



ADMINISTRATION FOR **CHILDREN & FAMILIES**

GENERAL TERMS and CONDITIONS

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

By acceptance of the individual awards, each grant recipient, pass-through entity, and subrecipient agrees to comply with these requirements. Failure to comply may result in disallowances, restricted drawdown, withholding of future awards, and deferral of claims for Federal Financial Participation (FFP) of the grant.

ADMINISTRATION FOR CHILDREN AND FAMILIES

MANDATORY FORMULA, BLOCK AND ENTITLEMENT GRANT PROGRAMS

Catalog of Federal Domestic Assistance (CFDA) Program No. varies, see program specific Supplemental Terms and Conditions

APPLICABLE LEGISLATION, STATUTE, REGULATIONS

1. Effective December 2014, the Department of Health and Human Services (HHS)-specific implementing regulations of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards is codified at **45 CFR Part 75**.
 - a. The following provisions apply to all mandatory grant programs:
 - i. Subpart A – Acronyms and Definitions
 - ii. Subpart B – General Provisions
 - iii. Subpart D – Post Federal Award Requirements only portions apply to all:
 1. 45 CFR §75.303 – Internal Controls
 2. 45 CFR §75.351 through §75.353 – Subrecipient Monitoring and Management.
 - b. Please see the program specific Supplemental Terms and Conditions as exceptions do apply to some ACF grant programs.
 - c. Unless otherwise stated, grant recipient and subrecipient must refer to the HHS-specific language in 45 CFR Part 75 rather than 2 CFR Part 200.
2. Additional federal regulations:
 - a. **2 CFR Part 25** – Universal Identifier and System for Award Management
 - b. **2 CFR Part 170** – Reporting Subaward and Executive Compensation Information
 - c. **2 CFR Part 175** – Award Term for Trafficking in Persons
 - d. **2 CFR Part 176** – Award Terms for Assistance Agreements that include Funds under the American Recovery and Reinvestment Act of 2009, Public Law 111-5

- e. **2 CFR Part 180** – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non Procurement)
- f. **2 CFR Part 376** – Nonprocurement Debarment and Suspension
- g. **2 CFR Part 382** – Requirements for Drug-Free Workplace (Financial Assistance)
- h. **31 U.S.C. §3335, §6501, and §6503** (see also **31 CFR Part 205** – Rules and Procedures for Efficient Federal-State Funds Transfers) – Cash Management Improvement Act
- i. **45 CFR Part 16** – Procedures of the Departmental Grant Appeals Board
- j. **45 CFR Part 30** – Claims Collection
- k. **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
- l. **45 CFR Part 81** – Practice and Procedure for Hearings Under Part 80 of this Title
- m. **45 CFR Part 84** – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
- n. **45 CFR Part 86** – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance
- o. **45 CFR Part 87** – Equal Treatment for Faith-Based Organizations
- p. **45 CFR Part 91** – Nondiscrimination on the Basis of Age in HHS Programs or Activities Receiving Federal Financial Assistance
- q. **45 CFR Part 93** – New Restrictions on Lobbying
- r. **45 CFR Part 95** – General Administration – Grant Programs
- s. **45 CFR Part 100** – Intergovernmental Review of Department of Health and Human Services Programs and Activities

3. Statutory and national policy requirements:

- a. *Human Trafficking Provisions.* These awards are subject to the requirements of Section 106(g) of the “Trafficking Victims Protection Act of 2000” (22 U.S.C. 7104). The full text of this requirement is found at <http://www.acf.hhs.gov/grants/award-term-and-condition-for-trafficking-in-persons>.
- b. *Mandatory Disclosures.* These awards are subject to the requirements in 31 U.S.C. 3321, 41 U.S.C. 2313, and provisions found in Federal regulations at 45 CFR §75.113 and Appendix XII of this part, and 2 CFR Parts 180 and 376 for debarment and suspension. Non-Federal entities must disclose all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Failure to comply may result in any noncompliance remedies, including debarment and suspension.

ACF is required to review and consider information about any current or potential recipient, subrecipient, contractor, or subcontractor contained in the Federal Awardee Performance and Integrity Information System (FAPIIS) (<https://www.fapiis.gov>) and System for Award Management (SAM). Non-Federal entities may review and comment on any information about itself that has been entered into FAPIIS. ACF will consider any comments by the non-Federal entity, in addition to other information in FAPIIS to judge the grant recipients integrity, business ethics, and record of performance under Federal awards when completing its review of risk.

