

**U.S. NUCLEAR REGULATORY COMMISSION
NOTICE OF GRANT/ASSISTANCE AWARD**

1. GRANT/AGREEMENT NO. NRC-HQ-11-G-38-0069	2. MODIFICATION NO.	3. PERIOD OF PERFORMANCE FROM: 8/22/2011 TO: 10/31/2012		4. AUTHORITY Pursuant to Section 31b and 141b of the Atomic Energy Act of 1954, as amended
5. TYPE OF AWARD <input checked="" type="checkbox"/> GRANT <input type="checkbox"/> COOPERATIVE AGREEMENT	6. ORGANIZATION TYPE Public State-Controlled Institution of Higher ED DUNS: 071465181 NAICS:611310		7. RECIPIENT NAME, ADDRESS, and EMAIL ADDRESS Salem Community College 460 Hollywood Ave Carneys Point New Jersey 08069-2704 08069jsteiner@salemcc.edu	
8. PROJECT TITLE: Expanding New Jersey's Nuclear Technology Workforce				
9. PROJECT WILL BE CONDUCTED PER GOVERNMENT'S/RECIPIENT'S PROPOSAL(S) DATED See Program Description AND APPENDIX A-PROJECT GRANT PROVISIONS	10. TECHNICAL REPORTS ARE REQUIRED <input checked="" type="checkbox"/> PROGRESS AND FINAL <input type="checkbox"/> FINAL ONLY <input type="checkbox"/> OTHER (Conference Proceedings)		11. PRINCIPAL INVESTIGATOR(S) NAME, ADDRESS and EMAIL ADDRESS John Steiner 08069jsteiner@salemcc.edu 460 Hollywood Avenue Carneys Point New Jersey 08069-2704	
12. NRC PROGRAM OFFICE (NAME and ADDRESS) NRC Attn: Tanya Parwani-Jaimes Office of Human Resources MS: GW5A06 (301) 492-2308 11545 Rockville Pike Rockville, Maryland 20852 Email: Tanya.Parwani-Jaimes@NRC.GOV	13. ACCOUNTING and APPROPRIATION DATA APPN. NO: 31X0200 B&R NO: 2011-84-51-K-134 JOB CODE: T8453 BOC NO: 4110 OFFICE ID NO: RFPA-HR-11-248 FALMIS: GR0030		14. METHOD OF PAYMENT <input type="checkbox"/> ADVANCE BY TREASURY CHECK <input type="checkbox"/> REIMBURSEMENT BY TREASURY CHECK <input type="checkbox"/> LETTER OF CREDIT <input checked="" type="checkbox"/> OTHER (SPECIFY) Electronic ASAP.gov (See Remarks in Item #20 "Payment Information")	
15. NRC OBLIGATION FUNDS THIS ACTION \$ <u>45,270</u> PREVIOUS OBLIGATION _____ TOTAL \$ <u>45,270</u>	16. TOTAL FUNDING AGREEMENT This action provides funds for Fiscal Year _____ in the amount of See Page Two NRC \$ <u>45,270</u> RECIPIENT _____ TOTAL _____			
17. NRC ISSUING OFFICE (NAME, ADDRESS and EMAIL ADDRESS) U.S. Nuclear Regulatory Commission Div. of Contracts Attn: Shashi Malhotra Email: Shashi.Malhotra@NRC.GOV Mail Stop: TWB-01-B10M Rockville MD 20852				
18. Signature Not Required	19. NRC CONTRACTING OFFICER <i>Sheila Bumpass</i> AUG 2 2 2011 _____ (Signature) _____ (Date) NAME (TYPED) Sheila Bumpass TITLE Contracting Officer TELEPHONE NO. 301-492-3484			
20. PAYMENT INFORMATION Payment will be made through the Automated Standard Application for Payment (ASAP.gov) unless the recipient has failed to comply with the program objectives, award conditions, Federal reporting requirements or other conditions specified in 2 CFR 215 (OMB Circular A110).				
21. Attached is a copy of the "NRC General Provisions for Grants and Cooperative Agreements Awarded to Non-Government Recipients. Acceptance of these terms and conditions is acknowledged when Federal funds are used on this project.				
22. ORDER OF PRECEDENCE In the event of a conflict between the recipient's proposal and this award, the terms of the Award shall prevail.				
23. By this award, the Recipient certifies that payment of any audit-related debt will not reduce the level of performance of any Federal Program.				

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

AUG 3 1 2011

ADM002

ATTACHMENT A - SCHEDULE

A.1 PURPOSE OF GRANT

The purpose of this Grant is to provide support to the "**Expanding New Jersey's Nuclear Technology Workforce**" as described in Attachment B entitled "Program Description."

A.2 PERIOD OF GRANT

1. The effective date of this Grant is August 22, 2011. The estimated completion date of this Grant is October 31, 2012.

2. Funds obligated hereunder are available for program expenditures for the estimated period: August 22, 2011 – October 2012.

A. GENERAL

1. Total Estimated NRC Amount:	\$45,270
2. Total Obligated Amount:	\$45,270
3. Cost-Sharing Amount:	\$0
4. Activity Title:	Expanding New Jersey's Nuclear Technology Workforce
5. NRC Project Officer:	Tanya Parwani-Jaimes
6. DUNS No.:	071465181

B. SPECIFIC

RFP No.:	HR-11-248
FFS:	N/A
Job Code:	T8453
BOC:	4110
B&R Number:	2011-84-51-K-134
Appropriation #:	31X0200
Amount Obligated:	\$45,270

A.3 BUDGET

Revisions to the budget shall be made in accordance with Revision of Grant Budget in accordance with 2 CFR 215.25.

Personnel & Consultants/Adjuncts	\$5,600
Fringe Benefit	\$1,680
Travel	\$ 250
Facility Training	\$4,600
Supporting Materials/Supplies	\$8,000
Curriculum Development	\$20,140
Total	\$45,720

A.4 AMOUNT OF AWARD AND PAYMENT PROCEDURES

1. The total estimated amount of this Award is \$45,270 for the one-year period.

2. NRC hereby obligates the amount of \$45,270 for program expenditures during the period set forth above and in support of the Budget above. The Grantee will be given written notice by the Contracting Officer when additional funds will be added. NRC is not obligated to reimburse the Grantee for the expenditure of amounts in excess of the total obligated amount.

