

Attachment E Federal Assurances

The area agency, as grantee, must comply with all applicable state and federal laws and regulations, the conditions included as part of the Four-Year Plan submitted to the New York State Office for the Aging and the following requirements which govern the manner in which it shall use grant funds and provide services under this grant Agreement:

FFY 2023 Standard Administrative Terms for ACL Mandatory/Formula Awards

1. Prohibition on certain telecommunications and video surveillance services or equipment

Effective August 13, 2020, HHS issued new provisions to loan, grant or cooperative agreement awards (does not apply to non-competing continuation awards):

As described in CFR 200.216, (a) recipients and subrecipients are prohibited to obligate or spend grant funds (to include direct and indirect expenditures as well as cost share and program) to:

- (1) Procure or obtain,
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into contract (or extend or renew contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Pub. L. 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - ii. Telecommunications or video surveillance services provided by such entities or using such equipment.
 - iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or

controlled by, or otherwise, connected to the government of a covered foreign country.

2. Salary Limitation

The General Provisions in the Consolidated Appropriations Act, 2023 (Public Law 117-328), signed into law on December 29, 2022, includes provisions for a salary rate limitation. The law limits the salary amount that may be awarded and charged to ACL grants and cooperative agreements. Award funds may not be used to pay the salary of an individual at a rate in excess of Executive Level II. This amount reflects an individual's base salary exclusive of fringe and any income that an individual may be permitted to earn outside of the duties to the applicant organization. This salary limitation also applies to subawards/subcontracts under an ACL grant or cooperative agreement. Note that these or other salary limitations will apply in FY 2023, as required by law.

3. Gun Control (Section 210)

"None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control."

4. Restriction on Distribution of Sterile Needles (Section 526)

" Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law."

5. Anti-Lobbying (Section 503)

- a. No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself.
- b. No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or

Executive order proposed or pending before the Congress or any state government, state legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local or tribal government in policy-making and administrative processes within the executive branch of that government.

- c. The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future federal, state or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control."

6. Trafficking Victims Protection Act

ACL awards are subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104(g)).

A. Provisions applicable to a recipient that is a private entity.

1. You as the recipient, your employees, sub-recipients under this award, and sub-recipients' employees may not —
 - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a sub-recipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either —
 - a. Associated with performance under this award; or
 - b. Imputed to you or the sub-recipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376.

B. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a sub-recipient that is a private entity —

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either —
 - i. Associated with performance under this award; or
 - ii. Imputed to the sub-recipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to 4 Agencies on Government wide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 CFR part 376.

C. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity

D. Definitions. For purposes of this award term:

1. “Employee” means either: i. An individual employed by you or a sub-recipient who is engaged in the performance of the project or program under this award; or ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements
2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services,

through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

3. "Private entity":

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

ii. Includes:

a. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b)

b. A for-profit organization

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102)

7. Security and Privacy

Should the collection of information require the use of an information technology system (2 CFR 200.58), the grant recipient and subrecipient(s) will be expected to adhere to the NIST Cybersecurity Framework to help ensure the security of any system used or developed by the grant recipient or subrecipient(s). In particular, if the data to be collected includes Personally Identifiable Information (PII, 2 CFR 200.79) or Protected PII (2 CFR 200.82), the grant recipient and subrecipient(s) must apply the appropriate security controls required to protect the privacy and security of the collected PII and/or Protected PII.

8. Whistleblower Protections

As a recipient of ACL award, you must comply with the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, 41 U.S.C. § 4712) "Enhancement of contractor protection from reprisal for disclosure of certain information," and 48 CFR part 3 subpart 3.9, "Whistleblower Protections for Contractor Employees." For more information see: <https://oig.hhs.gov/fraud/whistleblower/>.

