



ADMINISTRATION FOR
CHILDREN & FAMILIES

Office of Refugee Resettlement | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/orr

ORR Grants May be Used as a Match for CNCS Programs

Dear Colleague Letter 21-03

January 5, 2021

Dear Colleague:

The Office of Refugee Resettlement (ORR) is issuing this Dear Colleague Letter to notify grantees that there is no legal bar preventing grantees from using ORR funds as a match for Corporation for National and Community Service (CNCS) programs (e.g., AmeriCorps).

ORR grantees must spend ORR funds in accordance with the specific purpose and objectives of the grant. ORR grantees must also abide by all relevant ORR and Administration for Children and Families' (ACF) statutes, regulations, funding opportunity announcements and guidelines for each specific grant. As long as grantees follow all ORR and ACF requirements, ORR will not take a disallowance solely because ORR grants funds are also being used as match for CNCS programs.

CNCS' AmeriCorps program regulations allow federal funds to be used as a match for its program. However, since ORR is not authorized to interpret CNCS regulations, ORR defers interpretation of these regulations to CNCS. CNCS decides what costs are an allowable match under its programs. Grantees should direct any questions on what CNCS considers an allowable match to CNCS staff.

Historically, CNCS has requested that agencies affirm that their funds may be used as matching funds for AmeriCorps grants. On September 16, 2020, the Assistant Secretary of ACF, the administration that oversees ORR, sent the attached letter to the CNCS Chief Executive Officer affirming that from ACF's perspective, various grants, including ORR grants, are available to be used as a match for CNCS grants.

For any questions about this DCL, if you are a state or a replacement designee, please contact your ORR Regional Representative. If you are a discretionary grantee, please contact your Project Officer. Or you may contact the Refugee Policy Unit within the Division of Policy and Procedures at refugeepolicy@acf.hhs.gov.

Sincerely,

Nicole Cubbage
Acting Director
Office of Refugee Resettlement

Attachment: Letter from ACF Assistant Secretary Lynn Johnson to Barbara Stewart, CEO of the Corporation for National Service, September 16, 2020.



ADMINISTRATION FOR
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Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034
Washington, D.C. 20201 | www.acf.hhs.gov

September 16, 2020

Ms. Barbara Stewart
Chief Executive Officer
Corporation for National Service
250 E Street, SW
Washington, D.C. 20525

Dear Ms. Stewart:

I am writing to follow up on conversations between officials in our agencies on the potential use of federal grants issued by the Administration for Children and Families (ACF) to satisfy cost sharing requirements applicable to AmeriCorps grants. While the Corporation for National and Community Service would, of course, need to make its own determination on whether funding from these programs would be considered as an acceptable source of match, we are pleased to share the following information with you.

The uniform administrative requirement applicable to ACF programs provides that “except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards: ... (f) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.” 45 C.F.R. § 75.403 (emphasis added). We understand that the AmeriCorps statute provides the statutory authorization for ACF funding to be used as a cost sharing or matching requirement by allowing grantees to provide the program’s cost share “through State sources, local sources, or other Federal sources (other than the use of funds made available under the national service laws).” 42 U.S.C. § 12571(e) (emphasis added). We further understand that the AmeriCorps regulations provide that “Federal funds from other agencies may be used as match or cost sharing as authorized by 42 U.S.C. 12571(e) under the national service laws.” 2 C.F.R. § 2205.306.

We have identified several programs administered by ACF that AmeriCorps may wish to consider. We note, as well, that these programs do not have restrictions in law or regulations that preclude use of program funds as match for another federal program; we defer to AmeriCorps to determine whether its programmatic statute would specifically authorize use of other federal grant funds as an allowable source of matching funds. We note, as well, that to be counted as an allowable cost under an ACF grant, the cost must be reasonable and necessary for an allowable activity, consistent with the statutory purpose of each program, and otherwise meet all programmatic requirements.

We also would caution against ACF grantees attempting to direct ACF funds solely so they can be used for a dual purpose (that is, for reasonable costs of the ACF grant and to meet an

AmeriCorps matching requirement). While incidental benefit (of the AmeriCorps match) would not make funds unallowable, any evidence that grantees are directing their programs solely to use ACF funds for a secondary purpose might raise questions for ACF that it would need to further explore.

Child Welfare Grants

We have identified several programs that provide formula grants to states, territories, and Indian Tribes to prevent child abuse and neglect, support families, and ensure the safety of children. We also note that two of the programs listed below have non-federal match requirements of their own that ACF grantees must meet. This means that if such funds are used to cover the AmeriCorps match, the specified match for the ACF program must be provided for that expenditure using non-federal funds in accordance with applicable federal regulations at 45 CFR §75.306.