3. Payment shall be made to the Grantee in accordance with procedures set forth in the Automated Standard Application For Payments (ASAP) Procedures set forth below.

Attachment B – Program Description

PROGRAM DESCRIPTION

Salem Community College (SCC) proposes to expand its current AAS degree in Nuclear Energy Technology (Instrumentation and Control) to include two additional tracks - Electrical Maintenance Technician and Non-Licensed Operator. Both tracks were identified by the nuclear industry as the occupational programs in highest demand in this region and where associate degree level training is not currently available. Working with its industry partner, PSEG Nuclear LLC, SCC will develop specialized curriculum in these high demand tracks and provide the industry with qualified candidates. SCC will work with the NEI and use the Nuclear Uniform Curriculum Guide for Nuclear Power Plant Technicians to develop curriculum, identify course materials, and build lab exercises.

Background and Qualifications The Partners

Salem Community College, (SCC) is a small, two-year, comprehensive community college located in a suburban community within southern New Jersey. SCC is located within 5 miles of Wilmington, Delaware and within 25 miles of Philadelphia, Pennsylvania. SCC is authorized to grant associate degrees (A.A., A.S., A.F.A. and A.A.S.) and certificates in over 40 programs of study. SCC is the only higher educational institution located in Salem County. The College is regionally accredited by the Middle States Commission on Higher Education and its most recent accreditation was reaffirmed in 2010.

PSEG Power, LLC (PSEG), our nuclear energy partner in this grant, operates three nuclear generating stations in Salem County. The nuclear units provide over 3,500 megawatts of electricity enough to power 2.8 million homes. As a strategic partner in this grant, PSEG has committed to working with us to develop courses that will meet the Uniform Curriculum format. They have agreed to provide classroom and laboratory facilities at their PSEG Energy and Environmental Resource Center (EERC) training facility. PSEG also brings leveraged resources from its membership in the Nuclear Energy Institute (NEI), the industry's policy organization.

How the Partnership Developed

In 2007, PSEG approached SCC to discuss the growing number of qualified workers needed to support the nuclear reactors in the region. According to the Nuclear Energy Institute (NEI) 35 percent of the current nuclear workforce would be eligible to retire by the year 2012 and replacing these workers would be difficult. They found that the Northeast region in particular (New York, Eastern Pennsylvania, New Jersey and Delaware) had only one existing maintenance program in nuclear technology and it did not meet INPO standards. Furthermore, NEI estimated that seven new associate degree programs in maintenance would have to be created to meet the current demand for nuclear maintenance workers. Note that Salem County

is home to three nuclear generating facilities (Salem 1 and 2 and Hope Creek)—all three operated by PSEG Nuclear LLC, and is within 100 miles of an additional six nuclear facilities. To address the need for qualified workers, NEI invited 6 community college consortiums nationwide to participate as team partners in the Nuclear Uniform Curriculum Pilot Project. SCC and its partner, PSEG, was one of the six consortiums to be invited. These partners were charged with expanding the supply of skilled workers by increasing the number and quality of educational programs at each partner institution. As part of this initiative, INPO established a set of core competencies and discipline specific knowledge for each of the four technician categories identified as having the greatest need within the industry. These areas were: Nonlicensed operators, radiation protection technician, chemistry technician, and maintenance personnel (electrical technician, instrumentation & controls technician, and mechanical technician). The purpose was to create a uniform curriculum to ensure the respective associate degree programs were aligned with the needs of the nuclear power industry and consistent with the established standards for accredited nuclear training programs so that all graduates would have the same basic knowledge necessary to be successful power plant workers. SCC's program focused on Instrumentation & Controls (I&C) Maintenance, because that was the curriculum identified by the nuclear industry as the occupational program in highest demand in this region and where associate degree level training was not available. After working with PSEG for a year, SCC used what it learned and began working on an application for a Community-Based Job Training Grant. In February 2009, SCC was awarded a three-year Community-Based Job Training grant from the U.S. Department of Labor to develop and implement associate-degree training programs in the areas of Nuclear Energy Technology (NET) and Sustainable Energy Technology (SET). Working with PSEG, the College used the Nuclear Uniform Curriculum Guide for Nuclear Power Plant Technicians to develop curriculum, identify course materials, build lab exercises, and develop internships that would align with the degree program. PSEG agreed to dedicate a new state-of-the-art classroom and large lab at its new Energy and Environmental Resource Center in Salem, New Jersey to the SCC Nuclear program. SCC worked with PSEG on the design and dedication of the space. In addition, PSEG Nuclear LLC agreed to provide scholarship funds for NET students and to develop an elective cooperative work experience in the summer between the first and second years of the NET Program. As a member of the first Uniform Curriculum pilot project, the partnership provided guidance and lessons learned to other community colleges nationwide so that the program could be replicated. SCC's NET Program is one of only two program of its kind in the mid-Atlantic region.

Current Nuclear Energy Technology Program

SCC began offering its new associated degree in Nuclear Energy Technology (NET) in September 2009. As stated, the program focuses on instrumentation and control maintenance within a nuclear power plant. The instrumentation and control technician calibrates, tests, troubleshoots, modifies and inspects nuclear plant instrumentation and control components and systems. Students who complete the current Instrumentation and Control curriculum and achieve an 80 percent competency level in their core courses are awarded INPO certification. While several college/nuclear partnerships are working on certification criteria, the PSEG-SCC partnership is one of only two nuclear programs in the country currently awarding INPO certification to its associate degree graduates and the only program qualifying for the certification in I&C. SCC's program has been extremely successful and has been able to attract a large number of both traditional and non-traditional students. The program currently enrolls 84 students, which is more than double our initial two-year target. In addition four students graduated from the NET program in June 2010. Three of the graduates have accepted positions with PSEG. Note that because of the unique nature and success of the program, and because it

has a regional focus, SCC has entered into a partnership with nearby Cumberland County College (CCC) to allow a limited number of CCC students to participate in the NET (and Sustainable Energy) Programs each year, beginning fall 2010.

