



United States Department of
Health & Human Services

Leading America to Better Health, Safety and Well-Being

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

REFUGEE TARGETED ASSISTANCE PROGRAM GRANT

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

TERMS AND CONDITIONS (TA)

FISCAL YEAR 2011

(October 1, 2010 – September 30, 2011)

By acceptance of this award, 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 these grants.

PROGRAM STANDARDS

1. The administration of these programs is based on:
 - **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;
 - the revised ORR Statement of Program Goals, Priorities and Standards for the State-Administered Refugee Resettlement Program.
 - all other applicable Federal regulations, program policies and instructions.

ADMINISTRATIVE REQUIREMENTS

2. This program is governed by the following Federal regulations:
 - **2 CFR Part 225** – Cost Principles for State, Local and Indian Tribal Governments
 - **45 CFR Part 16** – Procedures of the Departmental Grant Appeals Board;
 - **45 CFR Part 30** - Claims Collection;
 - **45 CFR Part 76, Subpart F** – Drug-Free Workplace Requirements;
 - **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. 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.
3. This program is governed by Office of Management and Budget **Circular A-133**, Audits of States, Local Governments, and Non-Profit Organizations, including the audit requirements of the **Single Audit Act of 1984** (Public Law 98-502)
4. 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) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources."*
5. 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 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 that 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.
6. 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 proselyzation. 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)

7. 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.)
8. 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

SUB-RECIPIENTS UNDER GRANTS

9. States are 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 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 recipient should be considered a vendor and is not subject to the provisions of OMB Circular A-133:
 - 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.
10. 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 sub awards 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>.

11. The State is responsible for monitoring grant, sub-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 92.40.)
12. States are 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 and cost principles according to recipient type ;
 - Nonprofit Organizations: 2 CFR Part 230;
 - Educational Institutions: 2 CFR Part 220;
 - Commercial Vendors or Subcontractors: 48 CFR Part 31.

Sub-recipients and sub-grantees are also subject to the provisions of 45 CFR Part 92 and OMB Circular A-133.

13. States 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

14. The State must submit separate three separate performance reports to the program office (see "Important Addresses," below) for each program on Form ORR-6. These reports are due **no later than March 15, July 15, and November 15**).

FINANCIAL MANAGEMENT

15. Fund Restrictions

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.

16. Obligating and Liquidating Federal Funds

- a. The funds awarded under this **FY 2011** grant must be obligated no later than September 30, 2012. (See Federal regulations at 45 CFR 400.210(b)(1).) Any Federal funds from this award remaining unobligated after that date will be recouped by this Department. (See Federal regulations at 45 CFR 400.210(b)(1).)

- b. The funds awarded under this **FY 2011** grant and obligated by the State must be liquidated no later than September 30, 2013. (See Federal regulations at 45 CFR 400.210(b)(2).) Any Federal funds from this award remaining unliquidated after that date will be recouped by this Department.

16. Financial Reports

- a. The State must submit a quarterly Federal Financial Report (Form SF-425) no later than 30 days following the end of each of the Federal fiscal quarters (i.e., **no later than January 30, April 30, July 30 and October 30**).
- b. The final submission of Form SF-425 for this grant award must be submitted no later than 90 days following the end of the liquidation period (i.e., **no later than December 30, 2013**). (See Federal regulations at 45 CFR 400.210(b)(2).)
- c. Send one (1) copy - the "original signature" copy - of all submissions of Form SF-425 to the financial office. Send an additional copy of each submission to the State Analyst in the Division of Refugee Assistance in the Office of Refugee Resettlement. Alternatively, the SF-425 may be submitted through the Administration for Children and Families' On-line Data Collection website.

17. Payments

Payments under this grant 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).

18. For instructions regarding prior review and approval of proposed noncompetitive procurement actions involving expenditures of over \$25,000, contact the appropriate analyst (see below).
19. The expenditure of funds under this program is subject to the annual audit requirements of the Single Audit Act of 1984 (Public Law 98-502) and the Office of Management and Budget audit requirements found in Circular A-133, "States, Local Governments and Non-Profit Organizations."

GRANTEE ADDRESS CHANGES

Grant award letters will be sent to the address in our records. Please send address changes or corrections to the financial office. (See "Important Addresses," below.) If possible, addresses should be limited 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

General Contact: Henley Portner
e-mail: henley.portner@acf.hhs.gov
phone: (202) 401-5363
fax: (202) 401-0981

State-specific questions concerning this Refugee Targeted Assistance grant award should be directed to the ORR State Analyst.

- 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., 4th Floor East
Washington, D.C. 20447

Contact: Kalika France
e-mail: kalika.france@acf.hhs.gov
phone: (202) 401-5677
fax: (202) 401-5519

- o 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.