9. DOMA: Implementation of Same-Sex Spouses/Marriages

Obergefell v. Hodges, 576 U.S. 644 (2015) – Pursuant to the Supreme Court's 2015 decision in Obergefell v. Hodges, which held that States may not deny same-sex couples the right to marry, all recipients are expected to recognize same-sex marriage, including one of the 50 states, the District of Columbia, a U.S. territory, or in a foreign country given that marriage is also recognized by a U.S. jurisdiction. Accordingly, recipients must review and revise, as needed, any policies and procedures which interpret or apply Federal statutory or regulatory references to such terms as "marriage," "spouse," family," "household member" or similar references to familial relationships to reflect inclusion of same-sex spouse and marriages.

Any similar familial terminology references in HHS statutes, regulations, or policy transmittals will be interpreted to include same-sex spouses and marriages legally entered into as described herein.

10. Stevens Amendment

In accordance with the Stevens Amendment, all HHS grant and cooperative agreement recipients are required to acknowledge federal funding when publicly communicating projects or programs funded through HHS federal financial assistance. You must use the following language when issuing statements, press releases, requests for proposals, bid solicitations, and other ACL supported publications and forums describing projects or programs funded in whole or in part with ACL funding.

- **HHS Grant or Cooperative Agreement is NOT funded with other non-governmental sources:**

"This [project/publication/program/website, etc.] [is/was] supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$XX with 100 percent funding by ACL/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

- **The HHS Grant or Cooperative Agreement IS partially funded with other nongovernmental sources:**

"This [project/publication/program/website, etc.] [is/was] supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$XX with XX percentage funded by ACL/HHS and \$XX amount and XX percentage funded by non-government source(s). The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

11. Antidiscrimination

This project must be administered 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/civilrights/providers/provider-obligations/index.html> and <https://www.hhs.gov/civil-rights/forindividuals/nondiscrimination/index.html>.

- Reasonable steps must be taken to ensure that the 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/limitedenglish-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/sexdiscrimination/index.html>.
- For guidance on administering your project in compliance with applicable federal religious nondiscrimination laws and applicable federal conscience protection and associated antidiscrimination laws, see <https://www.hhs.gov/conscience/conscienceprotections/index.html> and <https://www.hhs.gov/conscience/religious-freedom/index.html>.

2023 ACL Standard Reporting Requirements

There are standard reporting guidelines for grantees that receive funds from ACL. The guidelines below provide general instructions, unless otherwise noted in the Notice of Award (NoA) for each program. Find the instructions in the [Current Guidelines for Preparing Performance Reports for Grants \(PDF, 332KB\)](#). Please note: Reporting requirements may vary depending on the grant. Please consult the Notice of Award for the grant to ensure compliance.

1. FFATA and FSRs Reporting

The Federal Financial Accountability and Transparency Act (FFATA) requires data entry at the FFATA Subaward Reporting System located at <http://www.FSRS.gov> for all sub-awards and sub-contracts issued for \$30,000 or more as well as executive total compensation for both recipient and subaward organizations. The Award term is located at 2 CFR part 170, Appendix A: https://www.ecfr.gov/cgi-bin/text/idx?SID=4edce6c3622672ed3a317ebce66ff4cc&mc=true&node=ap2.1.170_1330.a&rqn=div9

2. Program Progress Reporting

Program Progress Reports are due semi-annually (within 30 days following each six month period), effective with the start date of the award. This report must be submitted as a “note” using an authorized GrantSolutions account.

3. Financial Reporting

Grantees are required to submit an annual financial report (SF 425), which is due 30 days following the reporting period. 1. Annual Reporting – This report is cumulative. The first report reflects the initial 12 month period. The report is due 30 days after the conclusion of each 12 month period. For example, awards issued on 9/1, the report period ends on 8/31

the following year and is due on 9/30. For each subsequent report, the end date and due date should be extended by one year. You must reconcile your cash accounts with your expenditures for the reporting period and submit a cumulative report each year. A final report (cumulative of the entire grant period) is due 120 days after the expiration date of the project period. The FFR report must be submitted in the Payment Management System (PMS)

4. Data Collection

Grantees must collect data on their Falls Prevention programs and participants using Office of Management and Budget (OMB) approved data collection instruments (available here: <https://ncoa.org/article/data-collection-tools-for-falls-prevention-programs>) and enter this data into the ACL National Falls Prevention Database online data system within 30 days of program completion.

