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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES, et  
al.,

Defendants.

NO. 6:25-cv-01748-AA

DECLARATION OF DISTRICT OF  
COLUMBIA DEPARTMENT OF  
HEALTH

**DECLARATION OF DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH (DC Health)**

I, Clover Barnes, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a resident of the District of Columbia. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge.

2. I am the Senior Deputy Director for the HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA), where the administration and sub granting of Personal Responsibility Education Program (PREP) Grant is housed. I am a Nurse Executive with over 20 years of healthcare and public health experience.

3. The Project Coordinator for the PREP grant is a part of the Prevention and Intervention Services Division within HAHSTA, where I am the Senior Deputy Director. The Project Coordinator reports to the Deputy Chief of the Prevention and Intervention Services Division, who serves as the Program Manager for the PREP program, and that position reports to the Bureau Chief, who reports to me.

4. I submit this declaration in connection with Plaintiff States' Motion for Preliminary Injunction and Complaint for Injunctive and Declaratory Relief pertaining to the August 6, 2025 Notice of Award (NOA) from the United States Department of Health and Human Services (HHS) Administration for Children and Families (ACF) regarding state Personal Responsibility Education Program (PREP) grants; the August 7, 2025 PREP Supplemental Terms and Conditions (Supplemental T&Cs), and the August 26, 2025 directive letter from ACF to grantees (the PREP Directive). I have personal knowledge of the matters set forth below, or with respect to the matters for which I do not have personal knowledge, I have reviewed information gathered from records of the District of Columbia Department of Health (DC Health) by others within the organization.

5. In the District of Columbia (D.C. or the District), DC Health supports comprehensive, evidence-based educational programming to reduce pregnancy, HIV and other sexually transmitted infections (STIs), and birth rates for youth at one school district and one community-based organization. Across the District, approximately 200 youth are served by the program we implement with PREP funding. Our Agency's mission is to make the District of Columbia the healthiest city in America. One of the initiatives in this endeavor is to improve the health outcomes of youth across the District by empowering young people through education and engagement to be active in their health and wellness. The PREP grant is a major tool in meeting this goal.

6. In applying for PREP grants, DC Health has complied with the program's application requirements, which include assurances that programming is evidence-based, medically accurate, age appropriate, provided in the cultural context most appropriate for individuals in the particular population group to which the programming is directed, and targeted towards high-risk youth. The programming addresses both abstinence and the use of contraception, as well as at least three of six "adulthood preparation subjects" as described in 42 U.S.C. § 713(b)(2)(C). In its grant applications, DC Health also addresses how the District uses positive youth development principles when offering trauma-informed prevention programming. DC Health last provided certification to ACF of the District's compliance with these requirements on or around April 30, 2025.

**Federal Funding Relied on by DC Health**

7. In 2022, the District submitted a PREP grant application in response to ACF's Funding Opportunity Announcement (FOA). Since that time, the District has submitted a letter of intent packet to re-authorize PREP grants each year. ACF extends funding to grantees for three-

year grant terms. The District applies for a new grant each year, resulting in overlapping awards. The District has received these funds since 2022. DC Health is currently operating using fiscal year 2023 funds and has not yet drawn down 2024 or 2025 funds.

8. ACF has issued to DC Health three currently active awards covering the period from October 1, 2022, through September 30, 2027. For the period from October 1, 2022, through September 30, 2025, ACF provided \$250,000 in PREP funding to the District. For the period from October 1, 2023 through September 30, 2026, ACF provided \$197,088 in PREP funding to the District. For the period from October 1, 2024 through September 30, 2027, ACF provided \$157,187 in PREP funding to the District.

9. ACF disburses PREP funding as reimbursements requested by DC Health. DC Health expects to request its next grant disbursement on or around 11/15/2025. Reimbursable expenses are accrued throughout the year, and DC Health is presently awaiting the disbursement of funds from ACF for previously submitted requests.

10. The District has well-established partnerships with the school district and local organization to administer these funds. Since 2022, the District has partnered with the Latin American Youth Center to design and implement science-based sex education and personal responsibility in local school districts.

#### **Communications from Federal Government**

11. On or about April 14, 2025, DC Health received via email a letter from ACF's Family and Youth Services Bureau (FYSB)'s Division of Positive Youth Development indicating that ACF was performing a "medical accuracy review" and requesting submission of "any current curricula and programmatic materials" related to state PREP grants. FYSB stated that the "purpose

for the medical accuracy review of program materials is to ensure the information being shared with program participants is medically accurate and complete.”

12. As requested, DC Health will submit all PREP curricula and materials on 10/26/25. This will include facilitators guides, PowerPoint presentations and handouts.

13. On August 6, 2025, DC Health received a Notice of Award (NOA) describing the financial information associated with the District’s PREP grant award funds. The NOA states, “[t]he use of Federal funds from this award constitutes the grantee’s acceptance of the listed terms and conditions.” In the Remarks section, the NOA states, “Recipients are prohibited from including gender ideology in any program or service that is funded with this award.” The Terms and Conditions section states, in part, “[t]he statutory authority for the PREP program under which this grant has been awarded, at 42 U.S.C. § 713, does not authorize teaching students that gender identity is distinct from biological sex or boys can identify as girls and vice versa, or that there is a vast spectrum of genders that are disconnected from one’s sex. Therefore, gender ideology is outside of the scope of the statutory authority for this award. In addition, any costs associated with gender ideology are not allowable expenditures of federal grant funds or maintenance-of-effort funds for this grant because they are not necessary, reasonable, or allocable for the performance of this award. See 45 C.F.R. §§ 75.403-405.” The NOA is attached as Exhibit A.

14. On August 7, 2025, ACF published Supplemental T&Cs applicable to PREP awards and award modifications that add funding. The Supplemental T&Cs prohibit grant recipients from including so-called “gender ideology” in PREP-funded programs and services. Per ACF’s notice, these Supplemental T&Cs are effective immediately.

15. Per the August 6, 2025 NOA and the Supplemental T&Cs, the “gender ideology” terms and conditions of the NOA and Supplemental T&Cs are not accepted until the grantee uses

federal funds to which the terms and conditions apply. DC Health has not used any funds awarded under the August 6, 2025, NOA and thus has not accepted the “gender ideology” term in the NOA or the Supplemental T&Cs.

16. On August 26, 2025, DC Health received via email another letter from ACF (the PREP Directive) stating that the District’s “current PREP curricula and program materials are out of compliance with the PREP statute and HHS regulations and must be modified” because the District’s curriculum and materials include “gender ideology.” The identified content, ACF claims, is “outside of the scope of PREP’s authorizing statute...and all references to it must be removed from [the] PREP curricula and program materials.” ACF further instructs the District “**to remove all content concerning gender ideology from its curricula, program materials and any other aspects of its program delivery within 60 days of receipt of this letter.**” ACF asserts that it may take “additional enforcement action,” and lists as possibilities “allowing HHS to withhold, disallow, suspend, or terminate Federal awards.” That letter is attached as Exhibit B.

