

CATHOLIC CHARITIES OF LOUISVILLE INC

KENTUCKY OFFICE FOR REFUGEES

SUBAWARD AGREEMENT

D. FEDERAL CERTIFICATIONS AND PUBLIC POLICY REQUIREMENTS

The following are Federal Certifications and Public Policy Requirements for subrecipients receiving Federal funds from the Department of Health and Human Services through a Pass-Through Entity. Subrecipients are responsible for knowing and complying with all applicable federal statutes and regulations. **Please note that this list is provided for informational and educational purposes and may not be complete. Therefore, it is crucial for subrecipients to stay informed of any changes and ensure compliance with all requirements.**

By signing this Subaward, the Subrecipient is agreeing to comply with all Federal Certifications and Public Policy Requirements as required by HHS.

General Order of Precedence

The general order of precedence determines the order in which laws and policies may apply. The table includes examples of the types of laws and policies at each level; it is not an exhaustive list.

Level of Policy	Examples (Note: This list is not exhaustive.)
1. US Constitution	The foundation of all laws, rules, and policies.
2. Statutes	Program Authorizations and Appropriations Federal Grant and Cooperative Agreement Act of 1977 Federal Funding Accountability and Transparency Act (FFATA) of 2006 Digital Accountability and Transparency Act (DATA) of 2014 Grant Reporting Efficiency and Agreements Transparency (GREAT) Act of 2019
3. Regulations	Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards: 2 CFR 200 (government-wide) & 45 CFR 75 (HHS) Program-specific regulations
4. Policies, Program Guidance, and Award-Specific Requirements	Executive Orders OMB Memos HHS Grants Policy Statement (GPS) HHS Grants Policy Administration Manual (GPAM) Agency-Specific Grants Policies Agency- and program-specific guidance related to one or more award programs such as Notices of Funding Opportunity (NOFO), FAQs, and other program announcements, e.g., agency guidance, manuals, “Dear Colleague” letters. For non-discretionary awards these might include state or Tribal plans, public assistance, or statewide cost allocation plans. Requirements specific to an individual award or class of awards, such as a requirement to perform activities described in the recipient’s application.

Uniform Administrative Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards ([45 CFR Part 75](#)) apply to all HHS awards, unless specifically exempted by [45 CFR § 75.101\(d\) or \(e\)](#).

While all of 45 CFR part 75 applies to grants and cooperative agreements, following are some key requirements:

Subrecipients

The uniform requirements also address subrecipient responsibilities. See [45 CFR § 75.101\(b\)\(1\)](#), [45 CFR § 75.351-353](#).

Recipients and subrecipients must follow the award terms and conditions. In general, the primary recipient must:

- Apply terms and conditions to their subawards.
- Evaluate the risk of subawards and use specific conditions, if needed.
- Monitor subaward compliance.
- Verify that the subrecipient meets audit requirements.
- Remedy noncompliance.
- Ensure that their subrecipients have a Unique Entity Identifier and maintain a SAM.gov registration.

Termination

HHS may terminate awards under certain circumstances. See [45 CFR § 75.372](#).

Financial Assistance General Certifications and Representations

When you registered in SAM.gov, your authorized organization representative agreed to the Financial Assistance General Certifications and Representations. These are binding on every award.

You can review these certifications and representations in Appendix I of the SAM.gov Entity Registration Checklist. You can find the checklist on SAM.gov [Get Started with Registration and the Unique Entity ID](#) page.

While the Financial Assistance General Certifications and Representations expressly identify certain requirements, they also require compliance with all applicable laws and policies. Those expressly identified are marked with “See General Certifications and Representations.”

Laws and Policies

This section outlines various laws and policies that may apply to HHS awards (including recipients and subrecipients), but it is not intended to be an exhaustive list.

The following laws and policies apply to all recipients and subrecipients, with any exceptions noted within the guidance or notes.