5. SF-425 (FFR) Reports

Federal Financial Reports (SF-425) must be submitted semi-annually. The SF-425 shall be submitted using the HHS Payment Management System (PMS). PMS website is located at: <https://pms.psc.gov>. The semi-annual Federal Financial Report covers the following period:

- September 1, 2022 through February 28, 2023 – due March 31, 2023;
- March 1, 2023 through August 31, 2023 – due September 30, 2023;
- September 1, 2023 through February 29, 2024 – due March 31, 2024.

A final Federal Financial Report will be due at the end of the grant period within 120 days after the project period end date of August 31, 2024, or by December 31, 2024. This final report will replace the last semi-annual report and must cover the entire life of the grant.

The period for liquidation of the obligations is through November 30, 2024.

6. MIPPA Reporting Requirements

This award is issued with a 2-year project period from 9/1/2022 to 8/31/2024. The award amount issued with this Notice of Award is for the first 12-month budget period from 9/1/2022 to 8/31/2023.

Programmatic data must be submitted via the SHIP Tracking and Referral System (STARS) monthly. Grantees must report data for all MIPPA program activities including any outreach conducted to the public as well as one-on-one assistance provided to beneficiaries, their families, and/or caregivers. All monthly data shall be submitted by the end of the month following the close of the reporting period. For example, all data from the month of October would be due November 30th. The recipient shall comply with data integrity guidelines and perform data validation to ensure the accuracy of their data on a quarterly basis.

Programmatic data will be used to track progress against the MIPPA Performance Measures (PM):

- PM1: Overall MIPPA Contacts - Percentage of total beneficiary contact forms per Medicare beneficiaries under 150% FPL in the state
- PM2: Overall Persons Reached through Outreach - Total number of people reached as reported on group outreach and education forms
- PM3: MIPPA Target Populations - Total number of beneficiary contact forms by target beneficiary groups (Under 65, Rural, Native American, English as a Secondary Language)
- PM4: Contacts with Applications Submitted - Percentage of forms with applications submitted compared to overall MIPPA contacts reported in PM1

Narrative progress reports must be submitted semi-annually. This report must be submitted using an authorized GrantSolutions account. The semi-annual narrative progress report covers the following period:

- September 1, 2022 through February 28, 2023 – due March 31, 2023
- March 1, 2023 through August 31, 2023 – due September 30, 2023
- September 1, 2023 through February 29, 2024 – due March 31, 2024

A final narrative report will be due at the end of the grant period. This final report will replace the last semi-annual narrative and must cover the entire life of the grant. The final narrative report is due 90 days after the end of the award by November 30, 2024.

7. Additional Terms

At any phase of the project period, the recipient shall deliver to the Administration for Community Living (ACL) upon request, any materials, systems or other items developed, refined, or enhanced under the grant award. The recipient agrees that ACL shall have royalty-free, non-exclusive, and irrevocable rights to reproduce, publish, or otherwise use and authorize others to use the items for Federal Government purposes.

On all public information materials funded solely or in part by MIPPA funds, the recipient shall use one of the following express acknowledgments:

1. This [project/publication/program/website, etc.] [is/was] supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$XX with 100 percent funding by ACL/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.
2. This [project/publication/program/website, etc.] [is/was] supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as

part of a financial assistance award totaling \$XX with XX percentage funded by ACL/HHS and \$XX amount and XX percentage funded by non-government source(s). The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

The recipient shall participate, as appropriate, in ACL's MIPPA Evaluation Project.

The recipient shall work with assigned ACL project officer to address any project concerns, if applicable, identified in the application review process.

END