#### **Harms to the District of Columbia**

17. The District is currently and will continue to experience harm as a result of the NOA, the Supplemental T&Cs, and the PREP Directive. The NOA, Supplemental T&Cs, and PREP Directive have created immense confusion for our agency and partners. Our agency’s ability to plan for the future is severely negatively impacted. For example, our PREP grant covers the salary of 2 employees at DC Health. With the uncertainty of the PREP grant’s continuation past October 27, 2025, our agency is being forced to contemplate reducing or terminating these valuable employees’ positions. Also, the loss of access to fact based sexual education in the school District would have severe ramification including but not limited to increases in sexually transmitted infections, unintended pregnancies, and increases in HIV transmission.

18. Further, the threat to our state’s federal financial assistance for failure to remove content concerning “gender ideology” puts at risk approximately \$250,000.

19. The impact of a disruption in funds would be devastating to the program. Given my experience, without the continued and uninterrupted funding of PREP grants, DC Health and its partners will not be as effective in administering and providing age-appropriate and medically accurate education to youth who are at particular risk of becoming pregnant or contracting HIV and other STIs. As a result, youth in the District of Columbia, especially high-risk youth, will suffer.

20. PREP specifically supports high-risk youth populations including those in foster care, juvenile justice systems, homeless/runaway youth, and LGBTQ+ youth. The loss of PREP funding would remove one of the few consistent sources of education and support for these groups, increasing vulnerability to sexual violence, unintended pregnancies, STIs, and mental health decline.

21. LGBTQ+ youth—who make up nearly one-third of D.C.’s homeless youth population—the absence of inclusive education would mean reduced access to factual, affirming health information and fewer trusted adults or safe spaces. This would exacerbate risks of substance use, depression, and unsafe sexual behaviors.

22. DC Health must follow the laws of the District. To comply with the NOA, Supplemental T&Cs, and the PREP Directive, DC Health would be forced to violate D.C.’s comprehensive sexual health education laws, including the District of Columbia Human Rights Act, D.C. Code §§ 2-1401.01 *et seq.*, and D.C.’s municipal regulations, specifically D.C. Mun. Regs. Title 5, §§ 2304, 2305.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 17, 2025, at Washington, D.C.

*s/ Clover Barnes*

\_\_\_\_\_  
CLOVER BARNES

Senior Deputy Director for HIV/AIDS, Hepatitis,  
STD and TB Administration (HAHSTA)

*s/ Jess E. Feinberg*

\_\_\_\_\_  
JESS E. FEINBERG

Assistant Attorney General  
Office of the Attorney General for the District of  
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# **EXHIBIT A**



Department of Health and Human Services  
Administration for Children and Families

Notice of Award  
Award # 2502DCPREP  
FAIN# 2502DCPREP  
Federal Award Date: December 27, 2024

**Recipient Information**

- 1. Recipient Name**  
DISTRICT OF COLUMBIA, GOVERNMENT  
OF  
899 North Capital Street, NE  
5th Floor  
  
WASHINGTON, DIST.OF COLUMBIA 20002
- 2. Congressional District of Recipient**  
\*See Remarks
- 3. Payment Account Number and Type**  
\*See Remarks
- 4. Employer Identification Number (EIN)**  
1536001131A1
- 5. Data Universal Numbering System (DUNS)**  
603893657
- 6. Recipient’s Unique Entity Identifier**  
J49AYYC9HHJ4
- 7. Project Director or Principal Investigator**  
Adrienne Barksdale  
  
adrienne.barksdale@dc.gov  
(202) 671-4831
- 8. Authorized Official**  
\*See Remarks

**Federal Agency Information**

- 9. Awarding Agency Contact Information**  
David Lee  
Grants Management Officer  
david.lee@acf.hhs.gov  
202-401-5461
- 10. Program Official Contact Information**  
Jerry Milner  
Program Authorizing Official  
ACYF - Family and Youth Services Bureau  
Milner.Jerry@acf.hhs.gov  
111-111-1111

**Federal Award Information**

- 11. Award Number**  
2502DCPREP
- 12. Unique Federal Award Identification Number (FAIN)**  
2502DCPREP
- 13. Statutory Authority**  
Section 513 of the Social Security Act
- 14. Federal Award Project Title**  
\*See Remarks
- 15. Catalog of Federal Domestic Assistance (CFDA) Number**  
93.092
- 16. CFDA Program Title**  
Personal Responsibility Education Program
- 17. Award Action Type**  
New
- 18. Is the Award R&D?**  
\*See Remarks

Summary Federal Award	Financial Information
<b>19. Budget Period Start Date</b> 10-01-2024	<b>End Date</b> 09-30-2027
<b>20. Total Amount of Federal Funds Obligated by this Action</b>	\$92,813.00
20a. Direct Cost Amount	*See Remarks
20b. Indirect Cost Amount Administrative Offset	*See Remarks
21. Authorized Carryover	*See Remarks
22. Offset	*See Remarks
23. Total Amount of Federal Funds Obligated this budget period	\$92,813.00
<b>24. Total Approved Cost Sharing or Matching, where applicable</b>	*See Remarks
<b>25. Total Federal and Non-Federal Approved</b>	*See Remarks
<b>26. Project Period Start Date</b> 10-01-2024 -	<b>End Date</b> 09-30-2027
27. Total Amount of the Federal Award including Approved Cost Sharing or Matching	*See Remarks

- 28. Authorized Treatment of Program Income**  
\*See Remarks
- 29. Grants Management Officer – Signature**

David Lee  
Grants Management Officer

**Footnotes**



Department of Health and Human Services  
Administration for Children and Families

Notice of Award  
Award # 2502DCPREP  
FAIN# 2502DCPREP  
Federal Award Date: December 27, 2024

**Recipient Information**

DISTRICT OF COLUMBIA, GOVERNMENT OF  
899 North Capital Street, NE  
5th Floor  
WASHINGTON, DIST.OF COLUMBIA 20002

**Employer Identification Number (EIN):** 1536001131A1

**Data Universal Numbering System (DUNS):** 603893657

**Recipient's Unique Entity Identifier:** J49AYYC9HHJ4

**Object Class:** 41.15

**Financial Information**

<u>Appropriation</u>	<u>CAN</u>	<u>Allotment</u>	<u>Award this action</u>	<u>Cumulative Grant</u> <u>Award to Date</u>	<u>Document Number</u>	<u>Funding Type</u>
75-X-1512	2025,G99SU25	\$250,000.00	\$92,813.00	\$92,813.00	2502DCPREP	Formula

**Terms and Conditions**



Department of Health and Human Services  
Administration for Children and Families

Notice of Award  
Award # 2502DCPREP  
FAIN# 2502DCPREP  
Federal Award Date: December 27, 2024

Standard Terms and Conditions

Except as noted otherwise, these Terms and Conditions (T&Cs) apply to Federal financial assistance awards, i.e., grant and cooperative agreement programs, administered by the Administration for Children and Families (ACF). Please see the Award Terms and Conditions page.

Precedence

Applicable statutory or regulatory provisions supersede conflicting or inconsistent provisions in this Standard T&C.

Department of Health and Human Services (HHS) to Adopt 2 CFR Part 200 in Phases

Per Federal Register (FR), 89 FR 80055, HHS describes the intended phases of formally adopting 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UAR) as modified by Office of Management and Budget (OMB), 89 FR 30136, April 22, 2024). As a result, the content herein will identify both 45 CFR Part 75 and respectively, by effective date, 2 CFR Part 200 and 2 CFR Part 300 HHS-specific regulations.

