requirements, Cost Principles and Audit Requirements for HHS Awards;
   - **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 86** – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance;
   - **45 CFR Part 87** – Equal Treatment for Faith-Based Organizations;
   - **45 CFR Part 91** – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance;
   - **45 CFR Part 93** – New Restrictions on Lobbying;
   - **45 CFR Part 95** – General Administration – Grant Programs;
   - **45 CFR Part 100** – Intergovernmental Review of Department of Health and Human Services Programs and Activities.

2. In accordance with Public Law 103-333, the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 1995," the following provisions are applicable to the mandatory grant programs:

   - Section 507: "Purchase of American-Made Equipment and Products - It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made."

   - Section 508: "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 States 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."

3. *Drug-Free Workplace Requirements*. In accordance with provisions of Title V, Subtitle D of Public Law 100-690 (41 USC 701 et. seq.), the "Drug-Free Workplace Act of 1988," all grantees must maintain a drug-free workplace and must publish a statement informing employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and establishing the actions that will be taken against employees violating these prohibitions. The grantee must notify ACF if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. (See 2 CFR Part 382)

4. *Smoking Prohibitions*. In accordance with Title XII of Public Law 103-227, the "PRO-KIDS Act of 1994," smoking may not be permitted in any portion of any indoor facility owned or regularly used 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 wither directly or through State or local governments. Federal programs include grants, cooperative agreements, loans and 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 or facilities and used for inpatient drug and alcohol treatment.

   The above language must be included in any subawards that contain provisions for children's services and that all sub-grantees 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 $1,000 per day.

5. *Religious Activity Prohibitions*. Direct Federal grants, sub-awards, or contracts under these programs 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 these programs. (See 45 CFR Part 87)

6. *Lobbying Prohibitions*. Federal grant funds provided under these awards may not be used by the grantee or any sub-grantee to support lobbying activities to influence proposed or pending Federal or State legislation or appropriations. This prohibition is related to the use of Federal grant funds and is not intended to affect an individual's right or that of any organization, to petition Congress, or any other level of Government, through the use of other resources. (See 45 CFR Part 93.)

7. *Same-Sex Marriage Provisions*. In accordance with the decision in United States v. Windsor (133 S. Ct. 2675 (June 26, 2013); Section 3 of the Defense of Marriage Act, codified at 1 USC 7, in any grant-related activity in which family, marital, or household considerations are, by statute or regulation, relevant for purposes of determining beneficiary eligibility or participation, grantees must treat same-sex spouses, marriages, and households on the same terms as opposite sex spouses, marriages, and households, respectively. By "same-sex spouses," HHS means individuals of the same sex who have entered into marriages that are valid in the jurisdiction where performed, including any of the 50 states, the District of Columbia, or a U.S. territory or in a foreign country, regardless of whether or not the couple resides in a jurisdiction that recognizes same-sex marriage. By "same-sex marriages," HHS means marriages between two individuals validly entered into in the jurisdiction where performed, including any of the 50 States, the District of Columbia, or a U.S. territory or in a foreign country, regardless of whether or not the couple resides in a jurisdiction that recognizes same-sex marriage. By "marriage," HHS does not mean registered domestic partnerships, civil unions or similar formal relationships recognized under the law of the jurisdiction of celebration as something other than a marriage.

8. *Human Trafficking Provisions*. These awards are subject to the requirements of Section 106(g) of the "Trafficking Victims Protection Act of 2000" (22 USC 7104). The full text of this requirement is found at http://www.acf.hhs.gov/grants/award-term-and-condition-for-trafficking-in-persons .

9. *Transparency Act Requirements*. Awards under these programs are included under the provisions of P.L. 109-282, the "Federal Funds Accountability and Transparency Act of 2006" (FFATA). Under this statute, the State is required to report information regarding executive compensation and all subgrants, contracts and subcontracts in excess of $25,000 through the Federal Subaward Reporting System (https://www.fsrs.gov/) and in accordance with the terms found in Federal regulations at 2 CFR Part 170, including Appendix A. (**NOTE**: This requirement became applicable to all mandatory grant programs July 1, 2011.)

10. *Federal Awarding Agency Review of Risk Posed by Applicants*
As required by 2 CFR 200 of the Uniform Guidance and HHS implementing regulations (45 CFR Part 75) effective January 1, 2016, ACF is issuing guidance to implement the mandatory disclosures provision at 45 CFR 75.113. ACF is required to review and consider any publicly available information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), https://www.fapiis.gov (45 CFR75.205(a)(2). Before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance (45 CFR 75.2). An applicant may review and comment on any information about itself that a federal awarding agency has previously entered into FAPIIS. ACF will consider any comments by the applicant, in addition to other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed by applicants as described in 2 CFR §200.205 Federal Awarding Agency Review of Risk Posed by Applicants (http://www.ecfr.gov/cgi-bin/text-idx?node=se2.1.200_1205&rgn=div8).