- c. *Posting Federally Funded Disclaimer Language on Documents.* In accordance with Section 505 of Public Law 115-31, the Consolidated Appropriations Act of 2017 is applicable to the mandatory grant programs. “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 recipients receiving Federal funds included in this Act, 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 non-governmental sources.”

- d. *Salary Limitation – Federal Executive Level II.* Federal funds for these grant programs consistently include a provision as part of the Consolidated Appropriations Act (e.g., Public Law 115-31, May 5, 2017) from Congress that the amount that “shall be used to pay the salary of an individual, through a grant or other extramural mechanism” including non-federal share, must not exceed the amount of the Federal Executive Level II salary for that calendar year. This amount is published annually by the U.S. Office of Personnel Management and can be found on their website at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2017/executive-senior-level> under the “Rates of Pay for the Executive Schedule” link. This amount reflects an individual's base salary exclusive of fringe benefits and any income that an individual may be permitted to earn outside of the duties of the non-Federal entities organization. This salary limitation also applies to subawards, contracts, and subcontracts under an ACF grant or cooperative agreement.
- i. *Federal Funds Accountability and Transparency Act (FFATA) 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 grant recipient is required to report information regarding executive compensation and all subawards, 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.
- e. *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 whether directly or through State, Territories, local and Tribal governments. Federal programs include grants, cooperative agreements, loans and loan guarantees, subawards, 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 subawards 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.

- f. *Micro-purchase and Simplified Acquisition Threshold for Financial Assistance.* “Due to statutory changes set forth in the National Defense Authorization Act for Fiscal Year 2018, which became law on December 12, 2017, the threshold for micro-purchases is now set at \$10,000, and the threshold for simplified acquisition is now \$250,000. In accordance with 41 U.S.C. § 1902(f), changes to the thresholds are not effective until

implemented in the Federal Acquisition Regulations (FAR). However, pursuant to [2 CFR §200.102](#), OMB has issued an exception to allow grantees [recipients] to use these higher thresholds in advance of revisions to the FAR at 48 CFR Subpart 2.1 and the Uniform Guidance. Further, the National Defense Authorization Act for Fiscal Year 2017, which became law on December 23, 2016, establishes a uniform process by which institutions of higher education, or related or affiliated nonprofit entities, nonprofit research organizations or independent research institutes can request a micro-purchase threshold above \$10,000. Prior to requesting a higher threshold, please contact the Grants Management Specialist (GMS) identified on your Notice of Award (NoA) or award letter for instructions to submit the request.”

COST SHARING OR MATCHING (NON-FEDERAL SHARE) OF PROGRAM FUNDING

4. Some mandatory grant programs require the grant recipient to provide a portion of program funding, as specified in Federal law. Please see the program specific Supplemental Terms and Conditions for the requirements.
5. *Insular Areas*. For any program that (a) requires a non-Federal share of program funding and (b) is available to several identified grant recipients, under the provisions of 48 U.S.C. 1469a.(d), as amended, the Insular Areas, defined as American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands, are not required to provide up to \$200,000 of the non-Federal share of program funding. If, in any fiscal year, the non-Federal share exceeds \$200,000, the statutory Federal /non-Federal funding rates for that program will apply to all expenditures that exceed that threshold.

FINANCIAL REPORTING

6. Federal funds awarded under this grant must be expended for the purposes which they were awarded and within the time period allotted. Grant recipients are required to file periodic financial or program specific expenditure reports either quarterly or annually for each program. Please see the program specific Supplemental Terms and Conditions for the requirements.
7. *Electronic Submissions*. Reports must be submitted electronically. Paper copies will not be accepted. ACF mandatory grant recipients must submit periodic financial reports through two separate online reporting systems. Each system is secure requires individuals to use a PIN, username, and password.
 - a. On-Line Data Collection (OLDC) system is the online reporting mechanism and is located at <https://grantsolutions.gov>. The GrantSolutions Help Desk is open on Monday through Friday from 8:00 am to 6:00 pm ET (except for Federal Holidays). You may reach the Help Desk at 1-866-577-0771, 202-401-5282, or help@grantsolutions.gov.
 - b. HHS Payment Management System (PMS) is the online payment management mechanism and is located at <https://pms.psc.gov>. The PMS Help Desk is open Monday through Friday from 7:00 am to 9:00 pm ET (except Federal Holidays). You may reach the Help Desk at 1-877-614-5533 or PMSSupport@psc.gov.
8. *Obligation Period/Funding Period*. Unless superseded by program specific statute or regulations or by other ACF program specific policies, the obligation period will start on the first day of the Federal fiscal year for which the award is being issued (regardless the issue date of that award) and the deadline for obligating Federal funds for mandatory grant programs is the last day of the

following fiscal year for which the award is issued.