Effective 10/1/2024 – Increasing Thresholds / Flexibilities for Recipients in 45 CFR Part 75 (to align with similar provisions in 2 CFR 200)

Provisions (Regulations)	Before 10/1/2024	On and After 10/1/2024
	Threshold under 45	New Threshold
CFR Part 75		
Modified Total Direct Cost Definition (45 CFR §75.2 / 2 CFR §200.1)	\$25,000	\$50,000
Equipment (45 CFR §75.320(e) / 2 CFR §§200.1, 200.313(e), 200.439(b)(2))	\$5,000	\$10,000
Unused Supplies (45 CFR §75.321(a) / 2 CFR §§200.1, 200.314(a))	\$5,000	\$10,000
Micro-purchase Threshold <sup>1</sup> (45 CFR §75.329(a) / 2 CFR §200.320)	\$10,000	\$50,000
Fixed Amount Awards Subawards (45 CFR §75.353 / 2 CFR §200.333)	\$250,000	\$500,000
Closeout <sup>2</sup> (45 CFR §75.381 / 2 CFR §200.344)	90 days	120 days

1 This provision was adopted on December 12, 2017 under Public Law 115-91 and OMB Memorandum 18-18.

2 This provision was adopted on September 15, 2023 under 88 FR 63591.

Provisions (Regulations)	Before 10/1/2024	On and After 10/1/2024
	Threshold under 45	New Threshold
CFR Part 75		
De Minimis Indirect Rate <sup>3</sup> (45 CFR §75.414(f) / 2 CFR §200.414(f))	10%	15%
Single Audit (45 CFR §75.501 / 2 CFR §200.501)	\$750,000	\$1,000,000

Effective 10/1/2025 – 2 CFR 200 and HHS Specific Modifications Implementation

- Adopt 2 CFR Part 200.
- Repeal 45 CFR Part 75 in its entirety and update existing citations in HHS regulations.
- Relocate HHS-specific modifications from 45 CFR Part 75 to 2 CFR Part 300:

Modification	Before 10/1/2025	On and After 10/1/2025
45 CFR Part 75	2 CFR Part 300	
Adoption of 2 CFR Part 200	75.106	300.106
Conflict of Interest	75.112	300.112
Special Provisions for awards to For-Profit Organizations as Recipients	75.216	300.218
Special Provisions for awards to Federal agencies	75.217	300.219
Non-discrimination language	75.300	300.300
Federal Payment	75.305(a)	300.305
Revision of budget and program plans (specific to research care cost prior Approval)	75.308(c)(1)(ix)	300.308
Intangible Property (patents and inventions)	75.307(c)(2)	300.315



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Indirect Cost (Training and Foreign cap and allowing rates for American U, Beirut, and WHO)		75.414(c)(1)		300.414
Independent research and development costs	75.476		300.477	
Shared responsibility payments		75.477		300.478
Cost Principles for Research & Development				
Grant Activities with Hospitals		Appendix IX		Appendix IX

**Federal Financial Assistance Award Acceptance**

State, local, tribal and other laws and regulations may apply and affect expenditures of Federal funds provided that they conform to applicable federal statutes and regulations. The first draw down or request for award funds from HHS Division of Payment Management Services (PMS) constitutes acceptance of the T&Cs under the Federal award.

A Federal assistance award is subject to T&Cs set forth in the award, these standard T&Cs, and those T&Cs cited and incorporated by reference. A recipient is the entity that receives a Federal award directly from ACF, per 45 CFR §75.2 (effective 10/1/2025: 2 CFR §200.1). By acceptance of an award, the recipient agrees to comply with these T&Cs. Unless indicated otherwise, per 45 CFR §75.101(b)(1) (effective 10/1/2025: 2 CFR §200.101(b)(2)), the T&Cs of Federal awards flow down to subrecipients and to contractors (when applicable) as described in 45 CFR §§75.351 – 75.353 (effective 10/1/2024: 2 CFR §200.333; effective 10/1/2025: 2 CFR §200.331 – 200.332).

Recipients must comply with all T&Cs of their awards, including:

- a) The T&Cs in effect at the time of the award, including the requirements of applicable HHS uniform administrative regulations.
  - Discretionary: Any T&Cs in effect at the time of the original award, or any non- competing continuation, post-award action or renewal award related thereto are applicable. Discretionary awards are subject to the requirements set forth in the Notice of Funding Opportunity (NOFO); Notice of Award (NoA) including remarks and/or specific award conditions (e.g., restricted drawdown); these Standard T&Cs; and the U.S. Department of Health and Human Services (HHS) Grants Policy Statement.

3 Note this does not apply to HHS Training or Foreign awards, for which HHS retains the de minimis cap at 8%.

- Non-Discretionary: Non-discretionary awards are subject to these Standard T&Cs, the individual program-specific supplemental T&Cs, and NoA including remarks and/or specific award conditions.

- b) Requirements of statutes and regulations applicable to the program under which the award is funded, including authorizing statutes, appropriations statutes, generally applicable statutes, and any regulations related thereto.

**Enforcement**

Failure to comply with the T&Cs of the award may result in disallowances, restricted drawdown, withholding of future awards, deferral of claims for Federal Financial Participation (FFP), or termination of the award. Some programs may have more specific termination provisions that will be referenced in the NOFO, the program-specific supplemental T&Cs, NOA, and/or in the specific award conditions (as applicable).

**ALL FEDERAL FINANCIAL ASSISTANCE PROGRAMS  
APPLICABLE LEGISLATION, STATUTES, REGULATIONS**

Recipients must follow Federal, State, and local laws applicable to HHS awards. This includes, but is not limited to statutory and regulatory requirements, even if not directly mentioned in these terms and conditions. This award is subject, at the minimum, to the following requirements:

1. The statutory requirements as identified in the NOFO or program-specific supplemental terms and conditions, and any requirements in the authorization and appropriations acts related to the program and award.
2. The HHS specific implementing regulations of 45 CFR Part 75 or 2 CFR Part 200 as codified at 2 CFR Part 300, as they are applicable in effect or implemented during the period of the award. See “Department of Health and Human Services (HHS) to Adopt 2 CFR Part 200 in Phases” in these T&Cs for effective dates and changes.
  - a. Discretionary: Unless otherwise stated in the NOFO, all provisions under the UAR apply. Please note discretionary recipients are required to report deviations from budget or program scope or objective, and must request prior written approval from ACF for budget and program plan revisions. See the NoA for any expanded authorities authorized under the award.
  - b. Non-Discretionary: Please refer to the program-specific supplemental T&Cs, which may also cite to or contain budget or program prior approval requirements.
3. Other Code of Federal Regulations: Unless otherwise provided by law, the following apply:
  - a. 2 CFR Part 25 – Universal Identifier and System for Award Management
  - b. 2 CFR Part 170 – Reporting Subaward and Executive Compensation Information