11. *Construction Prohibitions*. Unless superseded by program-specific regulations, these awards may not be used for construction or the purchase of land.

SUB-RECIPIENTS UNDER GRANTS

12. Grantees are required to determine recipient type when sub-granting or contracting using Federal funds. In accordance with the standards set in 45 CFR 75.351, the determination is based on the substance of the relationship with the grantee, rather than the form of the agreement.

- The presence of one or more of the following conditions would indicate that the sub-recipient should be considered a *subgrantee* and is subject to the provisions of 45 CFR Part 75 Subpart F:
  a. Determines who is eligible to receive what Federal financial assistance;
  b. Has its performance measured against whether the objectives of the Federal program are met;
  c. Has responsibility for programmatic decision making;
  d. Has responsibility for adherence to applicable Federal program compliance requirements;
  e. Uses the Federal funds to carry out a program of the organization as compared to providing goods or services for a program of the pass-through entity;

- The presence of one or more of the following conditions would indicate that the sub-recipient should be considered a U*vendor* or *contractor*U and is not subject to the provisions of 45 CFR Part 75 Subpart F:
  a. Provides the goods and services within normal business operations;
  b. Provides similar goods or services to many different purchasers;
  c. Operates in a competitive environment;
  d. Provides goods or services that are ancillary to the operation of the Federal program;
  e. Is not subject to compliance requirements of the Federal program.

13. No organization may participate in these programs in any capacity or be a recipient of Federal funds designated for these programs if the organization has been debarred or suspended or otherwise found to be ineligible for

participation in Federal assistance programs under Executive Order 12549, "Debarment and Suspension." (See 45 CFR 75.212.) Grantees must include a similar term and/or condition for all sub-awards or contracts awarded under these programs. Prior to issuing subawards or contracts under this grant, the grantee must consult the ineligible parties list to ensure that organizations under funding consideration are not ineligible. The list is available on the System for Award Management website: https://www.sam.gov.

14. Each grantee is responsible for monitoring grant, sub-recipient and contract supported activities to assure compliance with Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function and activity. (See 45 CFR 75.342.)

15. Each grantee is required to advise sub-recipients of requirements imposed on them by Federal laws, regulations, and the provisions of grant agreements or contracts as well as any supplemental requirements imposed by the grantee. These include grant administrative and audit requirements (where applicable) under 45 CFR Part 75

    - Cost principles for non-profit organization and educational institution sub recipients are found at 45 CFR Part 75 Subpart E.

    - Cost principles for commercial vendor or subcontractor sub recipients are found at 48 CFR Part 31.

16. Grantees must ensure that any non-Federal sub-recipient that expends Federal funds totaling $750,000 or more during the course of its fiscal year must arrange for a financial audit in compliance with the requirements of 45 CFR Part 75 Subpart F.

NON-FEDERAL SHARE OF PROGRAM FUNDING

17. For some mandatory grant programs, the grantee is required to provide a portion of program funding, as specified in Federal law.

    - In most instances, all of the non-Federal share of funding for these programs will be appropriated specifically for that purpose by a State legislature or provided through other grantee funding sources;

    - Third party in-kind contributions may not be used as the non-Federal share of any program expenditure, unless specifically allowed for that purpose in the Federal statute applicable to that program

    - Donated funds may be used as the non-Federal share under the following conditions:
        a. The donor may specify the activities to be supported by the donation, but may not be a sponsor or operator of the specified activity. Any specified activity must be an allowable expense under all applicable laws, regulations and policies governing these programs;
        b. The donor may specify the geographic area in which the specified activity is to be provided;

FINANCIAL REPORTING

17. *Periodic Reports*. Grantees are required to file periodic financial reports either quarterly, semiannually or annually for each program, in accordance with specific program requirements.

18. *Required On-Line Reporting*. All periodic financial reports for all mandatory grant programs must be submitted electronically through the ACF On Line Data Collection (OLDC) system. Grantees must not submit duplicate copies either by mail, by fax or as an email attachment of any reports submitted through OLDC. (**NOTE**: See ACF Office of Grants Management Action Transmittal, OGM-AT-13-01, issued September 25, 2013.) Beginning FY 2016, the ACF requires submitting financial reports SF-425 only, through PMS in a consolidated single reporting system. Both, the cash transaction (Lines 10 a, b and c) and the expenditures, obligations and liquidations (Lines 10 d through 10 o).

19. *Obligation Deadline*. Unless superseded by program-specific statute or regulations or by other ACF program-specific policies, it is Office of Grants Management policy that the deadline for obligating Federal funds for mandatory grant programs is last day of the fiscal year following the fiscal year for which the award is issued. Example: Funds for an award issued for Fiscal Year 1 must be obligated no later than the final day (September 30) of Fiscal Year 2.

20. *Liquidation Deadline*. Unless superseded by program-specific statute or regulations or by ACF policy, in accordance with 45 CFR 75.309(b), the deadline for liquidating Federal funds is 90 days after the end of the funding (project) period. For awards issued on an annual fiscal year basis, this deadline will be **December 30** – 90 days following the end of the fiscal year on September 30.

