
Tribal Seafood Pandemic Response and Safety Grant Program (TSPRS) Terms and Conditions

1.0 GENERAL TERMS AND CONDITIONS

I hereby attest to the following Terms and Conditions on behalf of the entity with the DUNS number associated with this award (“Recipient”). I further attest that I am authorized to make such attestation on behalf of the Recipient. The Terms and Conditions below are not an exhaustive list and the Recipient agrees to comply with all other applicable statutes and regulations.

There are no additional requirements for the Applicant/Recipient to comply with other than those included in the RFA and Terms and Conditions documents.

If the Recipient accepts funds appropriated in Title VII, subtitle B, section 751 of the Consolidated Appropriations Act of 2021 (Pub. L. No. 116—260), then the Recipient is deemed to have accepted the following Terms and Conditions.

If the Recipient retains the payment for at least 120 days without contacting the U.S. Department of Agriculture (USDA) regarding the return of funds received, the USDA will consider all activities, objectives and reporting requirements as completed, and will close out the grant agreement in accordance with 2 CFR § 200.344.

The Recipient acknowledges that the Recipient’s full compliance with all Terms and Conditions is material to the Secretary’s decision to disburse funds to the Recipient. Non-compliance with any Term or Condition is grounds for the Secretary to recoup some or all of the payment made.

2.0 FIXED AMOUNT AWARD TERMS AND CONDITIONS

- The “Recipient” means the eligible entity receiving the payment.
- The “Payment” means the funds received from the Tribal Seafood Pandemic Relief and Safety Grant Program, as authorized and funded under Title VII, subtitle B, section 751 of the Consolidated Appropriations Act of 2021 (Pub. L. No. 116—260).
- The grant agreement is a Fixed Amount Award and recipient accountability is based primarily on performance and results in accordance with 2 CFR § 200.201(b).
- The Recipient certifies that it is a seafood processor wholly owned and operated by a Federally Recognized Indian Tribe, as defined by the Federally Recognized Indian Tribe List Act (List Act) of 1994 (Pub. L. No. 103—454), available at <https://www.govinfo.gov/content/pkg/FR-2019-02-01/pdf/2019-00897.pdf>.
- The Recipient certifies that between January 27, 2020 and December 31, 2021, it has implemented the activity or activities selected on the application, and the funding amount requested in the application

reflects the fair market value of the goods and services associated with the selected activity or activities and the corresponding outcome(s).

- The Recipient shall retain receipts and other supporting documents related to the cost of the goods and services needed to achieve the outcomes identified in the TSPRS application and in accordance with 2 CFR § 200.334.
- The Recipient shall submit copies of records and cost documentation upon the request of the Secretary and in accordance with 2 CFR § 200.337.
- The Recipient agrees to fully cooperate in all audits the Secretary, Inspector General, or Pandemic Response Accountability Committee conducts to ensure compliance with these Terms and Conditions.
- The Recipient certifies that the Payment will only be used to cover the costs associated with the activities and outcomes identified in the recipient application.
- The Recipient certifies that it will not use the Payment to cover costs that have been reimbursed from other sources or that other sources are obligated to reimburse.
- The Recipient shall submit reports as the Secretary determines are needed to ensure compliance with conditions that are imposed on this Payment, and such reports shall be in such form, with such content, as specified by the Secretary in future program instructions directed to all Recipients.
- The Recipient consents to the USDA publicly disclosing the Payment that Recipient may receive.
- The Recipient acknowledges that such disclosure may allow some third parties to estimate the Recipient's gross receipts or sales, program service revenue, or other equivalent information.
- The Recipient certifies that all information it provides as part of any application for the Payment, as well as all information and reports relating to the Payment that it provides in the future at the request of the Secretary or Inspector General, are true, accurate and complete, to the best of its knowledge.
- The Recipient acknowledges that any deliberate omission, misrepresentation, or falsification of any information contained in this Payment application or future reports may be punishable by criminal, civil, or administrative penalties, including but not limited to the imposition of fines, civil damages, and/or imprisonment.
- The Recipient shall maintain appropriate records and cost documentation including, as applicable, documentation described in 2 CFR § 200.302 – Financial management and other information required by future program instructions to substantiate the reimbursement of costs under this award.
- The Recipient must use Federal funds in a responsible manner and apply adequate internal controls and cash management practices consistent with the requirements outlined in 2 CFR § 200.303.