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- c. 2 CFR Part 175 – Award Term for Trafficking in Persons
- d. 2 CFR Part 176 – Award Terms for Assistance Agreements that include Funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5
- e. 2 CFR Part 180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-Procurement)
- f. 2 CFR Part 182 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance) (including Smoking Prohibitions (20 U.S.C §§7971 – 7974, previously §§7181 – 7184)
- g. 2 CFR Part 183 – Never Contract with the Enemy
- h. 2 CFR Part 376 – Non procurement Debarment and Suspension
- i. 2 CFR Part 382 – Requirements for Drug-Free Workplace (Financial Assistance)
- j. 31 CFR Part 205 – Rules and Procedures for Efficient Federal-State Funds Transfers – Cash Management Improvement Act (see also 31 U.S.C. §§3335, 6501, and 6503)
- k. 45 CFR Part 16 – Procedures of the Departmental Grant Appeals Board
- l. 45 CFR Part 30 – Claims Collection
- m. 45 CFR Part 46 – Protection of Human Subjects
- n. 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
- o. 45 CFR Part 81 – Practice and Procedure for Hearings Under Part 80 of this Title
- p. 45 CFR Part 84 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance
- q. 45 CFR Part 86 – Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance
- r. 45 CFR Part 87 – Equal Treatment for Faith-Based Organizations
- s. 45 CFR Part 91 – Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HHS
- t. 45 CFR Part 93 – New Restrictions on Lobbying
- u. 45 CFR Part 95 – General Administration – Grant Programs
- v. 45 CFR Part 100 – Intergovernmental Review of Department of Health and Human Services Programs and Activities
- 4. Administrative and National Policy Requirements, including HHS Policy Directives (identified with an asterisks (\*)) and Annual Appropriation Limitations (identified with two asterisks (\*\*)): Unless otherwise noted in the program-specific supplemental T&Cs, the NOFO, the administrative and national policy requirements, HHS policy directives, and annual appropriations limitations apply to all programs. Public policy requirements are requirements with a broader national purpose and are imposed by statute. The non- exhaustive list is located under the Administrative and National Policy Requirements page.
- 5. Build America, Buy America (BABA) Applicability: The BABA is not applicable to HHS programs; therefore, the following does not apply to ACF awards:
  - a. 2 CFR Part 184 – Buy America Preferences for Infrastructure Projects
  - b. 2 CFR §200.322 – Domestic Preference for Procurements provision
- COST SHARING OR MATCHING (NON-FEDERAL SHARE) OF PROGRAM FUNDING
- 6. Some Federal financial assistance programs require the recipient to provide a portion of program funding, as specified in Federal law. Please see the NOFO or program-specific supplemental T&Cs for the requirements.
- 7. Insular Areas. For any program that (a) requires a non-Federal share of program funding and (b) is available to several identified recipients, under the provisions of 48 U.S.C. §1469a(d), as amended, the Insular Areas, defined as American Samoa, Guam, the Northern Mariana Islands and the U.S. Virgin Islands, these recipients are not required to provide up to \$200,000 of the non-Federal share of program funding. If, in any fiscal year, the non-Federal share exceeds \$200,000, the statutory Federal/non-Federal funding rates for that program will apply to all expenditures that exceed that threshold.



Department of Health and Human Services  
Administration for Children and Families

Notice of Award

Award # 2502DCPREP

FAIN# 2502DCPREP

Federal Award Date: December 27, 2024

PROGRAM INCOME

8. Default Method. Please refer to the NOFO, program-specific supplemental T&Cs, and NoA to verify if program income is permitted, and if so, how it is to be used. When the regulations or the T&Cs are silent, the default is the deduction method as described under 45 CFR §75.307(e) (effective 10/1/2025: 2 CFR §200.307(e)(1)). (“Ordinarily program income must be deducted from total allowable costs to determine the net allowable costs. Program income must be used for current costs unless the HHS awarding agency authorizes otherwise. Program income that the non-Federal entity did not anticipate at the time of the Federal award must be used to reduce the Federal award and non-Federal entity contributions rather than to increase the funds committed to the project.”)
9. Property. Proceeds from the sale of real property, equipment, or supplies, are not program income; such proceeds will be handled in accordance with the relevant property standards at 45 CFR §§75.318 – 75.322 (effective 10/1/2025: 2 CFR §§200.311 – 200.315), or as specifically identified in Federal statutes, regulations, or T&Cs of the Federal award. For more information about real property and tangible personal property, please see the subheading contained in this Standard T&C.
10. Applicable Credit. Unless provided in statutes, regulations, or T&Cs of the award, program income does not include rebates, credits, discounts, and interest earned on any of them. When those sources are silent, to the extent that such credits accruing to or received by the recipient relate to allowable costs, they must be credited to the award either as a cost reduction or cash refund as described under 45 CFR §75.406 (effective 10/1/2025: 2 CFR §200.406).

MONITORING AND REPORTING

Except in unusual circumstances, ACF recipients are required to use OMB-approved data collection forms and file these forms in intervals identified by the Federal award. (45 CFR §75.341-75.343; effective 10/1/2025: 2 CFR §§200.328 – 200.330) For more information, see the NOFO, program-specific supplemental T&Cs, NoA, or specific award conditions.

11. Electronic Submissions.  
Reports must be submitted electronically. Paper copies will not be accepted. ACF recipients must submit reports through designated online reporting systems, as identified in the NOFO, program-specific supplemental T&Cs, NoA, and/or the specific award conditions. Each system is secured and requires individuals to use a PIN, username, and password.
- a. GrantSolutions On-Line Data Collection (OLDC) system is the online reporting mechanism and is located at <https://grantsolutions.gov>. The GrantSolutions Help Desk is open on Monday through Friday from 7:00 am to 8:00 pm ET (except for Federal Holidays). You may reach the Help Desk at 1-866-577-0771, 202-401- 5282, or [help@grantsolutions.gov](mailto:help@grantsolutions.gov).
- b. HHS Payment Management System (PMS) is the online payment management mechanism and is located at <https://pms.psc.gov>. The PMS Help Desk is open Monday through Friday from 7:00 am to 9:00 pm ET (except Federal Holidays). You may reach the Help Desk at 1-877-614-5533 or [PMSSupport@psc.gov](mailto:PMSSupport@psc.gov).

FINANCIAL REPORTING

12. Federal funds must be expended for the purposes which they were awarded and within the time period allotted. (45 CFR §75.302; effective 10/1/2025: 2 CFR §200.302)
13. Obligation Period.  
a. Discretionary: Recipients may charge to the award “only allowable costs incurred during the period of performance.” (45 CFR §75.309; effective 10/1/2025: 2 CFR §200.309) See the NoA for the approved start and end dates of the period of performance and, if applicable, the budget period for the award. Costs incurred within a specific budget period may only be charged to the award within the dates specified for that budget period. Recipients may not charge costs incurred in a previous budget period to the next or any subsequent budget period.
- b. Non-Discretionary: The program-specific supplemental T&Cs will set forth the deadline for obligation.
14. Liquidation Period.  
Unless superseded by program specific statute or regulations, the deadline for liquidating all financial obligations incurred under the Federal award is not later than 120 calendar days after the end of the period of performance (or as specified in a program regulation). (effective 9/15/2023: 2 CFR §200.344) See NoA.

PROGRAM REPORTING

15. Discretionary: Please see the NOFO, NoA, as well as Reporting Requirements.
16. Non-Discretionary: Please see the program-specific supplemental T&Cs for the program reporting requirements.



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PROPERTY REPORTING

Real property (requires specific authority and prior approval, see limitation under item 16 within this T&C), tangible personal property, and intangible property, that is acquired or improved with a Federal award must be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. ACF requires the recipient to record liens or other appropriate notice of record to indicate that personal or real property has been acquired or improved with a Federal award and that use and disposition conditions apply to the property. Unless program regulations, program-specific supplemental T&Cs, or other program guidance say otherwise, recipients are required to follow the property standards outlined under 45 CFR §§75.316 – 75.323 (effective 10/1/2025: 2 CFR §§200.310 – 200.316). States must follow their own property standards. The following are the real property and tangible personal property guidance and reporting requirements. For additional information, please see the ACF Property Guidance pages.

