



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

**OFFICE OF FAMILY ASSISTANCE**

**TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)  
PANDEMIC EMERGENCY ASSISTANCE FUNDING (PEAF) PROGRAM**

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

*TERMS AND CONDITIONS for STATES, TERRITORIES and TRIBES*

By acceptance of this award, the grantee 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.), TANF regulations at 45 CFR Parts 260 to 284 and the American Rescue Plan Act (P.L. 117-02)**. 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 program has a 100 percent federal financial participation rate for program costs and should be used to supplement and not supplant other Federal, State or tribal funds for services and activities that promote the purposes of Section 9201 of P.L. 117-02. PEAFF expenditures cannot be used to satisfy Maintenance of Effort requirements under the TANF program. A non-federal share of program funding is not required for this program.

**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).



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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](http://www.acf.hhs.gov/grants/award_term.html).

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 75.200 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 requirements 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 requirements 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**) Grantees 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 grantee 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 Grantee 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**)
14. Grantees 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. These include grant administrative requirements and cost principles according to recipient type.



Please reference the Uniform Guidance found at **45 CFR Part 75.352**.

15. Grantees 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 REPORTING

In accordance with TANF program policy, the grantee must submit financial expenditure reports (ACF 196P).

Note: Tribes and tribal consortia that are approved to integrate TANF in a P.L. 102-477 plan, may at their option use the ACF-196P form or include the required information as a part of their annual 477 narrative report. Financial reporting is due within 90 days following the end of each federal fiscal year and must show cumulative expenditures.

Grant Year	Expenditure Timeframe		Report Due Date
2021	<i>Initial PEAFF award must be expended by 9/30/22</i>		
	#1	April 1, 2021 – September 30, 2021	December 29, 2021
	#2	April 1, 2021 – September 30, 2022	December 29, 2022
	<i>Funds not expended by 9/30/22 are available for reallocation. Grantees awarded reallocated funds will report as follows:</i>		
	#3	April 1, 2021 – September 30, 2023	December 29, 2023
	#4 (FINAL)	April 1, 2021 – 12 months after issuance of reallocation award	90 days after end of 12-month period

16. Certification: Report must be signed (certified) by the authorized organizational representative (AOR) authorized to submit the report. The AOR 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.
17. Failure to submit required data, financial status or audit reports timely may have an unfavorable impact on the grantee’s eligibility for any available reallocation PEAFF award. This form should be completed, signed and electronically submitted to the Office of Family Assistance PEAFF mailbox at: [PEAFF@acf.hhs.gov](mailto:PEAFF@acf.hhs.gov).

Note: Tribes and tribal consortia that are approved to integrate TANF in a P.L. 102-477 plan (477), may at their option, use the ACF-196P form or include the required information and certification as a part of their annual 477 narrative report. The information may be submitted to the tribe’s awarding official technical representative at the Bureau of Indian Affairs (BIA). BIA staff will process and transmit the reports to the PEAFF mailbox as described above.

18. Pursuant to section **403(c) of the Social Security Act**, as enacted by the American Rescue Plan Act of 2021 (P. L. 117-2), beginning April 1, 2021, PEAFF can be used for expenditures on non-recurrent, short term benefits to families and certain associated administrative costs. Short-term benefits to families in the form



of cash, vouchers, subsidies, or similar form of payment to deal with a specific crisis situation or episode of need and excluded from the definition of assistance on that basis. This category includes expenditures such as emergency assistance and diversion payments, emergency housing and short-term homelessness assistance, emergency food aid, short-term utilities payments, burial assistance, clothing allowances, and back-to-school payments. PEAFF should not be used for tax credits, child care, transportation, or short-term education and training.

## **PAYMENT ARRANGEMENTS, FUNDS AVAILABILITY AND RESTRICTIONS**

19. Payments to states, territories and directly funded tribes and tribal consortia under this grant will be made through the Department of Health and Human Services' Division of Payment Management *SmartLink* Payment System. Grantees 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.

Payments made to tribes and tribal consortia that are approved to integrate TANF in a P.L. 102-477 plan will be made available by the U.S. Department of the Interior.

20. 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**)
21. 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.
22. 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.
23. Administrative Cost Cap:

The use of PEAFF for administrative expenditures is limited to the following -

**States/ Territories:** States and Territories have an administrative cost cap of 15 percent which applies to the Total Pandemic Emergency Assistance funds awarded. Based on the nature or function of the contract, grantees must include appropriate administrative costs associated with contracts and subcontracts that count towards the 15 percent administrative cost caps.

**Tribes:** Tribes and tribal consortia receiving funds directly from ACF have an administrative cost cap which applies to the total Pandemic Emergency Assistance funds awarded. The tribe's administrative cost cap is approved as part of the tribal TANF plan (45 CFR § 286.50). Tribes and tribal consortia that are approved to integrate TANF in a P.L. 102-477 plan will adhere to the administrative cap approved as part of their 102-477 plan. Based on the nature or function of the contract, tribes must include appropriate administrative costs associated with contracts and subcontracts that count towards the negotiated administrative cost caps.

### **Obligation/ Liquidation Deadlines:**

The funding (project) period and the obligation period are synonymous. All Federal funds awarded under this grant must be obligated and liquidated by the timeframes provided in **P.L. 117-02**.

Initial Award – must be obligated and liquidated by 9/30/2022



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Reallotted Award – must be obligated and liquidated within 12 months from date of award

### **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 Notice of Awards for this funding.

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**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](mailto: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.