Need to Expand the NET Program

PSEG Nuclear LLC recently conducted an analysis of all of its categories of employees and found that in addition to nuclear maintenance technicians there is now a need for two more categories of employees: non-licensed operators (NLO) and maintenance technician—electrical (E). PSEG projects a need of approximately 56 Electricians and 37 Non-Licensed operators over the next 5 years. These numbers, however, do not include the regional need, which is also expected to grow and is documented by the NEI.

In discussions with administrators at PSEG Nuclear LLC, the academic leaders at SCC envision developing two new tracks or concentrations within the current Nuclear Energy Technology degree. The College will rotate the three offerings as needed by the nuclear and energy industries in the region. The advantage to students is that they will be able to choose the "major" that has the best opportunity for employment prior to entering their second year of college. The addition of two more tracks would also allow the College to provide stand-alone courses to students who already obtained the NET degree with a concentration in instrumentation and control, giving them the opportunity to hold multiple certifications. This proposed project will help to strengthen SCC's NET infrastructure, the skills of faculty in the NET program, and the competencies of the nuclear workforce. Both tracks support NRC's nuclear engineering and electrical engineering technical areas and are part of an undergraduate program that leads to an associate's degree in Nuclear Energy Technology.

Description of proposed program and course outline

With both the non-licensed operations and electrical maintenance disciplines in high demand, PSEG began working on a "gap analysis" to determine the additional skills/courses that would be needed to address the specialized content areas. PSEG determined that the fundamentals of the non-licensed operations track were already in place but the program would need two additional systems courses to cover the material sufficiently to meet ACAD requirements. These two courses would include Nuclear Systems I and II. The electrical maintenance program needed only one additional course to comply with the ACAD. The class would be primarily lab based and would be a higher level of the electrical science course. These courses will be included as part of the following Nuclear Energy Technology Curriculum program sequence:

First Semester

CSC 115 - Computer Applications
ENG 101 - English Composition 1
NET 111 - Mathematics for Energy Technicians
NET 115 - Mechanical Science
Social Science Elective

Second Semester

ENG 172 - Business and Occupational Writing
MAT 137 - College Algebra
NET 102 - Electrical Science
NET 130 - Applied Physics and Chemistry
NET 131 - Nuclear Industry Fundamental Concepts

Third Semester

NET 211- Heat Transfer and Fluid Flow

NET xxx - Nuclear Systems 1 (New course for non-licensed operators)

NET 233 - Basic Nuclear Systems

PYS 101 - Physics I

NET xxx - Electrical Science Lab II (New course for electrical maintenance technicians)

Fourth Semester

ENG 202 – Introduction to Speech Communications

NET 221 - Nuclear Science

NET 223 - Reactor Plant Protection and Safety

NET xxx - Nuclear Systems II (New course for non-licensed operators)

With support from the NRC, SCC will develop curriculum and teaching materials for the three new discipline specific courses above and an elective course that will be offered during the second year of the NET program to students wishing to pursue one of the following two new tracks.

Non-Licensed Operators

A non-licensed operator supports the reactor operators and senior reactor operators. Duties include opening and closing valves, electrical breakers and other devices as well as directly monitoring plant equipment performance. Operators must be able to test and work with boilers, turbines, generators from isolated panels, and major apparatus including Air Compressors, Feedwater Treatment Systems, Generator Hydrogen System, and Feedwater and Condensate Systems. Operators must be able to keep logs as assigned, record periodic instrument readings and verify radiological activity levels as required in the performance of work as directed.

To meet these requirements non-licensed operators will follow the same NET curriculum in the first year, but would substitute two courses in I&C for two specific lecture/lab courses covering both pressurized water reactors and boiling water reactors. These courses would be made part of the permanent degree program and would be required for degree completion.

Electrical Maintenance Technician

An electrical technician's duties consist of the maintenance and repair of highly complex electrical/electronic equipment required for a nuclear plant. Responsibilities include troubleshooting, testing and inspecting in a highly skilled manner. Under general supervision, the electrician preplans and executes or performs maintenance, construction and testing tasks in the electrical and instrument and controls area to maintain operations of the plant and systems. The electrician performs common mechanical work consistent with training to maintain operation of the plant. An electrical technician must be able to install, inspect, troubleshoot and test electrical equipment such as motors, generators, controllers, transformers, switchgear and circuit breakers and batteries. To meet these requirements the student would take one additional lab-based course in electrical generation and testing. This course would be made part of the permanent degree program and would be required for degree completion. Additionally the College will build two additional experiential tracks for the four-credit Nuclear Energy Co-op course. The course will be offered at one of the PSEG nuclear reactor stations and include hands-on training and work in the specified field of electrical and/or operations. All new classes will include competency-based curriculum and applied learning at PSEG's Energy and Environmental Resource Center in Salem, New Jersey. The nuclear technology training laboratory has highly specialized equipment including process calibrators, oscilloscope tectonics, function generators, Heise Digital Pressure Gauges and temperature calibrators. The

lab also includes necessary hand and power tools, soldering supplies, facility safety equipment, solvents, and consumables. The program is highly innovative and uses case studies and hands-on training. The new tracks will also use system/plant flow schematics to demonstrate the general flow of plant processes and equipment. The current NET program in instrumentation and control and the new tracks in electrical maintenance and non-licensed operations will also include an invitational elective co-op experience. Currently the co-op is a 6-week hands-on experience at PSEG's nuclear facility. Both tracks will be introduced to students in the Energy Academy at Salem County Vocational and Technical School (SCVTS).

The two new tracks will serve approximately 20 students per year, not including those who choose to take the additional certification. As stated earlier, the College will begin to cycle the three tracks in the third year based on industry need. This approach will ensure that students are preparing for jobs of the future.