REAL PROPERTY REPORTING

17. Real Property Reports (SF-429s), OMB Control No. 4040-0016. ACF programs must have specific statutory authority to allow recipients to provide support for acquisition, construction, and/or major renovation of real property. Absent statutory authority and approval, costs are considered unallowable under the Federal award. Only a few ACF programs have authority, please see the Applicable ACF Programs with Real Property Authority list. When Federal funds are allowed and used for these purposes, a Federal interest is established. A Notice of Federal Interest (NFI) must be recorded in the jurisdiction where the real property is located. Federal interest does not expire unless program statute says otherwise. So long as a Federal interest remains, property requirements and reporting apply. Recipients (and on behalf of subrecipients) are responsible for submitting the request and report forms. Only forms submitted in GrantSolutions OLDC are considered official real property submissions. The collection of SF-429 forms must be used for awards that establish a Federal interest on real property. Overview of forms are as follows:

- c. SF-429. The Cover Page must be submitted along with the other SF-429 Attachments (A, B, and C). GrantSolutions OLDC automatically adds the cover page to the Attachment.
- d. SF-429 Attachment A. The General Report form is due annually and follows the same reporting cycle as the annual Federal Financial Report or program specific Expenditure Report.
- e. SF-429 Attachment B. The Acquire or Improve Request form may be submitted at any time to request prior approval to use federal funds to acquire or improve property. The submission of this form, with supporting documentation, in GrantSolutions OLDC is the official starting point for any prior approval request to purchase, construct, and/or major renovation project for real property.
- f. SF-429 Attachment C. The Disposition or Encumbrance Request form may be submitted at any time to request disposition instructions. The submission of this form, with supporting documentation, in GrantSolutions OLDC is the official starting point for any prior approval disposition or encumbrance requests. When the property is no longer needed, the recipient (when applicable, on behalf of subrecipients) must submit in GrantSolutions OLDC a request for disposition instructions. OGM must be consulted and confirm the percentage of participation (federal interest) before any payment is remitted on a real property. ACF will review and make a decision on one of the three standard OMB disposition options described under 45 CFR §75.318(c) to eliminate the Federal interest. The recipient (when applicable, on behalf of subrecipient) is required to compensate ACF for its share by remitting payment when real property is sold or retained. Payment must be received and confirmed before ACF can release the federal interest on the property. For more information, see Remit Payment guidance.

Please note that for the SF-429 Attachment B and C, the appraised value is the current fair market value based on the appraisal (no more than three years old) conducted by an independent certified appraiser.

For more information, please see program-specific supplemental T&Cs, the ACF Real Property Guidance, and the Applicable ACF Programs with Real Property Authority list.

TANGIBLE PERSONAL PROPERTY REPORTING

18. Tangible Property Report (SF-428s), OMB Control No. 4040-0018. The SF-428 is a standard form used to collect information related to tangible personal property purchased under a Federal award. Unless otherwise directed in the program-specific supplemental T&Cs, Federal assistance programs are required to use the SF-428s. Recipients (and on behalf of subrecipients) are required to submit the forms. States must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Overview of the forms are as follows:

- g. SF-428. The Cover Page must be submitted along with the other SF-428 Attachments (B, C, and S).
- h. SF-428 Attachment A. The Federally Owned Property Annual Report is not applicable to ACF programs.
- i. SF-428 Attachment B. The Final/Award Closeout form on Acquired Equipment purchased with Federal Funds is due at the end of a Federal Assistance Award.

This form may not apply to some non-discretionary programs. Please see program-specific supplemental T&Cs for applicability and exceptions.



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j. SF-428 Attachment C. The Disposition Request form on Acquired Equipment is due at any time other than award closeout. The submission of this form, with the SF-428 cover page and supporting documentation, to OGM is the official starting point for any prior approval disposition request. OGM must be consulted and confirm the percentage of participation (federal interest) before any payment is remitted on the property. Recipients (and on behalf of subrecipients) are required to compensate ACF for its share by remitting payment when equipment is sold or retained. Payment must be received and confirmed before ACF can release the federal interest on the property. For more information, see Remit Payment guidance.

k. SF-428 Attachment S. The Supplemental Sheet may be submitted with the SF- 428 Attachment B or C to provide additional information.

For more information, please see the ACF Tangible Personal Property Guidance.

#### AWARD PAYMENTS

19. Payment. All Federal financial assistance program payments will be made available through the HHS PMS. Questions pertaining to payments should be directed to: HHS Division of Payment Management, P.O. Box 6021, Rockville, MD, 20852, or PMS Help Desk at 877-614-5533, or PMSSupport@psc.gov. Other questions should be directed to the ACF contact listed on the NOA or program-specific supplemental T&Cs.

20. Returning Funds/Interest. Unless otherwise directed in the financial or program specific expenditure report, the HHS Program Support Center (PSC) serves as a centralized point for returning award interest and funds according to established federal law, policies, procedures, and regulations. PMS prefers that repayment be completed as an electronic transfer or by check. Please refer to the Returning Funds/Interest instructions under the Recipients drop-down on the PMS website.

#### SUBRECIPIENTS AND SUBCONTRACT MONITORING AND MANAGEMENT

21. All Federal assistance programs must comply with the Subrecipient Monitoring and Management requirements described in subpart D, 45 CFR §§75.351 – 75.353 (effective 10/1/2025: 2 CFR §§200.331 – 200.333). Discretionary awards are also subject to the ACF Term and Condition on Subawards located on the Administrative and National Policy Requirements page, see item 4 herein.

22. Debarred or Suspended. No entity may participate in these programs in any capacity or be a recipient or subrecipient of Federal funds designated for these programs if the organization has been debarred or suspended or otherwise found to be ineligible for participation in Federal financial assistance programs or activities. Please see Executive

Orders 12549 and 12689, as well as 2 CFR Parts 180 and 376 for debarment and suspension provisions. Recipients must include a similar T&C for all subawards and contracts awarded under these programs. Prior to issuing subawards and contracts under the Federal award, the recipient (pass-through) must review information available through the System for Award Management (SAM), <https://www.sam.gov>, to determine whether an entity is ineligible.

23. Determinations. Recipients are required to make case-by-case subrecipient and contractor determinations on whether the substance of an agreement creates a Federal assistance relationship (subaward) or a procurement relationship (contract) in accordance with 45 CFR §75.351 (effective 10/1/2025: 2 CFR §200.331). The presence of one or more characteristics may not be present in all cases; as such, the recipient must use judgment as the substance of the relationship is more important than the form of the agreement. ACF may also supply and require recipients to comply with additional guidance to support these determinations.

Please note for subrecipients: There is a long standing ACF OGM policy that any State, local, Tribal, or Territorial governments providing a service for a pass-through entity must be considered a subrecipient.

24. Fixed amount subawards. A fixed amount award cannot be used in programs which require mandatory cost sharing or matching in accordance with 45 CFR §75.201(b)(2) (effective 10/1/2025: 2 CFR §200.201(b)(2)). Many Federal assistance programs require the recipient to provide a portion of program funding, as specified in Federal law. Please see the NOFO or program-specific supplemental T&Cs for the cost sharing or matching (non-Federal share) requirement.