Office of Refugee Resettlement

Laws and Policies	Source
Refugee Act Introduces the Refugee Admissions Program and establishes the Office of Refugee Resettlement.	Statute: Public Law 96-212
Office of Refugee Resettlement Policy Letters Ongoing updates to ORR.	ORR Policy Letters

Administrative and Activities

Laws and Policies	Source
Abortions Related to limitations on use of federal funds for abortions.	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title V , Sections 506 and 507
Cybersecurity Requirements Related to creating a cybersecurity plan.	M-24-03: Advancing Climate Resilience through Climate-Smart Infrastructure Investments and Implementation Guidance for the Disaster Resiliency Planning Act
Debt Collection Related to how the federal government collects debt.	Statute: 31 USC 3701 Regulation: 31 CFR part 285
Health Information Technology Interoperability Related to conditions when implementing, acquiring, or upgrading health IT.	Health Information Technology for Economic and Clinical Health (HITECH) Act is Pub. L. No. 111-5, 123 Stat. 226 (Feb. 17, 2009)
Needle Exchange Related to prohibition on using award funds to give out sterile needles to inject illegal drugs, with some exceptions.	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title V , Sections 526
Publications and Acknowledgement of Support Related to recipients acknowledging HHS funding in public documents related to the awarded project.	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title V , Section 505

Reporting Subaward and Executive Compensation Information Related to requirements to report certain information on subawards and executive salaries.	Statute: Federal Funding Accountability and Transparency Act of 2006 (FFATA), 31 USC 6101 note. Regulation: 2 CFR part 170
Salary Rate Limitation – Federal Executive Level II. Related to restrictions to not use award funds to pay a salary over the Federal Executive Level II rate for that year.	Further Consolidated Appropriations Act, 2024, Division D, Title V,
SAM.gov and Universal Entity Identifier (UEI) Related to the requirement to register and maintain registration, including gaining a UEI.	Regulation: 2 CFR part 25
Use of Logos Related to prior approval for using an HHS or awarding agency logo.	Statute: 42 USC 1320b-10

Civil Rights and Other Protections

Find more detail on civil rights protections at HHS Office for Civil Rights, [Laws and Regulations Enforced by OCR](#).

Laws and Policies	Source
Civil Rights Assurance of Compliance Related to requirements to certify compliance with civil rights laws.	Required by: Condition of Award; 45 CFR 80.4 ; 84.5 ; 86.4 ; 91.33 ; 92.4
Copeland Anti-Kickback Act Related to requiring contractors to follow 29 CFR part 3 under awards that include construction, alteration, and renovation and weekly compliance statements on the wages paid to each employee.	Statutes: 18 USC 874 and 40 USC 3145 Regulation: 48 CFR 22.403-2
Davis-Bacon Wage Protections Related to using contractors that pay prevailing wages and benefits under awards funding construction, alteration, or repair.	Statute: 40 USC 3141, et seq.
Discrimination Based on Age Related to protecting people from discrimination based on age.	Statutes: Age Discrimination Act of 1975, 42 USC 6101, et seq. ; Section 1557 of the Affordable Care Act, 42 USC 18116 Regulations: 45 CFR part 91

<p>Discrimination Based on Disabilities</p> <p>Related to protecting people from discrimination based on a disability.</p>	<p>Statutes: Section 504 of the Rehabilitation Act, 29 USC 794; (for state and local government recipients; Section 1557 of the Affordable Care Act; 42 USC 18116</p> <p>Regulations: 45 CFR part 84; 45 CFR part 92</p>
<p>Discrimination Based on Race, Color, and National Origin</p> <p>Related to protecting people from discrimination on the basis of race, color, or national origin.</p>	<p>Statutes: Title VI of the Civil Rights Act, 42 USC 2000d; Section 1557 of the Affordable Care Act; 42 USC 18116</p> <p>Regulations: 45 CFR part 80; 45 CFR part 92</p>
<p>Discrimination Based on Religion and Religious Conscience</p> <p>Related to protecting people from discrimination based on their religious beliefs.</p>	<p>Statutes: Church Amendments, 42 USC 300a- 7; Coates-Snowe Amendment, 42 USC 238n; and the Weldon Amendment, Further Consolidated Appropriations Act, 2024, Division D, Title V, Section 507(d)(1)</p> <p>Guidance: HHS Office for Civil Rights, Conscience and Religious Freedom for situations where this protection applies.</p>
<p>Discrimination Based on Sex</p> <p>Related to protecting people from discrimination based on sex and gender.</p>	<p>Statutes: Title IX of the Education Amendments of 1972, as amended; 20 USC 1681 et seq.; Section 1557 of the Affordable Care Act, 42 USC 18116</p> <p>Regulations: 45 CFR part 86; 45 CFR part 92</p> <p>See other sex discrimination guidance and requirements at HHS Office for Civil Rights, Laws and Regulations Enforced by OCR.</p> <p>See also Sex-Based Harassment.</p>
<p>Drug-Free Workplace</p> <p>Related to maintaining a drug-free workplace and notifying the awarding agency if an employee is convicted of violating a criminal drug law. Failure to follow these requirements may be cause for debarment.</p>	<p>Statute: Drug-Free Workplace Act, 41 USC 8101-8106</p> <p>Regulation: 2 CFR part 182, subpart B</p>
<p>Fair Housing</p> <p>Related to protecting people from discrimination in housing.</p>	<p>Statute: Title VIII of the Civil Rights Act of 1968, 42 USC 3601, et seq.</p>