Program Goals, Benchmarks and Timeline

By August 2011, SCC will develop 2 new courses (Nuclear Systems I and Electrical Science II) that will be offered in the fall semester to support the two new NET tracks - Non-Licensed Operations and electrical maintenance technology.

By December 2011, SCC will develop 1 new course (Nuclear Systems II) that will be offered in the spring semester to support the Non-Licensed Operator track.

By January 2012, SCC will enroll 20 students in the full time NET major with concentrations in Non-Licensed Operators and electrical maintenance technicians.

By June 2012, SCC will serve 10 students seeking additional certification with individual courses and or modules in the Non-Licensed Operators and/or electrical maintenance technician tracks.

By June 2012, SCC working with PSEG, will expand the co-op experience (Nuclear Energy Co-op) at PSEG Nuclear facility to include the two new tracks in Non-Licensed Operations and electrical maintenance.

By June 2012 SCC's program will be ready for dissemination and the College will offer to present at the annual meeting of the Nuclear Uniform Curriculum Summit sponsored by the Nuclear Energy Institute (NEI) and the Institute for Nuclear Power Operations (INPO)
By June 2012, SCC will provide the industry with its first graduating class.

Key Personnel /Institutional Capability and Capacity

SCC with its partner PSEG has the capacity and expertise to complete the project within the 14-month period. The success of the NET program demonstrates SCC's ability to effectively work with PSEG to recruit and educate nuclear technicians. As previously stated, after the initial 18 months, the NET program is serving 84 "majors", more than double its original goal of serving 40 "majors" in the first two years. Additionally, SCC has already graduated four students and will graduate its first full cohort in May 2011. The success of the NET program demonstrates SCC's ability to sustain the program beyond the grant period.

The key personnel listed below are actively involved in the NET program and will be instrumental in moving the new programs forward. Their CV's are included as attachments. The Principal Investigator, John Steiner is an academic administrator who oversees the allied

health and science area at the College. Mr. Steiner currently serves as the project director for the Community Based Job Training grant. Mr. Steiner was instrumental in the development of the grant and was responsible for recruiting and working with students interested in the program. A large part of the success is due to his involvement and ability to work with all of the partners and recruit students.

The instructional chair of the nuclear technology program, Mr. Don Callahan was hired in August 2009. Mr. Callahan brings tremendous experience to the project with 38 years in nuclear power plant operations, 27 of which were at PSEG Nuclear. He has extensive experience in nuclear safety, quality assurance, and maintenance and has current certifications as an OSHA trainer.

Assessment Plan

The expansion of the NET program will fall under the existing NET Program Oversight and Advisory Board. The advisory board meets quarterly to discuss program developments and accomplishments, enrollment, potential challenges and funding. Members of the board include the Dean of Academic Affairs, the PI, and instructional chairs for both the Nuclear Energy Technology and Sustainable Energy Technology programs, the County Superintendent of Salem County Schools, representatives from PSEG, Energy Freedom Pioneers (the College' sustainable energy partner), the Salem Vocational Technical High School, and the external evaluator.

Consistent with SCC's curriculum and program evaluation protocols, the project director with the help of an external researcher/evaluator will be responsible for developing and validating outcomes data in a timely and accurate manner. SCC will use audited enrollment reports to document participants in all associate degree and certificate programs. The College will submit the performance progress reports as required by NRC and will track all student outcomes according to the same procedures and requirements under the Community Based Job Training Grant. All program enrollees (credit and continuing education) will be maintained in the College's database system as will the number and type of credentials awarded to trainees. Additionally, the PI will collect and analyze feedback from program participants, completers, and project partners.

In addition to college assessments, PSEG uses a Subject Matter Expert (SME) assessment protocol to ensure that all core NET instructors display adequate knowledge and understanding of the curriculum and are able to perform instructional duties in the identified setting. As part of this assessment, PSEG assigns a mentor to work with and assess the instructor using a 6-category mentor checklist. In addition to assessing the instructor, PSEG continuously monitors curriculum to ensure that it is compliant with the ACAD standards. Both PSEG and SCC must sign off on the curriculum review. The two new proposed program tracks will be held to the same standard as the I&C track and all instructors will be assessed to the SME assessment protocol, as well as, in accordance with the requirements of INPO ACAD 08-006 Uniform Curriculum Guide for Nuclear Power Plant technician, Maintenance, and Non-licensed Operations, personnel Associate Degree Programs.

Attachment C – Standard Terms and Conditions

The Nuclear Regulatory Commission's Standard Terms and Conditions for U.S. Nongovernmental Grantees

Preface

This award is based on the application submitted to, and as approved by, the Nuclear under the authorization 42 USC 2051(b) pursuant to section 31b and 141b of the Atomic Energy Act of 1954, as amended, and is subject to the terms and conditions incorporated either directly or by reference in the following:

- Grant program legislation and program regulation cited in this Notice of Grant Award.
- Restrictions on the expenditure of Federal funds in appropriation acts, to the extent those restrictions are pertinent to the award.
- Code of Federal Regulations/Regulatory Requirements - 2 CFR 215 Uniform Administrative Requirements For Grants And Agreements With Institutions Of Higher Education, Hospitals, And Other Non-Profit Organizations (OMB Circulars), as applicable.

To assist with finding additional guidance for selected items of cost as required in 2 CFR 220, 2 CFR 225, and 2 CFR 230 this URL to the Office of Management and Budget Cost Circulars is included for reference to:

A-21 (now 2 CFR 220)

A-87 (now 2 CFR 225)

A-122 (now 2 CFR 230)

A-102:

http://www.whitehouse.gov/omb/circulars_index-ffm

Any inconsistency or conflict in terms and conditions specified in the award will be resolved according to the following order of precedence: public laws, regulations, applicable notices published in the Federal Register, Executive Orders (EOs), Office of Management and Budget (OMB) Circulars, the Nuclear Regulatory Commission's (NRC) Mandatory Standard Provisions, special award conditions, and standard award conditions.