25. Indirect Cost. In accordance with 45 CFR §75.352(a)(4) (effective 10/1/2025: 2 CFR §200.332(a)(4)), pass-throughs must recognize the approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government, or if no such rate exists, either a rate negotiated between the recipients and subrecipient or provide a percent de minimis indirect cost rate (10% under 45 CFR §75.414(f) prior to 10/1/2024; effective date 10/1/2024: 15% under 45 CFR 75.320(f); effective date 10/1/2025: 15% under 2 CFR §200.414) Please direct indirect cost questions to the HHS PSC Division of Cost Allocation Services (CAS), see CAS Contact Us.

26. Monitoring:



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a. Contract. Recipients are responsible for ensuring that contracts contain the applicable provisions described in Appendix II of 45 CFR Part 75 (effective 10/1/2025: 2 CFR Part 200). The recipient is responsible for oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of the contract or purchase order. Records must be maintained by the recipient and be sufficiently detailed for compliance.

b. Subrecipient. Recipients are required to advise subrecipients of requirements imposed on them by Federal laws, regulations, and the provisions of award as well as any supplemental requirements imposed by the recipient. These include administrative and audit requirements (where applicable) under 45 CFR Part 75 (effective 10/1/2025: 2 CFR Part 200). The recipient must conduct a risk assessment of subrecipient(s) in accordance with 45 CFR §75.352(b) (effective 10/1/2025: 2 CFR §200.332(b)). Additionally, all subrecipient(s) must obtain a Unique Entity Identifier number assigned by the SAM, if they do not already have one. Recipients are required to check the SAM to verify that the subrecipient(s) is/are not debarred, suspended, or ineligible. Recipients are responsible for monitoring the activities of the subrecipient to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the T&Cs of the subaward, and that subaward performance goals are achieved. "Monitoring by the non-Federal entity must cover each program, function and activity." See 45 CFR §§75.342 and 75.352 (effective 10/1/2015: 2 CFR §§200.329(a) and 200.332). Records must be maintained by the recipient and be sufficiently detailed for compliance. For more information, see item 4.k. Salary Limitation – Federal Executive Level II within this Standard T&C.

Should a subrecipient perform unsatisfactorily, the recipient is responsible for remedying subrecipient issues. Recipients of an award will be legally accountable to ACF for performance of the project or program. Recipients will be held solely responsible in the event of non-compliance by a subrecipient. The recipient will be held accountable for cost disallowances regarding subawarded funds. If requirements of the program cannot be met due to subrecipient issues, ACF may take one or more of the actions listed under 45 CFR § 75.371– 75.375 (effective 10/1/2015: 2 CFR §§200.339 – 200.343).

#### NON-COMPETING CONTINUATIONS

27. Most ACF discretionary awards are funded in increments. These increments are referred to as "non-competing continuations." If the award has multiple budget periods, recipients will be expected to submit non-competing continuation applications for each budget period. If not referenced in the NOA, the ACF Program Office or Grants Office will provide additional information on what documentation to submit and deadlines for non-competing continuation applications. Deadlines are typically in advance of the start date of the next budget period to allow ACF sufficient time to process the applications.

#### AUDITS

28. Recipients must arrange for the conduct of audits as required by 45 CFR Part 75, Subpart F – Audit Requirements (effective 10/1/2025: 2 CFR Part 200 Subpart F). For more information, also see ACF Oversight and Monitoring: Audit Reports page.

29. Recipients and pass-through entities, per 45 CFR §§75.352(f) and 75.501 (effective 10/1/2025: 2 CFR §200.501), must verify that subrecipients also comply with the audit requirements.

l. For-profit subrecipients. Unless stated otherwise in regulation, guidance, the NOFO, or program-specific supplemental T&Cs, the Subpart F does not apply to for-profit subrecipients. (45 CFR §75.501(h) – (k); effective 10/1/2025: 2 CFR §200.501(h)) However, at a minimum, the recipient and pass-through entity are responsible for establishing requirements to ensure compliance by for-profit subrecipients. The agreement must describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility.

#### EFFECTIVE PERIOD

The Standard T&C and each of the program-specific supplemental T&Cs are effective on the date shown in the footer at the bottom of the respective pages. Each T&C supersedes all previous similar T&Cs and will remain in effect until updated. All T&Cs will be updated and reissued as needed.

#### POINTS OF CONTACT

Points of contact for additional information or questions concerning either the operation of the program or related financial or Federal assistance award matters may be found on the NoA. The Program Office contact handles the programmatic specific needs such as program intent, goals and objectives; whereas, the OGM contact typically handles any business, financial, and administrative activities such as budget revisions, prior approval requests, and closeouts.

#### IMPORTANT ADDRESSES

Administration for Children and Families Office of Grants Management  
330 C Street, SW. Mailstop 3127  
Washington, DC 20201

#### OIG HOTLINE



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Administration for Children and Families

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The OIG of HHS maintains the OIG Hotline, a system for reporting allegations of fraud, waste, abuse and mismanagement in Department of Health and Human Services' programs. Your information will be reviewed by a professional staff member and will remain confidential; you need not provide your name. Information provided through the website is secure and all information is safeguarded against unauthorized disclosure. Report the possible misuse of federal funds by phone or online. Please provide as much detailed information as possible in your report.

Online: <https://oig.hhs.gov/report-fraud> Phone: 800-HHS-TIPS (800-447-8477)

TTY: 800-377-4950

Fax: 800-223-8164

If you are a provider, HHS contractor, HHS recipient or subrecipient and want to self-disclose potential fraud in HHS programs, please visit the self-disclosure webpage at: <https://oig.hhs.gov/compliance/self-disclosure-info/index.asp>.

IMPORTANT WEBSITES

- Welcome To ACF website.
- ACF Award Terms and Conditions.
- HHS Grants website.
- Congress.gov Congressional Research Service: Appropriations.
- General and Permanent Laws: United States Code (U.S.C.).
- Federal Regulations: Electronic Code of Federal Regulations (e-CFR).
- Congress.gov: U.S. Federal Legislative Information.

SUPPLEMENTAL TERMS and CONDITIONS

The General Terms and Conditions apply to all non-discretionary programs. These Supplemental Terms and Conditions are additional requirements applicable to the program named below.

By acceptance of awards for this program, the recipient agrees to comply with the requirements included in both the General and Supplemental Terms and Conditions for this program.

