



ADMINISTRATION FOR
CHILDREN & FAMILIES

OFFICE OF FAMILY ASSISTANCE

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

Catalog of Federal Domestic Assistance (CFDA) Program No. 93.558

TERMS AND CONDITIONS for STATES AND TERRITORIES

By acceptance of this award, the State or Territory 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 this grant.

This award is subject to the following terms, conditions, and provisions:

PROGRAM STANDARDS

1. Applicable program standards include **Title IV-A of the Social Security Act, Title IV of PRWORA of 1996, as amended (8 U.S.C. 1611 et seq.)**, the TANF regulations at **45 CFR Parts 260 to 284**. Administrative requirements are identified below.
2. An approved title IV-A plan, including all approved amendments or revisions.
3. Additional applicable regulations and requirements can be found in the General Terms and Conditions.

NON-FEDERAL SHARE OF PROGRAM FUNDING

4. This is a block grant program with a Maintenance of Effort requirement on each State to provide 75 or 80 percent of its historic State expenditure level for “qualified State expenditures.” See 45 CFR 263.1 through 263.9.

ADMINISTRATIVE REQUIREMENTS

5. The following regulations from Title 45 of the Code of Federal Regulations (CFR):
 - 45 CFR Part 16** – Procedures of the Departmental Grant Appeals Board;
 - 45 CFR Part 75** — Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards
 - 45 CFR Part 76** — Debarment and Suspension from Eligibility for Financial Assistance (Nonprocurement);
 - 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 82** – Government wide Requirements for Drug-Free Workplace (Financial Assistance);
 - 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 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 – Grants Programs (Public Assistance, Medical Assistance and State Children’s Health Insurance Programs.



ADMINISTRATION FOR
CHILDREN & FAMILIES

6. 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 Part 93**.)
7. 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."

8. In accordance with Part C of Public Law 103-227, the "Pro-Children 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 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.

9. This award is subject to the requirements listed in the enclosed terms and conditions. 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). For the full text of the award term, go to: http://www.acf.hhs.gov/grants/award_term.html. The use of Federal funds from this award constitutes the State's acceptance of these terms and conditions.
10. You must administer your project in compliance with federal civil rights laws that prohibit discrimination on the basis of race, color, national origin, disability, age and, in some circumstances, religion, conscience, and sex (including gender identity, sexual orientation, and pregnancy). This includes taking reasonable steps to provide meaningful access to persons with limited English proficiency and providing programs that are accessible to and usable by persons with disabilities. The HHS Office for Civil Rights provides guidance on complying with civil rights laws enforced by HHS. See <https://www.hhs.gov/civil-rights/for-providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/for-individuals/nondiscrimination/index.html>.

- You must take reasonable steps to ensure that your project provides meaningful access to persons with limited English proficiency. For guidance on meeting your legal obligation to take reasonable steps to ensure meaningful access to your programs or activities by limited English proficient individuals, see <https://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/fact-sheet-guidance/index.html> and <https://www.lep.gov>.
- For information on your specific legal obligations for serving qualified individuals with disabilities, including providing program access, reasonable modifications, and taking appropriate steps to



provide effective communication , *see*

<http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html>.

- HHS funded health and education programs must be administered in an environment free of sexual harassment, *see* <https://www.hhs.gov/civil-rights/for-individuals/sex-discrimination/index.html>.
- For guidance on administering your project in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated anti-discrimination laws, *see* <https://www.hhs.gov/conscience/conscience-protections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.

SUB-RECIPIENTS AND VENDORS UNDER GRANTS

11. **Sub-recipient/Sub-grantee and vendor determinations.** States and Territories are required to determine recipient type when sub-granting or contracting using Federal funds. Recipient type includes sub-grantees/sub-recipients, vendors and contractors. In accordance with standards set in 45 CFR Part 75 establishes the standards for determining the difference between a sub-grantee and a vendor, based on the substance of the relationship with the State or Territory, rather than the form of the agreement.

A recipient is considered a *sub-grantee* and is subject to the Single Audit Act if it meets the following conditions:

- 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;

A recipient is considered a *vendor* and is not subject to the Single Audit Act if it meets the following conditions:

- 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.

12. No organization may participate in this project in any capacity or be a recipient of Federal funds designated for this project 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 75.213**) States and Territories 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.sam.gov>.
13. The State or Territory 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 75.352**)



8. States and Territories 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 Tribe. These include grant administrative requirements and cost principles according to recipient type. Please reference the Uniform Guidance found at **45 CFR Part 75.352**.
14. States and Territories must ensure that sub-recipients and sub-grantees expending more than \$750,000 or more in Federal awards during the sub-recipient/sub-grantee's fiscal year have an audit in compliance with the requirements of **45 CFR Part 75, subpart F**.

FINANCIAL AND PROGRAM PROGRESS REPORTING

15. In accordance with **45 CFR 75** and **45 CFR Part 265**, the grantee must submit quarterly data collection (TANF Data Report) and financial expenditure reports (ACF 196R - States or ACF-196TR –Territories). The financial reports are due within 45 days following the end of each federal fiscal quarter and must show cumulative expenditures. Grantees must submit separate quarterly reports for each funding year. ACF-196 reports must be received by ACF within 45 days after the end of each quarter of the Federal Fiscal Year.