Certifications and Representations: These terms incorporate the certifications and representations required by statute, executive order, or regulation that were submitted with the SF424B application through Grants.gov.

I. Mandatory General Requirements

The order of these requirements does not make one requirement more important than any other requirement.

1. Applicability of 2 CFR Part 215

a. All provisions of 2 CFR Part 215 and all Standard Provisions attached to this grant/cooperative agreement are applicable to the Grantee and to sub-recipients which meet the definition of "Grantee" in Part 215, unless a section specifically excludes a sub-recipient from coverage. The Grantee and any sub-recipients must, in addition to the assurances made as part of the application, comply and require each of its sub-awardees employed in the completion

of the project to comply with Subpart C of 2 CFR 215 and include this term in lower-tier (subaward) covered transactions.

b. Grantees must comply with monitoring procedures and audit requirements in accordance with OMB Circular A-133. <

http://www.whitehouse.gov/omb/circulars/a133_compliance/08/08toc.aspx >

2. Award Package

§ 215.41 Grantee responsibilities.

The Grantee is obligated to conduct such project oversight as may be appropriate, to manage the funds with prudence, and to comply with the provisions outlined in 2 CFR 215.41. Within this framework, the Principal Investigator (PI) named on the award face page, Block 11, is responsible for the scientific or technical direction of the project and for preparation of the project performance reports. This award is funded on a cost reimbursement basis not to exceed the amount awarded as indicated on the face page, Block 16., and is subject to a refund of unexpended funds to NRC.

The standards contained in this section do not relieve the Grantee of the contractual responsibilities arising under its contract(s). The Grantee is the responsible authority, without recourse to the NRC, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

Subgrants

Appendix A to Part 215—Contract Provisions

Sub-recipients, sub-awardees, and contractors have no relationship with NRC under the terms of this grant/cooperative agreement. All required NRC approvals must be directed through the Grantee to NRC. See 2 CFR 215 and 215.41.

Nondiscrimination

(This provision is applicable when work under the grant/cooperative agreement is performed in the U.S. or when employees are recruited in the U.S.)

No U.S. citizen or legal resident shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity funded by this award on the basis of race, color, national origin, age, religion, handicap, or sex. The Grantee agrees to comply with the non-discrimination requirements below:

Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq)

Title IX of the Education Amendments of 1972 (20 USC §§ 1681 et seq)

Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794)

The Age Discrimination Act of 1975, as amended (42 USC §§ 6101 et seq)

The Americans with Disabilities Act of 1990 (42 USC §§ 12101 et seq)

Parts II and III of EO 11246 as amended by EO 11375 and 12086.

EO 13166, "Improving Access to Services for Persons with Limited English Proficiency."

Any other applicable non-discrimination law(s).

Generally, Title VI of the Civil Rights Act of 1964, 42 USC § 2000e et seq, provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VI, 42 USC § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

Modifications/Prior Approval

NRC's prior written approval may be required before a Grantee makes certain budget modifications or undertakes particular activities. If NRC approval is required for changes in the grant or cooperative agreement, it must be requested of, and obtained from, the NRC Grants Officer in advance of the change or obligation of funds. All requests for NRC prior approval should be made, in writing (which includes submission by e-mail), to the designated Grants Specialist and Program Office no later than 30 days before the proposed change. The request must be signed by both the PI and the authorized organizational official. Failure to obtain prior approval, when required, from the NRC Grants Officer may result in the disallowance of costs, or other enforcement action within NRC's authority.

Lobbying Restrictions

The Grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

The Grantee shall comply with provisions of 31 USC § 1352. This provision generally prohibits the use of Federal funds for lobbying in the Executive or Legislative Branches of the Federal Government in connection with the award, and requires disclosure of the use of non-Federal funds for lobbying.

The Grantee receiving in excess of \$100,000 in Federal funding shall submit a completed Standard Form (SF) LLL, "Disclosure of Lobbying Activities," regarding the use of non-Federal funds for lobbying within 30 days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed. The Grantee must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors, to the Grants Officer.

§ 215.13 Debarment And Suspension.

The Grantee agrees to notify the Grants Officer immediately upon learning that it or any of its principals:

- (1) Are presently excluded or disqualified from covered transactions by any Federal department or agency;
- (2) Have been convicted within the preceding three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or

destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility;

(3) Are presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b); and

(4) Have had one or more public transactions (Federal, State, or local) terminated for cause or default within the preceding three years.

b. The Grantee agrees that, unless authorized by the Grants Officer, it will not knowingly enter into any subgrant or contracts under this grant/cooperative agreement with a person or entity that is included on the Excluded Parties List System (<http://epls.arnet.gov>).

The Grantee further agrees to include the following provision in any subgrant or contracts entered into under this award:

'Debarment, Suspension, Ineligibility, and Voluntary Exclusion

The Grantee certifies that neither it nor its principals is presently excluded or disqualified from participation in this transaction by any Federal department or agency. The policies and procedures applicable to debarment, suspension, and ineligibility under NRC-financed transactions are set forth in 2 CFR Part 180.'

Drug-Free Workplace

The Grantee must be in compliance with The Federal Drug Free Workplace Act of 1988. The policies and procedures applicable to violations of these requirements are set forth in 41 USC 702.

Implementation of E.O. 13224 -- Executive Order On Terrorist Financing

The Grantee is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the Grantee to ensure compliance with these Executive Orders and laws. This provision must be included in all contracts/sub-awards issued under this grant/cooperative agreement.

Award Grantees must comply with Executive Order 13224, Blocking Property and Prohibiting Transactions with Persons who Commit, Threaten to Commit, or Support Terrorism. Information about this Executive Order can be found at: www.fas.org/irp/offdocs/eo/eo-13224.htm.

Procurement Standards. § 215.40-48

Sections 215.41 through 215.48 set forth standards for use by Grantees in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by the Federal awarding agencies upon Grantees, unless specifically required by Federal statute or executive order or approved by OMB.