<p>Faith-Based Organizations</p> <p>Related to protections for faith-based organizations to apply and receive federal funds without discrimination or interference with their mission. Describes limitations on the use of federal funds.</p>	<p>Statute: 42 USC 2000bb, et seq.</p> <p>Directives: Executive Orders 13279, 13559, and 13831.</p> <p>Regulation: 28 CFR part 38, appendix A and 45 CFR part 87, appendix A</p>
<p>Limited English Proficiency*</p> <p>Related to steps to improve access to persons with limited English proficiency.</p>	<p>Required by: Title VI of the Civil Rights Act, 42 USC 2000d; Section 1557 of the Affordable Acre Act, 42 USC 18116</p> <p>Regulations: 45 CFR part 80; 45 CFR part 92</p> <p>Guidance: Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons</p> <p>Does not apply to subcontractors</p>
<p>Pro-Children Act – Non-Smoking</p> <p>Related to prohibiting smoking in indoor facilities where award-funded projects serve children. Not following this law can bring civil monetary penalties.</p>	<p>Statute: Pro-Children Act of 2001, 20 USC 7181 through 7184</p>
<p>Privacy Act</p> <p>Related to protecting information about a person, unless the person gives permission or under the exceptions at 5 USC 552a(b).</p>	<p>Statute: 5 USC 552a</p>
<p>Texting While Driving*</p> <p>Related to limitations on texting while driving when federal funds pay for vehicles or cell phones.</p>	<p>Directive: Executive Order 13513</p> <p>*Does not apply to subcontractors</p>
<p>Trafficking Victims Protection</p> <p>Related to bans providing funds to organizations involved in human trafficking.</p>	<p>Statute: Trafficking Victims Protection Act (TVPA) of 2000, as amended, 22 USC 7104(g).</p> <p>Regulation: 2 CFR part 175, Award Term for Trafficking in Persons.</p>
<p>Whistleblower Protections</p> <p>Related to protecting employees from reprisal for disclosing information about violations.</p>	<p>Statute: Protection from Reprisal of Disclosure of Certain Information, 41 USC 4712.</p>

Environmental

Laws and Policies	Source
Clean Air and Water Related to the requirement to follow certain environmental laws.	Statute: Clean Air Act of 1970, 42 USC 7401 et seq. Statute: Clean Water Act of 1972, 33 USC 1251
Climate Resiliency and Energy and Emission Reductions Relating to the purchase or construction of real property and major renovation projects.	
Flood Insurance Related to requirements for flood insurance in areas with special flood hazards.	Statute: 42 USC 4001, et seq.
National Environmental Policy Act* Related to policies to conduct reviews to assess and mitigate environmental impact.	Statute: National Environmental Policy Act of 1969, as amended, 42 USC 4321 et seq. Guidance: HHS General Administration Manual (GAM), Part 30-50 , National Environmental Policy Act Review for the NEPA process. *Does not apply to subcontractors
National Historic Preservation Act (NHPA) Related to requirements to consider the effect of potential awards on historic properties.	Statute: National Historic Preservation Act (NHPA) of 1996, as amended, 54 USC 300101 et seq. Regulation: 36 CFR 800
Resource Conservation and Recovery Relating to requirements to give preference to the purchase of recycled products.	Statute: 42 USC 6962 Regulation: 40 CFR part 247 (See list of relevant recycled products at 40 CFR part 247, subpart B.)
Uniform Relocation Assistance* Related to real estate activities that may displace people.	Statute: 42 USC 4601 et seq. Regulation: 45 CFR part 15 and 49 CFR part 24 *Does not apply to subcontractors
Wetland Protection Related to requirements to protect wetlands.	Directives: Executive Orders 11988 and 11990 Regulation: 18 CFR part 725

