



**ADMINISTRATION FOR CHILDREN AND FAMILIES
OFFICE OF REFUGEE RESETTLEMENT**

REFUGEE CASH AND MEDICAL ASSISTANCE GRANT PROGRAM

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.566

REFUGEE SOCIAL SERVICES GRANT PROGRAM

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.566

REFUGEE TARGETED ASSISTANCE GRANT PROGRAM

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.584

**TERMS AND CONDITIONS
FISCAL YEAR 2012**

October 1, 2011 – September 30, 2012

By acceptance of an award for one or more of these programs, the State agrees to comply with the terms and conditions detailed below. Failure to comply with these terms and conditions may result in the loss of Federal funds and may be considered grounds for the suspension or termination of the applicable grant.

PROGRAM STANDARDS

1. The administration of these programs is based on:
 - The Immigration and Nationality Act of 1952, as amended (P.L. 82-414)
 - Federal regulations at 45 CFR 400 and 401;
 - The approved State plan, including all approved amendments or revisions; and
 - All other applicable Federal regulations, program policies and instructions.

ADMINISTRATIVE REQUIREMENTS

2. These programs are governed by the following Federal regulations;
 - **2 CFR Part 225** – Cost Principles for State, Local and Indian Tribal Governments;
 - **2 CFR Part 230** – Cost Principles for Non-Profit Organizations;
 - **2 CFR Part 376** – Nonprocurement Debarment and Suspension
 - **42 CFR Part 441, Subparts E and F** - Services: Requirements and Limits Applicable to Specific Services; Abortions and Sterilizations;
 - **45 CFR Part 16** – Procedures of the Departmental Grant Appeals Board;
 - **45 CFR Part 30** - Claims Collection;
 - **45 CFR Part 74** – Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Non-Profit Organizations and Commercial Organizations;

- **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 92** - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
 - **45 CFR Part 93** - New Restrictions on Lobbying;
 - **45 CFR Part 95, Subpart E** - Cost Allocation Plans.
3. All State and local administrative costs (direct or indirect) associated with this grant project shall be allocated in accordance with an approved cost allocation plan.
 4. These programs are governed by Office of Management and Budget **Circular A-133**, "Audits of States, Local Governments, and Non-Profit Organizations," issued pursuant to the Single Audit Act of 1984 (Public Law 98-502) and the Single Audit Act Amendments of 1996 (Public Law 104-156)
 5. 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 this grant award:
 - *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) the percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources."
 6. *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 either 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 of facilities used for inpatient drug and alcohol treatment.

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

7. *Religious Activity Prohibitions.* Direct Federal grants, sub-awards, or contracts under this program 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 this program. (See 45 CFR 87.)
8. *Lobbying Prohibitions.* Federal grant funds provided under this award 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 93.)
9. *Human Trafficking Provisions.* This award is subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104). (See http://www.acf.hhs.gov/grants/award_term.html)
10. *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.fsr.gov/>) and in accordance with the terms found in Federal regulations at 2 CFR Part 170, including Appendix A.

SUB-RECIPIENTS UNDER GRANTS

11. The State is required to determine recipient type when sub-granting or contracting using Federal funds. In accordance with the standards set in OMB Circular A-133, the determination is based on the substance of the relationship with the State, rather than the form of the agreement.
- The presence of one or more of the following conditions would indicate that the recipient should be considered a sub-grantee and is subject to the provisions of OMB Circular A-133:
 - a. Determines who is eligible to receive assistance under the grant;
 - b. Has performance measured by 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 rather than 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 recipient should be considered a vendor and is not subject to the provisions of OMB Circular A-133:
 - a. Provides 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.

- 12. No organization may participate in this program in any capacity or be a recipient of Federal funds designated for this program 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 92.35.) States must include a similar term and/or condition for all sub-awards or contracts awarded under this program. Prior to issuing subawards or contracts under this grant, the State must consult the ineligible parties list to ensure that organizations under funding consideration are not ineligible. The list is available on the Web at <http://www.epls.gov>.