Travel

Travel must be in accordance with the Grantee's Travel Regulations or the US Government Travel Policy and Regulations at: www.gsa.gov/federaltravelregulation and the per diem rates set forth at: www.gsa.gov/perdiem, absent Grantee's travel regulation. Travel costs for the grant must be consistent with provisions as established in Appendix A to 2 CFR 220 (J.53). All other travel, domestic or international, must not increase the total estimated award amount.

Domestic Travel:

Domestic travel is an appropriate charge to this award and prior authorization for specific trips are not required, if the trip is identified in the Grantee's approved program description and approved budget. Domestic trips not stated in the approved budget require the written prior approval of the Grants Officer, and must not increase the total estimated award amount.

All common carrier travel reimbursable hereunder shall be via the least expensive class rates consistent with achieving the objective of the travel and in accordance with the Grantee's policies and practices. Travel by first-class travel is not authorized unless prior approval is obtained from the Grants Officer.

International Travel:

International travel requires PRIOR written approval by the Project Officer and the Grants Officer, even if the international travel is stated in the approved program description and the approved budget.

The Grantee shall comply with the provisions of the Fly American Act (49 USC 40118) as implemented through 41 CFR 301-10.131 through 301-10.143.

Property and Equipment Management Standards

Property and equipment standards of this award shall follow provisions as established in 2 CFR 215.30-37.

Procurement Standards

Procurement standards of this award shall follow provisions as established in 2 CFR 215.40-48

Intangible and Intellectual Property

Intangible and intellectual property of this award shall generally follow provisions established in 2 CFR 215.36.

Inventions Report - The Bayh-Dole Act (P.L. 96-517) affords Grantees the right to elect and retain title to inventions they develop with funding under an NRC grant award ("subject inventions"). In accepting an award, the Grantee agrees to comply with applicable NRC policies, the Bayh-Dole Act, and its Government-wide implementing regulations found at Title 37, Code of Federal Regulations (CFR) Part 401. A significant part of the regulations require that the Grantee report all subject inventions to the awarding agency (NRC) as well as include an acknowledgement of federal support in any patents. NRC participates in the trans-government Interagency Edison system (<http://www.iedison.gov>) and expects NRC funding Grantees to use this system to comply with Bayh-Dole and related intellectual property reporting requirements. The system allows for Grantees to submit reports electronically via the Internet. In addition, the invention must be reported in continuation applications (competing or non-competing).

Patent Notification Procedures- Pursuant to EO 12889, NRC is required to notify the owner of any valid patent covering technology whenever the NRC or its financial assistance Grantees, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. To ensure proper notification, if the Grantee uses or has used patented technology under this award without license or permission from the owner, the Grantee must notify the Grants Officer. This notice does not necessarily mean that the Government authorizes and consents to any copyright or patent infringement occurring under the financial assistance.

Data, Databases, and Software - The rights to any work produced or purchased under a NRC federal financial assistance award are determined by 2 CFR 215.36. Such works may include data, databases or software. The Grantee owns any work produced or purchased under a NRC federal financial assistance award subject to NRC's right to obtain, reproduce, publish or otherwise use the work or authorize others to receive, reproduce, publish or otherwise use the data for Government purposes.

Copyright - The Grantee may copyright any work produced under a NRC federal financial assistance award subject to NRC's royalty-free nonexclusive and irrevocable right to reproduce, publish or otherwise use the work or authorize others to do so for Government purposes. Works jointly authored by NRC and Grantee employees may be copyrighted but only the part authored by the Grantee is protected because, under 17 USC § 105, works produced by Government employees are not copyrightable in the United States. On occasion, NRC may ask the Grantee to transfer to NRC its copyright in a particular work when NRC is undertaking the primary dissemination of the work. Ownership of copyright by the Government through assignment is permitted under 17 USC § 105.

Records Retention and Access Requirements for records of the Grantee shall follow established provisions in 2 CFR 215.53.

Organizational Prior Approval System

In order to carry out its responsibilities for monitoring project performance and for adhering to award terms and conditions, each Grantee organization shall have a system to ensure that appropriate authorized officials provide necessary organizational reviews and approvals in advance of any action that would result in either the performance or modification of an NRC supported activity where prior approvals are required, including the obligation or expenditure of funds where the governing cost principles either prescribe conditions or require approvals.

The Grantee shall designate an appropriate official or officials to review and approve the actions requiring NRC prior approval. Preferably, the authorized official(s) should be the same official(s) who sign(s) or countersign(s) those types of requests that require prior approval by NRC. The authorized organization official(s) shall not be the principal investigator or any official having direct responsibility for the actual conduct of the project, or a subordinate of such individual.

Conflict Of Interest Standards for this award shall follow OCOI requirements set forth in Section 170A of the Atomic Energy Act of 1954, as amended, and provisions set forth at 2 CFR 215.42 Codes of Conduct.

Dispute Review Procedures

- a. Any request for review of a notice of termination or other adverse decision should be addressed to the Grants Officer. It must be postmarked or transmitted electronically no later than 30 days after the postmarked date of such termination or adverse decision from the Grants Officer.
- b. The request for review must contain a full statement of the Grantee's position and the pertinent facts and reasons in support of such position.
- c. The Grants Officer will promptly acknowledge receipt of the request for review and shall forward it to the Director, Office of Administration, who shall appoint an intra-agency Appeal Board to review a grantee appeal of an agency action, if required, which will consist of the program office director, the Deputy Director of Office of Administration, and the Office of General Counsel.
- d. Pending resolution of the request for review, the NRC may withhold or defer payments under the award during the review proceedings.
- e. The review committee will request the Grants Officer who issued the notice of termination or adverse action to provide copies of all relevant background materials and documents. The committee may, at its discretion, invite representatives of the Grantee and the NRC program office to discuss pertinent issues and to submit such additional information as it deems appropriate. The chairman of the review committee will insure that all review activities or proceedings are adequately documented.
- f. Based on its review, the committee will prepare its recommendation to the Director, Office of Administration, who will advise the parties concerned of his/her decision.