<u>For Quarter Ending</u>	<u>Report Due</u>
December 31	February 14
March 31	May 15
June 30	August 14
September 30	November 14

16. Certification: Report must be signed (certified) by the authorized organizational representative authorized to submit the report. The authorized organizational representative is the designated representative of the applicant/recipient organization with authority to act on the organization's behalf in matters related to the award and administration of grants. In signing a grant application, this individual agrees that the organization will assume the obligations imposed by applicable Federal statutes and regulations and other terms and conditions of the award, including any assurances. These responsibilities include accountability both for the appropriate use of funds awarded and the performance of the grant-supported project or activities as specified in the approved application. Grantees must submit an Annual Program Performance Reports to report the coordination, training and technical assistance, needs assessment, and comprehensive planning activities carried out, and public information and education services provided. The annual reports must also provide an assessment of the effective of the grant supported provided. The annual reports must also provide an assessment of the effectiveness of the grant supported activities. Program performance reports should be submitted should to the program office.
 17. In accordance with **Action Transmittal OGM-AT-13-01** (September 25, 2013; see also Federal Register Notice, Volume 78, No. 125 (78 FR 38989 et. seq.)), Tribes are required to submit their periodic financial reports electronically, via the ACF On-Line Data Collection (OLDC) system. This requirement became effective October 1, 2013.
 18. Failure to submit required data, financial status or audit reports timely may be the basis for a penalty, pursuant to section **409 (a)(2)** of the Social Security Act and implementing regulations in **45 CFR 265**.
 19. The State may transfer TANF funds to the CCDF and SSBG programs only during the year for which the
- August 2021



ADMINISTRATION FOR
CHILDREN & FAMILIES

TANF funds were awarded. Transfers of unobligated previous year TANF balances to CCDF and SSBG have been prohibited since October 1, 1999. Funds transfer limits are pursuant to Section **404(d)** of the Social Security Act. The limits are explained in the instructions for completing the TANF ACF-196 and the TANF ACF-196-TR.

20. In accordance with **45 CFR 265.6**, program data and financial status reports must be submitted electronically. States and Territories should submit these reports through the ACF On-Line Data Collection (OLDC) system.
21. Pursuant to section **404(e) of the Social Security Act**, as enacted by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5), ARRA lifted the limitation on section 404(e) of the Social Security Act (The Act) on using carryover/reserve TANF funds only on “assistance”. Beginning with FY2009, with the exception of federal Contingency Funds, any Federal TANF funds (including ARRA Emergency Funds and Supplemental Grant Funds) carried into 2009, and any FY 2009 and forward Federal TANF funds carried into a succeeding fiscal year may be spent on any TANF allowable activities – assistance and non assistance activities. This change applies to States, DC, Territories and Tribes operating approved TANF programs. The related Administrative Costs to provide the assistance will be reported against the State or Territory administrative cost cap (**45 CFR 263.13**) for the fiscal year for which the Federal funds were originally awarded.

PAYMENT ARRANGEMENTS, FUNDS AVAILABILITY AND RESTRICTIONS

22. Payments under this grant will be made through the Department of Health and Human Services’ Division of Payment Management *SmartLink* Payment System. The State or Territory must comply with requirements imposed by the on-line system. Please direct any questions concerning grant payments to the payment office at 1-877-614-5533.
23. Grantees shall be paid in advance provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and their disbursement by the grantee or subgrantee. (See **45 CFR 75.305**)
24. These funds may not be used to meet the matching or cost-sharing requirements of other Federal grant programs unless expressly authorized by Federal law.
25. Federal funds awarded under these grants must be expended for the purposes for which they were awarded and may not be used for construction or the purchase of land.
26. Administrative Cost Cap: In accordance with 45 CFR 263.13, a State may not spend more than 15 percent of the amount it receives as its State family assistance grant (SFAG) on “administrative costs.”
27. A State may transfer TANF funds to its CCDF or SSBG programs only during the year for which the TANF funds were awarded. The amount of these transfers is limited to the percentages specified in Sec 404(d)(1) and (2) of the Social Security Act.

Obligation/ Liquidation Deadlines:

The funding (project) period and the obligation period are synonymous. Federal funds awarded under this program remain available until expended. In accordance with Section 404(e) of the Social Security Act, these grants are available “without fiscal year limitation.”



EFFECTIVE PERIOD

These Terms and Conditions are effective on the date shown in the margin at the bottom of the page and will remain in effect until updated. They will be updated and reissued only as needed whenever a new program-specific statute, regulation or other requirement is enacted or whenever 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 can be found on the associated Notice of Award.

NOTE: The U.S. Government Accountability Office (GAO) maintains **FraudNET**, a system for reporting allegations of fraud, waste and abuse under Federal grants and cooperative agreements. Reports are kept confidential; you need not provide your name. Information provided through the Internet web site is secure and all information is safeguarded against unauthorized disclosure.

To report the possible misuse of federal funds, the E-mail address is fraudnet@gao.gov; the fax number is 202-512-3086 and the mailing address is GAO **FraudNET**, 441 G Street N.W., Washington, D.C. 20548. When you submit allegations, please provide as much detailed information as possible.