- 13. The State is responsible for monitoring grant, sub-grant/sub-recipient and contract-supported activities to assure compliance with Federal requirements and achievement of performance goals. Grantee monitoring must cover each program, function and activity. (See 45 CFR 92.40.)

- 14. The State is required to advise sub-grantees/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 State. These include grant administrative requirements under 45 CFR Part 92, audit requirements under OMB Circular A-133 and cost principles according to recipient type:
 - Non-Profit Organizations: 2 CFR Part 230;
 - Educational Institutions: 2 CFR Part 220;
 - Commercial Vendors or Subcontractors: 48 CFR Part 31.

- 15. The State must ensure that any sub-recipient or sub-grantee that expends Federal funds totaling \$500,000 or more during the course of its fiscal year must arrange for a financial audit in compliance with the requirements of OMB Circular A-133.

PROGRAM REPORTING

Information on program reporting is available in the Refugee Social Services Grant Program and the Refugee Targeted Assistance Grant Program Funding Opportunity Announcements. The Funding Opportunity Announcements may be accessed at: <http://www.acf.hhs.gov/grants/open/foa/office/orr>.

Information on reporting forms and the reporting calendar for Refugee Social Services, Refugee Targeted Assistance, and Cash and Medical Assistance is on the ORR website at: http://www.acf.hhs.gov/programs/orr/policy/report_forms_instructions.htm.

For further information, contact your ORR State Analyst. See contact information below.

REVISION OF THE ORR-1 CASH AND MEDICAL ASSISTANCE PROGRAM ESTIMATES

16. To receive a Cash and Medical Assistance grant award, a State must have, under Federal regulations at 45 CFR 400.11(b)(1), submitted an estimate of reimbursable costs for the fiscal year on Form ORR-1, "Refugee Resettlement Program Estimates: CMA," no later than 45 days prior to the beginning of the Federal fiscal year (i.e., no later than August 15).
17. Under Federal regulations at 45 CFR 400.11(b)(3), an adjustment to increase the initial estimate, if needed, must be submitted with a revised copy of Form ORR-1 and a justification statement, no later than 30 days prior to the beginning of the fiscal quarter to which the adjustment applies. The revision must identify the nature of each expense and include a statement justifying the estimate.
18. No revisions or adjustments to the estimates will be accepted after the end of the obligation period.
19. Send all submissions of Form ORR-1 to your State Analyst. See "Important Addresses" below.

FINANCIAL MANAGEMENT

20. *Funding Priorities - Cash and Medical Assistance Grant Program Awards.* Federal funds provided in this award must be used by the State to provide services in the following order of importance:
 - a. Services for unaccompanied minors, including the administrative costs of providing such services.
 - b. Provision of refugee cash assistance and refugee medical assistance during the refugee's first eight months in the United States, in accordance with the provisions of 45 CFR 203(b) and 204(b), respectively.
 - c. Certain administrative costs incurred for "the overall management of the State's refugee program," in accordance with the provisions of 45 CFR 400.13(c).
21. *Funding Restrictions - Targeted Assistance Grant Program.* Under Section 412(c)(2)(B)(ii) of the Immigration and Nationality Act, States are allowed a maximum of 5 percent of the total grant award for administrative costs associated with this program.
22. *Obligating and Liquidating Federal Funds*
 - a. *Cash and Medical Assistance Grant Program.* In the event that the Federal funding for the current fiscal year includes "reauthorized funds" from a previous fiscal year, the reauthorized funds must be obligated before newly awarded funds.

b. *Obligation and Liquidation Deadlines:*

	<i>Cash and Medical Assistance Grant</i>	<i>Cash and Medical Assistance Grant – Unaccompanied Minors Costs Only</i>	<i>Social Services Grant</i>	<i>Targeted Assistance Grant</i>
<i>Obligation Deadline</i>	Last Day of the Fiscal Year in Which the Award is Made Sept. 30, 2012	Last Day of the Fiscal Year After the Year in which the Award is Made Sept. 30, 2013		
<i>Federal Regulation</i>	45 CFR 400.210(a)(1)		45 CFR 400.210(b)(1)	