Termination and Enforcement. Termination of this award by default or by mutual consent shall follow provisions as established in 2 CFR 215.60-62.

Monitoring and Reporting § 215.50-53

- a. Grantee Financial Management systems must comply with the established provisions in 2 CFR 215.21
- Payment – 2 CFR 215.22
 - Cost Share – 2 CFR 215.23
 - Program Income – 2 CFR 215.24
 - Earned program income, if any, shall be added to funds committed to the project by the NRC and Grantee and used to further eligible project or program objectives or deducted from the total project cost allowable cost as directed by the Grants Officer or the terms and conditions of award.
 - Budget Revision – 2 CFR 215.25
 - The Grantee is required to report deviations from the approved budget and program descriptions in accordance with 2 CFR 215.25, and request prior written approval from the Program Officer and the Grants Officer.
 - The Grantee is not authorized to rebudget between direct costs and indirect costs without written approval of the Grants Officer.
 - The Grantee is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Grantee is not allowed
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to transfer funds if the transfer would cause any Federal appropriation to be used for purposes other than those consistent with the original intent of the appropriation.

- o Allowable Costs – 2 CFR 215.27

b. Federal Financial Reports

The Grantee shall submit a "Federal Financial Report" (SF-425) on a quarterly basis for the periods ending March 31, June 30, September 30, and December 31, or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 is due within 90 days after expiration of the award. The report should be submitted electronically to:

Grants FFR@NRC.GOV. (*NOTE: There is an underscore between Grants and FFR*).

Period of Availability of Funds 2 CFR § 215.28

a. Where a funding period is specified, a Grantee may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by the NRC.

b. Unless otherwise authorized in 2 CFR 215.25(e)(2) or a special award condition, any extension of the award period can only be authorized by the Grants Officer in writing. Verbal or written assurances of funding from other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date.

c. The NRC has no obligation to provide any additional prospective or incremental funding. Any modification of the award to increase funding and to extend the period of performance is at the sole discretion of the NRC.

d. Requests for extensions to the period of performance should be sent to the Grants Officer at least 30 days prior to the grant/cooperative agreement expiration date. Any request for extension after the expiration date may not be honored.

Automated Standard Application For Payments (ASAP) Procedures

Unless otherwise provided for in the award document, payments under this award will be made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system < <http://www.fms.treas.gov/asap/> >. Under the ASAP system, payments are made through preauthorized electronic funds transfers, in accordance with the requirements of the Debt Collection Improvement Act of 1996. In order to receive payments under ASAP, Grantees are required to enroll with the Department of Treasury, Financial Management Service, and Regional Financial Centers, which allows them to use the on-line method of withdrawing funds from their ASAP established accounts. The following information will be required to make withdrawals under ASAP: (1) ASAP account number – the award number found on the cover sheet of the award; (2) Agency Location Code (ALC) – 31000001; and Region Code. Grantees enrolled in the ASAP system do not need to submit a "Request for Advance or Reimbursement" (SF-270), for payments relating to their award.

Audit Requirements

Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

<http://www.whitehouse.gov/omb/circulars/a133/a133.html> Grantees are subject to the provisions of OMB Circular A-133 if they expend \$500,000 or more in a year in Federal awards.

The Form SF-SAC and the Single Audit Reporting packages for fiscal periods ending on or after January 1, 2008 must be submitted online.

1. Create your online report ID at <http://harvester.census.gov/fac/collect/ddeindex.html>
2. Complete the Form SF-SAC
3. Upload the Single Audit
4. Certify the Submission
5. Click "Submit."

Organizations expending less than \$500,000 a year are not required to have an annual audit for that year but must make their grant-related records available to NRC or other designated officials for review or audit.

III. Programmatic Requirements

Performance (Technical) Reports

a. The Grantee shall submit performance (technical) reports electronically to the NRC Project Officer and Grants Officer on a semi-annual basis unless otherwise authorized by the Grants Officer. Performance reports should be sent to the Program Officer at the email address indicated in Block 12 of the Notice of Award, and to Grants Officer at:

Grants_PPR.Resource@NRC.GOV. (**NOTE: There is an underscore between Grants and PPR**).

b. Unless otherwise specified in the award provisions, performance (technical) reports shall contain brief information as prescribed in the applicable uniform administrative requirements 2 CFR §215.51 which are incorporated in the award.

c. The Office of Human Resources requires the submission of the semi-annual progress report on the SF-PPR, SF-PPR-B, and the SF-PPR-E forms. The submission for the six month period ending March 31st is due by April 30th, or any portion thereof. The submission for the six month period ending September 30th is due by October 31st or any portion thereof.

d. Grant Performance Metrics:

The Office of Management and Budget requires all Federal Agencies providing funding for educational scholarships and fellowships as well as other educational related funding to report on specific metrics. These metrics are part of the Academic Competitiveness Council's (ACC) 2007 report and specifically relates to Science, Technology, Engineering, and Mathematics (STEM) curricula.

As part of the FY 2010 HR grant awards, in addition to the customary performance progress report requested on the SF-PPR, SF-PPR-B, and SF-PPR-E forms, HR requires the following metrics to be reported on by the awardees as follows:

Curriculum Development Awards

1. Overall number of new courses developed in NRC designated STEM areas;

2. Number of students enrolled in new STEM courses;
3. Number of these enrolled students retained in STEM major.

Unsatisfactory Performance

Failure to perform the work in accordance with the terms of the award and maintain at least a satisfactory performance rating or equivalent evaluation may result in designation of the Grantee as high risk and assignment of special award conditions or other further action as specified in the standard term and condition entitled "Termination."

Failure to comply with any or all of the provisions of the award may have a negative impact on future funding by NRC and may be considered grounds for any or all of the following actions: establishment of an accounts receivable, withholding of payments under any NRC award, changing the method of payment from advance to reimbursement only, or the imposition of other special award conditions, suspension of any NRC active awards, and termination of any NRC award.