9. *Liquidation Period.* Unless superseded by program specific statute or regulations or by ACF policy, the deadline for liquidating Federal funds is 90 days after the end of the obligation period/funding period (or as specified in a program regulation).

PROGRAM REPORTING

10. Please see the program specific Supplemental Terms and Conditions for the program reporting requirements

REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY REPORTING

11. *Real Property Reports (SF-429s), OMB Control No. 4040-0016.* Please see program specific Supplemental Terms and Conditions and the [ACF Property](#) list for applicability. There are only a few ACF grant programs that have explicit statutory authority to use federal funds to purchase, construct, and/or renovate a property. When real property is used for these purposes, a Federal interest is established. This interest does not expire. So long as a Federal interest remains, the title holding recipient (and on behalf of subrecipients) must submit a report on the property annually in the OLDC system. When the property is no longer needed, the recipient (and on behalf of subrecipients) must submit in OLDC a request for disposition instructions. After which ACF will approve one of the three options prescribed under 45 CFR §75.318, eliminating the Federal interest.

In accordance with program specific requirements, recipients (and on behalf of subrecipients) are required to submit the OMB approved Real Property Status Report SF-429 and Attachments, in which there is a Federal interest. The collection of SF-429 forms must be used for awards that establish a Federal interest on real property.

- a. **SF-429.** The Cover Page must be submitted along with the other SF-429 Attachments (A, B, and C).
 - b. **SF-429 Attachment A.** The Annual General Report is due annually and follows the same reporting cycle as the annual Federal Financial Report or program specific Expenditure Report.
 - c. **SF-429 Attachment B.** The Acquire or Improve Request may be submitted at any time to request prior approval to use federal funds to acquire or improve property.
 - d. **SF-429 Attachment C.** The Disposition or Encumbrance Request may be submitted at any time to request disposition instructions. Recipients (and on behalf of subrecipients) may be required to provide compensation to the U.S. Treasury when acquired or improved real property is sold or retained.
12. *Tangible Property Report (SF-428s), OMB Control No. 4040-0018.* Recipients and subrecipients that purchase any tangible personal property (e.g., equipment with a unit cost of \$5,000 or more and residual supplies with an aggregate fair market value exceeding \$5,000) are required to submit the OMB approved Tangible Personal Property form SF-428. The SF-428 is a standard form used to collect information related to tangible personal property. All mandatory grant programs are required to submit the SF-428s. Recipients are required to submit the forms on behalf of subrecipients.

- a. **SF-428.** The Cover Page must be submitted along with the other SF-428 Attachments (B, C, and S).
- b. **SF-428 Attachment A.** The Federally Owned Property Annual Report is **not applicable to ACF grant programs.**
- c. **SF-428 Attachment B.** The Final/Award Closeout form on Acquired Equipment purchased with Federal Funds is due at the end of a Federal Assistance Award. This form may not apply to some mandatory grant programs. Please see program specific Supplemental Terms and Conditions for applicability.
- d. **SF-428 Attachment C.** The Disposition Request form on Acquired Equipment is due at any time other than award closeout. Recipients (and on behalf of subrecipients) may be required to provide compensation to the U.S. Treasury when acquired equipment is sold or retained for use on activities not sponsored by the Federal government.
- e. **SF-428 Attachment S.** The Supplemental Sheet may be submitted with the SF-428 Attachment B or C to provide additional information.