<i>Liquidation Deadline</i>	Last Day of Following Fiscal Year Sept. 30, 2013	Last Day of Second Following Fiscal Year Sept. 30, 2014
<i>Federal Regulation</i>	45 CFR 400.210(a)(1)	45 CFR 400.210(b)(2)

- c. Any awarded Federal funds (including reauthorized funds under the Cash and Medical Assistance Grant Program) not obligated or liquidated by the deadlines stated above will be recouped by this Department.

23. Financial Reports - Obligations and Liquidations

- a. The State must submit quarterly financial reports for each program in accordance with the following schedule:

	<i>Cash and Medical Assistance Grant</i>	<i>Social Services Grant</i>	<i>Targeted Assistance Grant</i>
<i>Reporting Form</i>	Federal Financial Report Form SF-425		
<i>Reporting Schedule</i>	30 Days Following the End of Each Fiscal Quarter (i.e., no later than January 30, April 30, July 30, and October 30).		
<i>Federal Regulation</i>	45 CFR 400.11(c)		Funding Opportunity Announcement

<i>Final Report</i>	Same Date as Liquidation Deadline – Sept. 30, 2013	90 Days Following Liquidation Deadline – Dec. 30, 2014
<i>Federal Regulation</i>	45 CFR 400.210(a)(1)	45 CFR 400.210(a)(2)

- b. States are requested to file these reports electronically through the ACF On-Line Data Collection (OLDC) system. (See Action Transmittal OA-ACF-AT-01-05, issued January 24, 2005, ORR State Letter 09-18, issued March 27, 2009, and ORR State Letter 10-04, issued April 9, 2010,) When reports are completed and submitted through OLDC, no paper submission is required. For more information, consult your ORR State Analyst.

- c. For States that elect to submit paper copies of the required expenditure reports, send one (1) copy with an original signature of each submission of Form SF-425 to the financial office. Send an additional copy of each submission to the Division of Refugee Assistance in the program office. (See "Important Addresses" below.)
- d. *Payments.* Payments under these grant programs will be made by Letter of Credit through *Smartlink*. The State shall comply with requirements imposed by the system. Please direct any questions concerning grant payments to the payment office. (See "Important Addresses" below).

24. For instructions regarding prior review and approval of proposed noncompetitive procurement actions involving expenditures of over \$25,000, contact Henley Portner. (See "Important Addresses" below.)

GRANTEE ADDRESS CHANGES

Grant award letters are sent to the address in our records. Please send address changes or corrections to the financial office. (See "Important Addresses," below.) If possible, limit addresses to four or five lines of text.

IMPORTANT ADDRESSES

- o Program Office: Administration for Children and Families
Office of Refugee Resettlement
370 L'Enfant Promenade, S.W., 8th Floor West
Washington, D.C. 20447

Contact: For information specific to your State, please select your State name on the ORR website for contact information to contact your State analyst:
http://www.acf.hhs.gov/programs/orr/data/state_prgr_annual_overview.htm

For general program information: Henley Portner
e-mail: henley.portner@acf.hhs.gov
phone: (202) 401-5363
fax: (202) 401-0981

- o Financial Office: Administration for Children and Families
Office of Grants Management
Division of Mandatory Grants
Att'n: Refugee Resettlement Program
370 L'Enfant Promenade, S.W., 6th Floor East
Washington, D.C. 20447

Contact: Michael Bratt
e-mail: michael.bratt@acf.hhs.gov
phone: (202) 401-4629
fax: (202) 401-5644

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- Payment Office: U.S. Department of Health and Human Services
Division of Payment Management
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>

NOTE: The U.S. General Accounting Office maintains a toll-free telephone number, (800) 424-5454, to receive information concerning fraud, waste or abuse under grants and cooperative agreements. These reports are kept confidential, and callers may decline to give their names if they choose to remain anonymous.