Administration on Children, Youth, and Families (ACYF)

Family and Youth Services Bureau (FYSB)

State Personal Responsibility Education Program (PREP)

Assistance Listing No. 93.092

APPLICABLE LEGISLATION, STATUTE, REGULATIONS

1. The administration of this program is authorized under Title V, Section 510, of the Social Security Act (the Act).
2. The program is codified at 42 U.S.C. §710.
3. There are no implementing program regulations for this program.
4. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards (UAR) are located under 45 CFR Part 75 (effective 10/1/2025: 2 CFR Parts 200 and 300). In accordance with 45 CFR §75.101 (effective 10/1/2025: 2 CFR §200.101) and program regulation 45 CFR §93.235 the following Subparts:
  - a. Apply to all awards:
    - i. Subpart A – Acronyms and Definitions
    - ii. Subpart B – General Provisions
    - iii. Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards: Only 45 CFR §75.202 Requirement to Provide Notice of Federal Financial Assistance programs (effective 10/1/2025: 2 CFR §200.203).
    - iv. Subpart D – Post Federal Award Requirements: Only 45 CFR §§75.351 – 75.353 Subrecipient Monitoring and Management (effective 10/1/2025: 2 CFR §§200.331 – 200.333).
    - v. Subpart F – Audit Requirements
  - b. Apply to this award in its entirety:
    - i. Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
    - ii. Subpart D – Post Federal Award Requirements
    - iii. Subpart E – Cost Principles

COST SHARING OR MATCHING (NON-FEDERAL SHARE) OF PROGRAM FUNDING

5. This program has a Maintenance of Effort (MOE) requirement per Section 513(a)(5) of the Act (42 U.S.C. § 713(a)(5)). No payment shall be made from the allotment awarded under 513(a)(4), if the non-federal expenditure is less than the amount expended by the State, organization, or entity for such programs or initiatives for fiscal year 2023 (or the fiscal year amended by subsequent Public Laws).



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6. MOE is a statutory requirement where the State, local organization, or entities awarded under this program is required, as a condition of eligibility for federal funding, to maintain its financial contribution to the program. MOE must be used to supplement not supplant federal funds with existing non-federal funds. State, local organizations or entities under this award may not replace or supplant federal funds to meet program requirements.

FINANCIAL REPORTING

7. Federal funds awarded under this grant must be expended for the purposes for which they were awarded and within the time period allotted.  
8. The OMB approved Financial Reporting form for this program is the Federal Financial Report SF-425. The SF-425 is due annually and no later than December 30, which is 90 days after the end of each reporting period.

a. Submission Methodology: All periodic SF-425 financial reports for all grant programs must be submitted electronically through the Payment Management System (PMS). Recipients must not submit duplicate copies either by mail, by fax or as an email attachment of any reports submitted.

b. Submission Schedule: Annual. Each annual financial report must be submitted within 90 days (i.e., no later than December 30) following the end of each Federal Fiscal Year (FFY).

i. An interim financial report (covering Year 1 of the project period) is due 90 days following the end of Federal Fiscal Year 1.

ii. An interim financial report (covering Year 2 of the project period) is due 90 days following the end of the Federal Fiscal Year 2.

iii. A final financial report (cumulative, covering the entire 3-year project period) is due 120 days following the end of Federal Fiscal Year 3.

9. Obligation Deadline:

a. In accordance with Section 503(b) of the Act (42 U.S.C. § 703(b)), the State Personal Responsibility Education program has a 3-year project/obligation period starting from the first day of the FFY for which these funds were awarded through the last day of the next FFY. (i.e., October 1, Federal Fiscal Year 1 through September 30, Federal Fiscal Year 3.) Any Federal funds not obligated by the end of the obligation period will be recouped by this Department.

10. Liquidation Deadline:

a. In accordance with 2 CFR § 200.344(b), a recipient must liquidate all obligations incurred under the award no later than 120 days after the end of the funding/obligation period (i.e., December 30 following the end of Federal Fiscal Year 3). Any Federal funds from this award not liquidated by this date will be recouped by this Department.

PROGRAM REPORTING AND REQUIREMENTS

11. The OMB approved Program Report form for this program is the Performance Progress Report (PPR). Semi-annual narrative program performance reports must describe the program activities carried out, including an assessment of the effectiveness of those activities in achieving the purposes of this award. Each report covers the preceding 6-month period and is due 30 days following the end of the 2nd and 4th quarters (i.e., no later than April 30 and October 30, respectively). Please refer to the general terms and conditions for electronic submission guidance.

12. All recipients and subrecipient(s), including their implementation sites, will be required to collect and report information on program implementation and program outcomes through a common set of performance measures. This requirement applies to any community partners who agree to host a site or recruit program participants (e.g., school districts, non-profits. Recipients must collect and report on these measures twice a year.

13. Recipients will be expected to check local and state laws, policies, and procedures to ensure that the collection of performance measures data is feasible and obtain any necessary permissions (e.g., formal agreements with partners, Institutional Review Board (IRB) approval, copies of school district approvals) to collect these data. Recipients are responsible for ensuring all subrecipients and implementation sites collect and submit the PREP performance measures. Recipients may develop additional indicators of program performance, as needed, including adding items to the entry or exit surveys. However, all FYSB OMB-approved items must be administered first, in the order presented in the approved survey, before any additional items are added. Any additional survey items should be added at the end of the OMB-approved survey and should not be submitted to ACF.

14. Additional program conditions:

a. Have the project fully functioning and serving youth within at least 90 days following the issuance of the Notice of Award.

b. Formally train facilitators/educators in the evidence-based effective program model or elements of the effective program model by professionals who can provide follow-up technical assistance to facilitators.

c. Provide PREP programming to youth populations that are the most high-risk or vulnerable for pregnancies and sexually transmitted infections, including HIV/AIDS, or have other special circumstances including culturally underrepresented youth populations such as Hispanic, African American, or Native American youth; youth in or aging out of foster care or adjudication systems; youth who are victims of trafficking; youth who have runaway or left home without permission; youth experiencing homelessness; youth who identify as lesbian, gay, bisexual, transgender, and/or questioning (LGBTQ+), and other vulnerable or underserved youth populations.

d. Send at least two key staff persons to the 3-day Adolescent Pregnancy Prevention (APP) Program Grantee Conference held in the Louisville, KY, on August 5-7, 2025. A minimum of two staff persons are to attend at least one of two topical training sessions offered each year of the project in areas such as Washington, DC; Phoenix, AZ; and Boston, Massachusetts.

e. Collect and report on all OMB cleared federal PREP performance measures (recipient, partners and subrecipients). PREP Performance Measures are currently approved under OMB # 0970-0497, expiration date 07/31/2026.

f. For states and subrecipients conducting local evaluations, participate in training and TA provided by the federal government and follow related guidance provided by ACF/FYSB.



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g. Submit curricula and programmatic materials to FYSB, as requested, for a medical accuracy review and provide a plan to comply with making any required modifications.

PROPERTY REPORTING

- 15. The OMB approved property reporting forms are the following:
- h. Real Property Reports (SF-429s). The SF-429 Real Property forms are not applicable to this program. Purchase, construction, and major renovation are not an allowable activity or expenditure under this program.
- i. Tangible Property Report (SF-428s). The SF-428 Tangible Personal Property forms must be submitted as described in the General Terms and Conditions.

EFFECTIVE PERIOD

16. These program-specific Supplemental Terms and Conditions are effective on the date shown in the footer 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

17. Points of contact for additional information or questions concerning either the operation of the program or related financial matters can be found on the Notice of Award.

a. Program Office:

Sierra Baker  
Program Specialist  
330 C St., SW.  
Washington, DC 20201  
Sierra.Baker@acf.hhs.gov  
202-401-4663

b. Office Grants Management:

Girma Araya  
Grants Management Specialist  
330 C St., SW.  
Washington, DC. 20201  
Girma.Araya@acf.hhs.gov  
202-205-8643

**Remarks**

\* This field is intended to be included in the standardized Notice of Award and will be displayed in subsequent quarters.

This award represents the 1st quarter funding for the total approved FY 2025 State Personal Responsibility Education Program budget. The remaining balance will be awarded at a later date, subject to the availability of funds.