3.0 ALLOWABLE OUTCOMES AND ACTIVITIES

Outcomes and Activities Funded by TSPRS

Implement workplace safety measures to protect workers against COVID-19

- Provide personal protective equipment, thermometers, cleaning supplies, sanitizer, or hand washing stations
- Installation and purchase of air filters or new signage

Implement market pivots to protect workers against COVID-19

- Develop and implement online sales platforms and associated costs (online platform development and fees, online marketing, credit card processing fees)
- Use online or print materials to communicate market pivots
- Transition from restaurant or food service to retail markets, including costs associated with shifting from fresh to frozen products (building cold storage, purchasing new packaging, or implementing new distribution methods)

Retrofit Facilities for Worker and Consumer Safety to protect against COVID–19

- Installation and purchase protective barriers made of plexiglass or plastic sheeting, walk up windows, heat lamps/heaters, fans, tents, propane, weights, tables, chairs and lighting
- Installation of new production or processing equipment required to increase social distancing

Provide additional transportation options to maintain social distancing and worker and consumer safety to protect against COVID-19

- Secure additional transportation services for workers
- Offer new delivery routes or distribution services

Provide worker housing that protects workers against COVID-19

- Secure additional housing resources/services to maintain social distancing or to allow for mandatory quarantining of newly-arrived seasonal employees, or isolation of exposed employees

Provide health services to protect workers against COVID-19

- Offer or enable vaccinations, testing, or healthcare treatment of infected employees, including any paid leave due to COVID-19 infection.

The Recipient is required to comply with the provisions listed below, and the Recipient acknowledges and agrees to this requirement.

4.0 APPLICABLE STATUTORY PROVISIONS

[2 CFR part 25](#) – *System for Award Management and Universal Identifier Requirements*

[7 CFR part 170](#) – *Reporting Subaward and Executive Compensation Information*

[2 CFR part 175](#) – *Award Term for Trafficking in Persons*

[2 CFR parts 180](#) and [417](#) – *OMB Guidelines to Agencies on Government-Wide Debarment and Suspension (Nonprocurement) and USDA Nonprocurement Debarment and Suspension*

[2 CFR part 182](#) – *Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)*

[2 CFR § 200.216](#) – *Prohibition on certain telecommunications and video surveillance services or equipment.*

[2 CFR part 200](#) – *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

[2 CFR part 400](#) – *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*

[2 CFR part 415](#) – *General Program Administrative Regulations*

[2 CFR part 416](#) – *General Program Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*

[2 CFR part 418](#) – *New Restrictions on Lobbying*

[2 CFR part 421](#) – *Requirements for Drug-Free Workplace (Financial Assistance)*

[7 CFR part 1, subpart A](#) – *Official Records (Freedom of Information Act)*

[7 CFR part 1\(b\)](#) – *National Environmental Policy Act*

[7 CFR part 3](#) – *Debt Management (OMB Circular No. A-129)*

[7 CFR part 15, subpart A](#) – *Nondiscrimination in Federally-Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964*

[7 CFR part 331](#) and [9 CFR part 121](#)—*USDA implementation of the Agricultural Bioterrorism Protection Act of 2002*

[37 CFR part 401](#) – *Rights to Inventions made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts, and Cooperative Agreements*

[41 CFR §§ 301-10.131 to 301-10.143](#) – *Use of United States Flag Air Carriers, which implements the Fly America Act (49 U.S.C. 40118). For more information see <http://www.gsa.gov/portal/content/103191>.*

[48 CFR subpart 31.2](#) – *Contracts with Commercial Organizations*

[8 U.S.C. § 1324a](#) – *Unlawful employment of aliens*

[29 U.S.C. § 794](#) – *Nondiscrimination under Federal grants and programs*

[41 U.S.C. § 22](#) – *Interest of Member of Congress*

[41 U.S.C. § 4712](#) – *Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information*

44 U.S.C. § 3541 et seq. ([Pub. L. No. 107-347](#)) – *Federal Information System Security Management Act of 2002 (FISMA)*
[E.O. 13166](#), *Improving Access to Services for Persons with Limited English Proficiency*, take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with [LEP Implementation Strategy for AMS' Federally-Assisted Programs](#).

Motor Vehicle Safety – *Highway Safety Act of 1966*, as amended ([23 U.S.C. §§ 402 & 403](#)); *Government Organization and Employees Act*, as amended ([5 U.S.C. § 7902 \(c\)](#)); *Occupational Safety and Health Act of 1970*, as amended ([29 U.S.C. § 668](#)); *Federal Property and Administrative Services Act of 1949*, as amended ([40 U.S.C. § 101, et seq.](#)); *Increasing Seat Belt Use in the United States* ([E.O. 13043](#)); *Federal Leadership on Reducing Text Messaging While Driving* ([E.O. 13513](#))

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012, [Pub. L. No. 112-55](#), Division A, Sections 738 and 739 regarding corporate felony convictions and corporate Federal tax delinquencies