Other Federal Awards With Similar Programmatic Activities

The Grantee shall immediately provide written notification to the NRC Project Officer and the Grants Officer in the event that, subsequent to receipt of the NRC award, other financial assistance is received to support or fund any portion of the program description incorporated into the NRC award. NRC will not pay for costs that are funded by other sources.

Prohibition Against Assignment By The Grantee

The Grantee shall not transfer, pledge, mortgage, or otherwise assign the award, or any interest therein, or any claim arising thereunder, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of the Grants Officer.

Site Visits

The NRC, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by the NRC on the premises of the Grantee or contractor under an award, the Grantee shall provide and shall require his/her contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representative in the performance of their duties. All site visits and evaluations shall be performed in such a manner as will not unduly delay the work.

IV. Miscellaneous Requirements

Criminal and Prohibited Activities

- a. The Program Fraud Civil Remedies Act (31 USC §§ 3801-3812), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the Federal government for money (including money representing grant/cooperative agreements, loans, or other benefits.)
 - b. False statements (18 USC § 287), provides that whoever makes or presents any false, fictitious, or fraudulent statements, representations, or claims against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 USC § 287.
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- c. False Claims Act (31 USC 3729 et seq), provides that suits under this Act can be brought by the government, or a person on behalf of the government, for false claims under federal assistance programs.
- d. Copeland "Anti-Kickback" Act (18 USC § 874), prohibits a person or organization engaged in a federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract.

American-Made Equipment And Products

Grantees are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this award.

Increasing Seat Belt Use in the United States

Pursuant to EO 13043, Grantees should encourage employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented or personally-owned vehicle.

Federal Leadership of Reducing Text Messaging While Driving

Pursuant to EO 13513, Grantees should encourage employees, sub-awardees, and contractors to adopt and enforce policies that ban text messaging while driving company-owned, rented vehicles or privately owned vehicles when on official Government business or when performing any work for or on behalf of the Federal Government.

Federal Employee Expenses

Federal agencies are generally barred from accepting funds from a Grantee to pay transportation, travel, or other expenses for any Federal employee unless specifically approved in the terms of the award. Use of award funds (Federal or non-Federal) or the Grantee's provision of in-kind goods or services, for the purposes of transportation, travel, or any other expenses for any Federal employee may raise appropriation augmentation issues. In addition, NRC policy prohibits the acceptance of gifts, including travel payments for Federal employees, from Grantees or applicants regardless of the source.

Minority Serving Institutions (MSIs) Initiative

Pursuant to EOs 13256, 13230, and 13270, NRC is strongly committed to broadening the participation of MSIs in its financial assistance program. NRC's goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from Federal financial assistance programs. NRC encourages all applicants and Grantees to include meaningful participations of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website:
<http://www.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>

Research Misconduct

Scientific or research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. It does not include honest errors or differences of opinions. The Grantee organization has the primary responsibility to investigate allegations and provide reports to the Federal Government. Funds expended on an activity that is determined to be invalid or unreliable because of scientific misconduct may result in a disallowance of costs for which the institution may be liable for repayment to the awarding agency. The Office of Science and Technology Policy at the White House published in the Federal Register on December 6, 2000, a final policy that addressed

research misconduct. The policy was developed by the National Science and Technology Council (65 FR 76260). The NRC requires that any allegation be submitted to the Grants Officer, who will also notify the OIG of such allegation. Generally, the Grantee organization shall investigate the allegation and submit its findings to the Grants Officer. The NRC may accept the Grantee's findings or proceed with its own investigation. The Grants Officer shall inform the Grantee of the NRC's final determination.

Publications, Videos, and Acknowledgment of Sponsorship

Publication of the results or findings of a research project in appropriate professional journals and production of video or other media is encouraged as an important method of recording and reporting scientific information. It is also a constructive means to expand access to federally funded research. The Grantee is required to submit a copy to the NRC and when releasing information related to a funded project include a statement that the project or effort undertaken was or is sponsored by the NRC. The Grantee is also responsible for assuring that every publication of material (including Internet sites and videos) based on or developed under an award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer:

"This [report/video] was prepared by [Grantee name] under award [number] from [name of operating unit], Nuclear Regulatory Commission. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the view of the [name of operating unit] or the US Nuclear Regulatory Commission."

Trafficking In Victims Protection Act Of 2000 (as amended by the Trafficking Victims Protection Reauthorization Act of 2003)

Section 106(g) of the Trafficking In Victims Protection Act Of 2000 (as amended as amended, directs on a government-wide basis that:

"any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement." (22 U.S.C. § 7104(g)).

Award Term

2 CFR 170.220 directs agencies to include the following text to each grant award to a non-federal entity if the total funding is \$25,000 or more in Federal funding.

Reporting Subawards and Executive Compensation.

a. Reporting of first-tier subawards.

1. *Applicability.* Unless you are exempt as provided in paragraph d. of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment

Act of 2009, Pub. L. 111–5) for a subaward to an entity (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. You must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting Total Compensation of Recipient Executives.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. the total Federal funding authorized to date under this award is \$25,000 or more;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <http://www.ccr.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. *Applicability and what to report.* Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. *Exemptions*

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards,

and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. *Definitions.* For purposes of this award term:

1. *Entity* means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

- ii. A foreign public entity;
- iii. A domestic or foreign nonprofit organization;
- iv. A domestic or foreign for-profit organization;
- v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2. *Executive* means officers, managing partners, or any other employees in management positions.

3. *Subaward*:

- i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ___ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
- iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. *Subrecipient* means an entity that:

- i. Receives a subaward from you (the recipient) under this award; and
- ii. Is accountable to you for the use of the Federal funds provided by the subaward.

5. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- i. *Salary and bonus*.
 - ii. *Awards of stock, stock options, and stock appreciation rights*. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. *Earnings for services under non-equity incentive plans*. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. *Change in pension value*. This is the change in present value of defined benefit and actuarial pension plans.
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v. *Above-market earnings on deferred compensation which is not tax-qualified.*

vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.