# **EXHIBIT B**



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034  
Washington, DC 20201 | [www.acf.hhs.gov](http://www.acf.hhs.gov)

Tuesday, August 26, 2025

Ms. Mariel Edge  
District of Columbia Department of Health  
899 North Capitol St. NE, 5th Floor  
Washington, DC 20002

RE: State Personal Responsibility Education Program grants for Fiscal Years 2023 (#2101DCPREP), 2024 (#2201DCPREP), and 2025 (#2301DCPREP).

Dear Ms. Edge:

On April 14, 2025, the Administration for Children and Families (ACF) requested that District of Columbia provide current curricula and programmatic materials in use or in any way relevant to your state Personal Responsibility Education Program (PREP) grant for a medical accuracy review in accordance with the Terms and Conditions of the grant. We appreciate your timely response to ACF's request.

While preparing District of Columbia's PREP content for the medical accuracy review, ACF identified content in the curricula and other program materials that fall outside of the scope of PREP's authorizing statute at 42 U.S.C. § 713. Specifically, the following subjects and language are outside the scope of the authorizing statute and all references to it must be removed from District of Columbia's PREP curricula and program materials:<sup>1</sup>

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<sup>1</sup> ACF initiated a medical accuracy review to determine if District of Columbia's approach to biological sex in its PREP curricula is medically accurate and in compliance with the program statute and the terms and conditions of the award. In preparing the materials that we received, we saw that the curricula include gender ideology which is not authorized by the statute. As per this letter, District of Columbia will need to remove this content from its PREP curricula and program materials. In light of this, we are changing our planned course of action and are no longer conducting a review for medical accuracy because the content that we were going to review for medical accuracy is outside of the subjects that are statutorily authorized in this program.

### Sexual Wellness Advocacy by Teens (SWAT, 2011)

- Module 2, Facilitator Guide, Page 1: “Learning Objectives: By the end of the workshop, participants will be able to . . .
  - Define what each of the letters in the acronym LGBTQIA+ stand for
  - Distinguish between terms used for gender and sexual orientation
  - Name the different kinds of discriminations and barriers in health care experienced by LGBTQIA+ youth.
  - Challenge homophobia, biphobia and transphobia.
  - Advocate and become an ally to the LGBTQIA+ community.”
- Pages 2-3 (Under activity “Discrimination LBGTQIA+ people experience”): “Mention that there are 20 states where there are no explicit laws against discrimination based on sexual orientation or gender identity in state law. This means, for example, you can be fired if you are part of the LGBTQIA+ community. Which states do you think they are?”

- Module 2, PowerPoint Slides:

“**Transgender:** term of gender identity for a person whose gender identity does not correspond with their gender assigned at birth. Trans people can be straight, gay, bisexual, queer, or any other sexual orientation.

**Queer:** encompassing term for people who do not conform to heterosexual norms of sexuality or gender. . . .

**Pansexual:** attraction towards people regardless of their sex or gender identity.

**Cisgender:** the term of gender identity for a person whose gender identity corresponds with their gender assigned at birth. Cis people can be straight, gay, bisexual, queer or any other sexual orientation.

**Non-binary/genderqueer:** Someone who does not fit into conventional gender distinction and identifies with neither, both, or a combo of male and female genders. Gender expansive: people who feel that they exist between genders, as on a spectrum, or beyond the notion of the man/woman binary.

**ALLY:** A person who fights for the rights of a disadvantage group they are not a part of. For example, an ally can support:

- equal civil rights
- gender equality
- LGBTQ+ social movements
- challenges homophobia, biphobia, and transphobia

Stigmas (unconscious and conscious) against people who identify as queer-- specifically gay/lesbian, bisexual, and trans.”

The “purpose” of a PREP grant award is for states to “carry out personal responsibility education programs consistent with this subsection.” 42 U.S.C. § 713(b)(1). The statute defines PREP as “a program that is designed to educate adolescents on -- (i) both abstinence and contraception for the prevention of pregnancy and sexually transmitted infections, including HIV/AIDS, consistent with the requirements of subparagraph (B);

and (ii) at least 3 of the adulthood preparation subjects described in subparagraph (C).” 42 U.S.C. § 713(b)(2).

The statute includes no mention of gender ideology, which is both irrelevant to teaching abstinence and contraception and unrelated to any of the adult preparation subjects described in section 713(b)(2)(C).<sup>2</sup> The statute neither requires, supports nor authorizes teaching students that gender identity is distinct from biological sex or that boys can identify as girls and vice versa; thus, gender ideology is outside the scope of the authorizing statute and any expenditures associated with gender ideology are not allowable, reasonable, or allocable to the PREP grant. See 45 C.F.R. §§ 75.403-405.

We are aware that these curricula and other program materials were previously approved by ACF. However, the prior administration erred in allowing PREP grants to be used to teach students gender ideology because that approval exceeded the agency’s authority to administer the program consistent with the authorizing legislation as enacted by Congress. District of Columbia’s current PREP curricula and program materials are out of compliance with the PREP statute and HHS regulations and must be modified. See 45 C.F.R. § 75.303(b) (requiring compliance with all Federal statutes, regulations, and the terms and conditions of the Federal award), §§ 75.403-405 (requiring grant expenditures to be reasonable and allocable in order to be allowable). ACF may impose additional conditions on grantees that fail to comply with any Federal statutes, regulations or terms and conditions that apply to their awards. See 45 C.F.R. § 75.371.

**Therefore, ACF instructs District of Columbia to remove all content concerning gender ideology from its curricula, program materials and any other aspects of its program delivery within 60 days of receipt of this letter and provide a copy of the modified materials to ACF for approval.**

The content flagged on the pages of this letter provides examples of gender ideology content that does not adhere to the PREP statute;<sup>3</sup> District of Columbia is directed to remove these and all similar language throughout their curricula and program materials. Should District of Columbia fail to make the appropriate modifications to its PREP curricula and program materials, ACF may take additional enforcement action. See 45 C.F.R. § 75.371 (allowing HHS to withhold, disallow, suspend, or terminate Federal awards if imposing additional conditions on a grantee does not cure noncompliance).

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<sup>2</sup> 42 U.S.C. § 713(b)(2)(C) lists the following adult preparation subjects: “(i) Healthy relationships, including marriage and family interactions; (ii) Adolescent development, such as the development of healthy attitudes and values about adolescent growth and development, body image, racial and ethnic diversity, and other related subjects; (iii) Financial literacy; (iv) Parent-child communication; (v) Educational and career success, such as developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity; (vi) Healthy life skills, such as goal-setting, decision making, negotiation, communication and interpersonal skills, and stress management.”

<sup>3</sup> We are not setting forth all of the problematic language in this letter but are providing a general description and examples so that you understand what needs to be removed from the curricula and program materials. If you have any questions about whether language needs to be removed, please contact the Federal Project Officer, Ricky Richard at [ricky.richard@acf.hhs.gov](mailto:ricky.richard@acf.hhs.gov).

Thank you for your attention to this matter. Please submit the modified curricula and materials by uploading to the Dropbox links previously provided to you within sixty (60) days, and no later than **Monday, October 27, 2025**, at 11:59 pm. You may email your FYSB Federal Project Officer if you need clarification regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gradison".

Andrew Gradison  
Acting Assistant Secretary  
Administration for Children and Families