Lobbying, Advocacy, & Political Activity

Laws and Policies	Source
Anti-Lobbying, Publicity, and Propaganda Related to restrictions against lobbying, publicity, or propaganda using federal funds. Applicants must certify their compliance.	Statutes: Further Consolidated Appropriations Act, 2024, Division B, Title VII , Section 715, 718, and 731; Consolidated Appropriations Act, 2024, Division E, Title IV , Section 401; Further Consolidated Appropriations Act, 2024, Division D, Title V , Sections 503, 505, and 522 Regulation: 45 CFR 75.450
Controlled Substances Related to restrictions on activities that promote the legalization of any drug or other substance.	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title V , Section 509
Gun Control Related to requirements about not using federal funds to advocate for or promote gun control.	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title II , Section 210; Further Consolidated Appropriations Act, 2024, Division D, Title V , Section 503(c)
Lobbying Disclosure Act of 1995 Related to requirements to disclose lobbying activities.	Statute: 2 USC 1601 et seq

Patents, Inventions, and Data

Laws and Policies	Source
Federal Information Security Management Act (FISMA) Related to policies when recipients collect, store, process or send data on behalf of HHS.	44 USC 3551 et seq.

Procurement

Laws and Policies	Source
American-Manufactured Goods Related to required preferences for certain products and materials made in the US. Waivers may be possible.	Statute: Buy American Act, 41 USC 8301 et seq. Statute: Build America, Buy America Act, Public Law 117–58 , Title IX, Subtitle A Regulations: 2 CFR 200.322 and 48 CFR part 25 Guidance: M-22-11

Fly America Act Related to requirements for travelers to use certified U.S. airlines for award-funded air travel.	Statute: 49 USC 40118 Regulation: 41 CFR 301-10.131 - 143
Prohibition on certain telecommunications and video surveillance services or equipment Related to restrictions on using federal funds for telecommunications equipment produced by certain companies.	Statute: 41 USC 3901 et seq Regulation: 2 CFR 200.216
U.S. Flag Vessels Related to using U.S. owned and operated vessels to ship goods and supplies bought with award funds.	Statute: 46 USC 55305 Regulation: 46 CFR 381.7

Professional Integrity

Laws and Policies	Source
Blocking Access to Pornography Related to requirements for computer systems to not allow people to view, download, or exchange pornography. The only exclusion is for law enforcement	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title V , Section 520
Civil Actions for False Claims Act Related to the federal government's ability to take civil actions on violations of the false claims act.	Statute: 31 USC 3730
Debarment and Suspension* Related to not providing federal funds to excluded parties.	Regulation: 2 CFR part 180 *Does not apply to subcontractors with contracts under \$25,000
False Claims Act Related to liability on persons and companies who defraud government programs	Statutes: 31 USC 3729 , 18 USC 287 , and 18 USC 1001
False or Misleading Information Related to requirements to not use federal funds to share deliberately false or misleading information.	Statute: Further Consolidated Appropriations Act, 2024, Division D, Title V , Section 515(b)
Mandatory Disclosure Related to requirements to disclose certain violations of federal criminal law.	Statute: 41 USC 2313 Regulation: 45 CFR 75.113 and 45 CFR part 75, Appendix XII

Program Fraud and Civil Remedies Act Related to administrative hearings for certain false claims actions.	Statute: 31 USC 3801 et seq
Recent Felony Convictions Related to eligibility for awards for corporations with felony criminal convictions in the past 24 months.	Statute: Further Consolidated Appropriations Act, 2024, Division B, Title VII , Section 745
Recipient Integrity and Performance Related to information reported to SAM.gov Responsibility/Qualification.	Regulation: 45 CFR 75.210(b)(1)(iii) and 45 CFR part 75, appendix I, E.3
Unpaid Federal Tax Liability Related to eligibility corporations with an unpaid tax liability, with some conditions.	Statute: Further Consolidated Appropriations Act, 2024, Division B, Title VII , Section 744

Privacy

Laws and Policies	Source
HIPAA Related to the Privacy Rule standards that address the use and disclosure of individuals' health information (known as "protected health information") by entities subject to the Privacy Rule.	Statute: Health Insurance Portability and Accountability Act P.L.104-191

Other

Laws and Policies	Source
Freedom of Information Act (FOIA) FOIA establishes a 'strong presumption in favor of disclosure of requested information.	Statute: 5 USC 552
Paperwork Reduction Act Minimizes the paperwork burden resulting from the collection of information by or for the federal government	Statute: 44 USC 3501, et seq
Standards of Conduct To assure HHS is conducted effectively, objectively, and without improper influence or the appearance of improper influence, sets standards for employees and special Government employees	Regulation: 45 CFR 73