GRANT PAYMENTS

13. *Notice of Award.* All mandatory grant program Notice of Award payments will be made available through the HHS PMS. Questions pertaining to payments should be directed to: HHS Division of Payment Management, P.O. Box 6021, Rockville, MD, 20852, or PMS Help Desk at 877-614-5533, or PMSSupport@psc.gov. Other questions should be directed to the Administration for Children and Families Regional or Headquarters Grants Officer contact listed on the Notice of Award.
14. *Returning Funds/Interest.* Unless otherwise directed in the financial or program specific expenditure report, the HHS Program Support Center (PSC) serves as a centralized point for returning grant interest and funds according to established federal law, policies, procedures, and regulations. PMS prefers that repayment be completed as an electronic transfer or by check. Please refer to the PSC Returning Funds/Interest instructions at: <https://pms.psc.gov/grant-recipient/returningfunds.html>.

SUB-RECIPIENTS MONITORING AND MANAGEMENT

15. According to the Applicability table in 45 CFR §75.101(b)(1), the exceptions described in §75.101(d) and 75.101(e), all mandatory grant programs must comply with the Subrecipient Monitoring and Management requirements described in subpart D, §75.351 through §75.353.
16. *Debarred or Suspended.* No entity 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 or activities. Please see Executive Orders 12549 and 12689, as well as 2 CFR Parts 180 and 376 for debarment and suspension provisions. Grant recipients must include a similar term and condition for all subawards or contracts awarded under these programs. Prior to issuing subawards or contracts under this grant, the grant recipient (pass-through) must review information available through the System for Award Management, <https://www.sam.gov>, to determine whether an entity is ineligible.

17. *Subrecipient and Contractor Determinations.* Grant recipients are required to make case-by-case determinations whether the substance of an agreement creates a Federal assistance relationship (subaward) or a procurement relationship (contract). The presence of one or more characteristics may not be present in all cases; as such, the grant recipient must use judgment as the substance of the relationship is more important than the form of the agreement. ACF may also supply and require recipients to comply with additional guidance to support these determinations.

a. **Subrecipients.** A pass-through entity provides a subaward for the purpose of carrying out a portion of a Federal program and creates a Federal assistance relationship with the subrecipient. The terms and conditions of Federal awards flow down to subawards to subrecipients unless a particular section of 45 CFR Part 75 or the terms and conditions of the Federal award specifically indicates otherwise. One or more of the following characteristics support the classification of subrecipient:

- i. Determines who is eligible to receive federal financial assistance.
- ii. Has its performance measured in relation to whether objectives of a Federal program are met.
- iii. Has responsibility for programmatic decision making.
- iv. Is responsible for adherence to applicable Federal program requirements specified in the award.
- v. In accordance with its agreement, **uses the Federal funds to carry out a program for a public purpose specified in authorizing statute**, as opposed to providing goods and services for the benefit of the grant recipient.
- vi. **Please note:** as a standard ACF Office of Grants Management policy any State, local, Tribal, or Territorial governments providing a service to a pass-through entity must be considered a subrecipient.

b. **Contractors.** A contract is for the purpose of obtaining goods and services for the grant recipients own use and creates a procurement relationship with a contractor. "Goods and services" are routine items and activities that are intended for the direct benefit or use by the grant recipient. Examples of routine "goods" are tangible items such as supplies (e.g., pens, paper, and folders) and equipment (e.g., computers and copiers) for the sole use by the grant recipient. Examples of routine "services" are activities provided, such as janitorial and building maintenance services for the grant recipient. "Good and services" are not intended to carry out (in whole or part) a public purpose, unless specifically authorized by law. One or more of the following characteristics support the classification of contractor:

- i. Provides the goods and services within normal business operations.
- ii. Provides similar goods or services to many different purchasers.
- iii. Operates in a competitive environment.
- iv. Provides goods or services that are ancillary to the operation of the Federal program.
- v. Is not subject to compliance requirements of the Federal program as a result of the agreement, through similar requirements may apply for other reasons.

18. *Fixed amount subawards.* A fixed amount award cannot be used in programs which require mandatory cost sharing or matching. Most mandatory grant programs require the grant recipient to provide a portion of program funding, as specified in Federal law. Please see the program specific Supplemental Terms and Conditions for the cost sharing or matching (non-Federal share)

requirement.