21. *Report Submission Deadline*. Unless superseded by program-specific statute or regulations or by ACF policy, in accordance with 45 CFR 75.341, the deadline for submitting the required Federal reporting form varies based on the frequency of the award. For programs with awards issued on a quarterly basis, the deadline is 30 days after the end of each quarter (i.e., by January 30, April 30, July 30 and October 30). For programs with awards issued on an annual fiscal year basis, the deadline is 90 days after the end of each fiscal year (i.e., by December 30). (See "Required On-Line Reporting" above.)

GRANT PAYMENTS

22. Payments (cash drawdowns) under these grants will be made through the Department of Health and Human Services' Payment Management System (PMS). The State must comply with requirements imposed by the PMS on-line system. Please direct any questions concerning grant payments or audit inquires to the payment management services office. (See "Important Addresses," below).

IMPORTANT ADDRESSES

- Financial Office: Administration for Children and Families
  Office of Grants Management
  Division of Mandatory Grants
  330 C Street, SW Mailstop 3127
  Washington, DC 20201
  Fax: (202) 401-5644

- Payment Office: U.S. Department of Health and Human Services
  Payment Management Services
  Payment Management System (PMS)
  P.O. Box 6021
  Rockville, Maryland 20852
  Contact: PMS Help Desk
  Phone: (877) 614-5533
  Internet site: http://www.dpm.psc.gov

IMPORTANT NOTE: The *Office of the Inspector General* of the *U.S. Department of Health and Human Services* maintains the OIG Hotline, a system for reporting allegations of fraud, waste, abuse and mismanagement In Department of Health and Human Services' programs. Your information will be reviewed by a professional staff member and will remain confidential; you need not provide your name. Information provided through the Internet web site is secure and

all information is safeguarded against unauthorized disclosure. Report the possible misuse of federal funds by phone or online. Please provide as much detailed information as possible in your report.

OIG Hotline

- Phone: 1-800-HHS-TIPS
- Online: oig.hhs.gov/report-fraud

Appendix A **Mandatory Grant Programs – Administration for Children and Families**

Administration of Children, Youth and Families

1. Abstinence Education (Title V of the Social Security Act)
2. Adoption Assistance (Title IV-E of the Social Security Act)
3. Adoption Incentive Payments (Title IV-E of the Social Security Act)
4. Chafee Education and State Vouchers (Title IV-B of the Social Security Act)
5. Chafee Foster Care Independence (Title IV-B of the Social Security Act)
6. Child Abuse and Neglect (CAPTA - Child Abuse Prevention and Treatment Act)
7. Children's Justice Act
8. Community-Based Family Resource and Support (CAPTA - Child Abuse Prevention and Treatment Act)
9. Family Violence Prevention and Services
10. Foster Care (Title IV-E of the Social Security Act)
11. Guardianship Assistance (Title IV-E of the Social Security Act)
12. Personal Responsibility Education (Title V of the Social Security Act)
13. Promoting Safe and Stable Families (Title IV-B of the Social Security Act)
14. PSSF Caseworker Visitation (Title IV-B of the Social Security Act)
15. State Court Improvement – Basic (Title IV-E of the Social Security Act)
16. State Court Improvement - Data (Title IV-E of the Social Security Act)
17. State Court Improvement – Training (Title IV-E of the Social Security Act)
18. Statewide Domestic Violence Coalition (FVPSA - Family Violence Prevention and Services Act)
19. Stephanie Tubbs Jones Child Welfare Social Services (Title IV-B of the Social Security Act)

Office of Child Care

20. Child Care Development Fund – Mandatory and Matching
21. Child Care Development Fund – Discretionary
22. Tribal Construction

Office of Community Service

23. Community Service Block Grant
24. Low Income Home Energy Assistance
25. Low Income Home Energy Assistance - Leveraging
26. Low Income Home Energy Assistance – Residential Energy Assist Challenge
27. Social Services Block Grant

Office of Child Support Enforcement

28. Child Support Enforcement – States (Title IV-D of the Social Security Act)
29. Child Support Enforcement – Tribes (Title IV-D of the Social Security Act)
30. State Access and Visitation (Title IV-D of the Social Security Act)

Office of Family Assistance

31. Native Employment Works (Title IV-A of the Social Security Act)
32. Temporary Assistance for Needy Families - States (Title IV-A of the Social Security Act)
33. Temporary Assistance for Needy Families - Territories (Title IV-A of the Social Security Act)
34. Temporary Assistance for Needy Families – Tribes (Title IV-A of the Social Security Act)
35. Temporary Assistance for Needy Families - Contingency (Title IV-A of the Social Security Act)

Office of Refugee Resettlement

36. Cash and Medical Assistance
37. Social Services
38. Cuban / Haitian Entrants
39. Services to Elderly Refugees
40. Targeted Assistance