The ACF child welfare grants are as follows:

- **Stephanie Tubbs Jones Child Welfare Services Program, Title IV-B, subpart 1 of the Social Security Act [42 U.S.C. §621 *et. seq*]:** This program provides grants to public child welfare agencies in states, territories and tribes to promote flexibility in the development and expansion of a coordinated child and family services program that utilizes community-based agencies and ensures all children are raised in safe, loving families by (1) protecting and promoting the welfare of all children; (2) preventing the neglect, abuse, or exploitation of children; (3) supporting at-risk families through services which allow children, where appropriate, to remain safely with their families or return to their families in a timely manner; (4) promoting the safety, permanence, and well-being of children in foster care and adoptive families; and (5) providing training, professional development and support to ensure a well-qualified child welfare workforce. The program requires a 25 percent non-federal match from participating grantees.
- **MaryLee Allen Promoting Safe and Stable Families Program, Title IV-B, subpart 2 of the Social Security Act [42 U.S.C. §629 *et. seq*]:** This program provides grants to public child welfare agencies in states, territories, and tribes to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, family reunification services, and adoption promotion and support services. The program requires a 25 percent non-federal match from participating grantees.
- **Child Abuse Prevention and Treatment Act (CAPTA) State Grant [42 U.S.C. §1506a]:** This program provides grants to state child welfare agencies to improve child protective service systems, including through support of interagency and community-

based collaborations to prevent child abuse and neglect. The program requires no match from participating grantees.

Temporary Assistance for Needy Families (TANF), Title IV-A of the Social Security Act [42 U.S.C. §601 *et. seq*]

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families achieve self-sufficiency. States receive block grants to develop and operate programs and fund activities that accomplish at least one of the four purposes of the TANF program. States must expend their own funds under a maintenance-of-effort requirement in order to receive the block grant. Many tribes also operate their own Tribal TANF programs.

The four purposes of the TANF program are to:

- Provide assistance to needy families so that children can be cared for in their own homes or in the homes of relatives
- End the dependence of needy parents by promoting job preparation, work, and marriage
- Prevent and reduce the incidence of out-of-wedlock pregnancies
- Encourage the formation and maintenance of two-parent families

Office of Refugee Resettlement (ORR) [8 U.S.C. § 1521 *et. seq.*]

ORR programs are designed to help ORR eligible populations achieve self-sufficiency. ORR provides grants to states and non-profit organizations to help accomplish these goals.

The ORR grants are as follows:

- **Refugee Support Services (RSS) [8 U.S.C. § 1522(c)]:** ORR allocates RSS funds to states and replacement designees based on ORR eligible populations from the previous 12 months. The RSS program assists refugees to obtain employment and achieve self-sufficiency within one year's participation in the program. Services may include orientation, case management, English as a Second Language, employment services, interpretation, translation, or transportation. ORR also developed specific RSS set-asides which mainly target certain ORR eligible age groups with specific services to promote integration and self-sufficiency: Refugee School Impact, Youth Mentoring, Services for Older Refugees, and Refugee Health Promotion.
- **Preferred Communities (PC) [8 U.S.C. § 1522(c)(1)(A)]:** The PC program supports particularly vulnerable ORR eligible populations by assisting resettlement agencies to build capacity to serve and allowing grantees flexibility to respond to unanticipated arrival flows. The PC program provides long-term case management, addressing specific client needs through goal setting geared towards helping clients attain self-sufficiency.
- **Voluntary Agencies Matching Grant (MG) [8 U.S.C. § 1522(c)(1)(A)]:** The MG program is a part of the refugee resettlement program in each state where it operates. The

program helps enrollees attain economic self-sufficiency through the provision of comprehensive case management and services leading to employment within their 180 day MG program service period. The client must achieve self-sufficiency without accessing public cash assistance. The program requires a specified match, 33 percent of the total approved costs of the project for each budget period, using non-federal funds in accordance with applicable federal regulations at 45 C.F.R. § 75.306.

- **ORR Discretionary Grant Programs [8 U.S.C. § 1522(c)(1)(A):** ORR also funds several discretionary, competitive grant programs to assist refugees in achieving economic independence and integration into the community. These programs include the Refugee Individual Development Account Program, the Refugee Agricultural Partnership Program, the Microenterprise Development Program, the Refugee Career Pathways Program, the Refugee Family Childcare Microenterprise Development Program, and the Ethnic Community Self-Help Program.

For more information on these and other ORR programs, please visit <https://www.acf.hhs.gov/orr/refugees>.

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I hope this information is useful to you and your grantees.

Sincerely,



Lynn A. Johnson
Assistant Secretary
Administration for Children and Families