19. ***Contract Monitoring.*** Grant recipients are responsible for ensuring that contracts contain the applicable provisions described in appendix II of 45 CFR Part 75. The grant recipient is responsible for maintaining oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of the contract or purchase order. Records must be maintained by the grant recipient and be sufficiently detailed for compliance.
20. ***Subrecipient Monitoring.*** Pass-through entities are required to advise subrecipients of requirements imposed on them by Federal laws, regulations, and the provisions of grant agreements as well as any supplemental requirements imposed by the pass-through entity. These include grant administrative and audit requirements (where applicable) under 45 CFR Part 75. The pass-through entities are responsible for monitoring the activities of the sub-recipient to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward, and that subaward performance goals are achieved. Monitoring must cover each program, function and activity. Records must be maintained by the pass-through entity and be sufficiently detailed for compliance.
21. ***Audits.*** Pass-through entities must ensure that any non-Federal subrecipients 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.
 - a. **For-profit subrecipients.** Unless stated otherwise in regulation or guidance, Subpart F does not apply to for-profit subrecipients. At a minimum, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance requirements for Federal awards made to for-profit subrecipients may include pre-award audits, monitoring during the agreement, and post-award audits. Please see 45 CFR §75.352 and §75.501(h).

EFFECTIVE PERIOD

The General Terms and Conditions and each of the program specific Supplemental Terms and Conditions are effective on the date shown in the footer at the bottom of the respective pages. Each Terms and Conditions supersedes all previous similar Terms and Conditions and will remain in effect until updated. All Terms and Conditions will be updated and reissued as needed, or when a new statute, regulation or other requirement is enacted, or any of the applicable existing Federal statutes, regulations, policies, procedures or restrictions is amended, revised, altered, or repealed.

POINTS OF CONTACT

Points of contact for additional information or questions concerning either the operation of the program or related financial or grant matters may be found on the Notice of Award.

IMPORTANT ADDRESSES

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

OIG HOTLINE

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 website 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.

Online:	https://oig.hhs.gov/report-fraud
Phone:	800-HHS-TIPS (800-447-8477)
TTY:	800-377-4950
Fax:	800-223-8164

If you are a provider, HHS contractor, HHS recipient or subrecipient and want to self-disclose potential fraud in HHS programs, please visit the *self-disclosure* webpage at: <https://oig.hhs.gov/compliance/self-disclosure-info/index.asp>.

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

1. Abstinence Education Program
2. Adoption Assistance Program
3. Adoption Incentive Program
4. Chafee Educational and Training Vouchers
5. John H. Chafee Foster Care Independence
6. Child Abuse and Neglect
7. Children’s Justice Act
8. Community-Based Family Resources and Support (States/Territories)
9. Community-Based Family Resources and Support (Tribes)
10. Family Violence Prevention and Services
11. Foster Care Program
12. Guardianship Assistance Program
13. Personal Responsibility Education Program
14. Promoting Safe and Stable Families
15. Promoting Safe and Stable Families – Caseworker Visitation
16. State Court Improvement – Basic
17. State Court Improvement – Data
18. State Court Improvement – Training
19. Statewide Domestic Violence Coalition
20. Stephanie Tubbs Jones Child Welfare Social Services

Office of Child Care

21. Child Care and Development Fund – Mandatory and Matching
22. Child Care and Development Fund – Discretionary States
23. Child Care and Development Fund – Discretionary Tribes
24. Child Care and Development Fund – Discretionary Territories
25. Child Care Entitlement Mandatory States
26. Child Care Entitlement Mandatory Tribes
27. Child Care Entitlement Matching States
28. Child Care Development Fund – Reprogramming
29. Tribal Construction

Office of Community Services

30. Community Services Block Grant
31. Low Income Home Energy Assistance
32. Low Income Home Energy Assistance – Reallocation
33. Low Income Home Energy Assistance – Leveraging
34. Low Income Home Energy Assistance – Residential Energy Assistance Challenge
35. Social Services Block Grant
36. Social Services Block Grant – Hurricane Emergency Disaster Relief

Office of Child Support Enforcement

37. Child Support Enforcement – States/Territories
38. Child Support Enforcement – Tribes
39. State Access and Visitation

Office of Family Assistance

40. Native Employment Works
41. Temporary Assistance for Needy Families – States
42. Temporary Assistance for Needy Families – Territories
43. Temporary Assistance for Needy Families – Tribes
44. Temporary Assistance for Needy Families – Contingency
45. Aid to the Aged, Blind, and Disabled

Office of Refugee Resettlement

46. Refugee Cash and Medical Assistance
47. Refugee Social Services
48. Refugee Targeted Assistance
49. Refugee Voluntary Agency Matching Grant