

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

1. GRANT/AGREEMENT NO. NRC-HQ-13-G-38-0050	2. MODIFICATION NO.	3. PERIOD OF PERFORMANCE FROM: 08/01/2013 TO: 07/31/2015	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 NAICS: 611310 DUNS: 066076225	7. RECIPIENT NAME, ADDRESS, and EMAIL ADDRESS Polytechnic Institute of New York University 6 MetroTech Center, 6 <sup>th</sup> Floor Brooklyn, NY 11201-3840 Phone: 718-260-3360 Email: <a href="mailto:cvillani@poly.edu">cvillani@poly.edu</a>	

8. PROJECT TITLE: Polytechnic Institute of New York University Nuclear Scholarship Program

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 Polytechnic Institute of New York University Attn: Lorcan Folan 6 MetroTech Center, 6 <sup>th</sup> Floor Brooklyn, NY 11201-3840 Phone: 718-860-3381 Email: <a href="mailto:folan@poly.edu">folan@poly.edu</a>
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12. NRC PROGRAM OFFICE (NAME and ADDRESS) U.S. Nuclear Regulatory Commission Office of Chief Human Capital Attn: Nancy Hebron-Isreal MS: 3WFN/03A12 (301) 287-0718 11545 Rockville Pike Rockville, MD 20852 Email: <a href="mailto:nancy.hebron-isreal@nrc.gov">nancy.hebron-isreal@nrc.gov</a>	13. ACCOUNTING and APPROPRIATION DATA APPN. NO: 31X0200 B&R NO: 2013-84-51-K-164 JOB CODE: T8458 BOC NO: 4110 OFFICE ID NO: HR-13-184 FAIMS: GR0315	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")
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15. NRC OBLIGATION FUNDS		16. TOTAL FUNDING AGREEMENT	
THIS ACTION	\$189,136.00	NRC	\$189,136.00
PREVIOUS OBLIGATION	\$0.00	RECIPIENT	\$306,672.00
TOTAL	\$189,136.00	TOTAL	\$495,808.00

This action provides funds for Fiscal Year FY2013 in the amount of \$189,136.00

17. NRC ISSUING OFFICE (NAME, ADDRESS and EMAIL ADDRESS)

U.S. Nuclear Regulatory Commission  
Div. of Contracts  
Attn: Gordana Zuber  
Mail Stop: 3WFN/5C64M  
Washington, DC 20555  
Email: [gordana.zuber@nrc.gov](mailto:gordana.zuber@nrc.gov)

18. Signature not Required	19. NRC CONTRACTING OFFICER  <u>Erika Eam</u> 08/01/2013 (Signature) (Date) NAME (TYPED) Erika Eam TITLE Grants Officer TELEPHONE NO. 301-287-0954
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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 22 2013

ADM002

**ATTACHMENT A - SCHEDULE**

**A.1 PURPOSE OF GRANT**

The purpose of this Grant is to provide support to the "NYU - Poly Nuclear Scholarship Program" as described in Attachment B entitled "Program Description."

**A.2 PERIOD OF GRANT**

1. The effective date of this Grant is August 1, 2013. The estimated completion date of this Grant is July 31, 2015.
2. Funds obligated hereunder are available for program expenditures for the estimated period: August 1, 2013 – July 31, 2015.

**A. GENERAL**

- |                                |   |
|--------------------------------|---|
| 1. Total Estimated NRC Amount: | \$189,136.00                              |
| 2. Total Obligated Amount:     | \$189,136.00                              |
| 3. Cost-Sharing Amount:        | \$306,672.00                              |
| 4. Activity Title:             | "NYU - Poly Nuclear Scholarship Program". |
| 5. NRC Project Officer:        | Nancy Hebron-Isreal                       |
| 6. DUNS No.:                   | 066076225                                 |

**B. SPECIFIC**

- |                   |                  |
|-------------------|------------------|
| RFPA No.:         | HR-13-184        |
| FAIMIS:           | GR0315           |
| Job Code:         | T8458            |
| BOC:              | 4110             |
| B&R Number:       | 2013-84-51-K-164 |
| Appropriation #:  | 31X0200          |
| Amount Obligated: | \$189,136.00     |

**A.3 BUDGET**

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

Category	Year One	Year Two	Total
Personnel	\$8,924.00	\$11,899.00	\$20,823.00
Fringe Benefits	\$2,588.00	\$3,451.00	\$6,039.00
Supplies	\$125.00	\$0.00	\$125.00
Other (Scholarship)	\$80,000.00	\$80,000.00	\$160,000.00
Indirect Rate	\$921.00	\$1,228.00	\$2,149.00
<b>Total</b>	<b>\$92,558.00</b>	<b>\$96,578.00</b>	<b>\$189,136.00</b>

**A.4 AMOUNT OF AWARD AND PAYMENT PROCEDURES**

1. The total estimated amount of this Award is \$495,808.00 for the two year period, Inclusive of cost share.

2. NRC hereby obligates the amount of \$189,136.00 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 Grants 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

### 2. Project Description

Among the challenges facing the country is a projected shortfall in the numbers of engineering and science graduates qualified and willing to pursue nuclear related careers. The Polytechnic Institute of New York University (NYU-Poly), operating in the densely populated and ethnically diverse New York metropolitan area, plans to play a significant role by offering students the option to obtain an **Interdisciplinary Minor in Nuclear Sciences and Engineering**, in conjunction with a BS degree in civil, chemical and biomolecular, computer, electrical, or mechanical engineering, or in the natural or computational sciences or mathematics (all are majors currently offered by NYU-Poly).

**2.1 Academic Program** NYU-Poly is a MSCHE accredited institute located in Brooklyn, New York, offering ABET accredited degrees in engineering and computer science. Under a grant award (NRC-38-08-908) a group of NYU-Poly faculty developed an undergraduate minor in nuclear sciences and engineering, whose central initiative was to prepare engineering, natural and computer science and mathematics graduates for careers in nuclear industries and government. Nuclear industry recruiters estimate that 90% to 95% of employees with bachelor's degrees actually qualified in disciplines other than nuclear engineering, so our program targets the bulk of the projected employee shortfall.

The minor consists of three required nuclear content courses (the concentration) and two elective courses. As shown in Table 1 below, enrollment in the three required courses (*PH 3103 Fundamentals of Applied Nuclear Physics*, *PH3503 Introduction to Radiation Physics and Dosimetry* and *ME 4373 Introduction to Nuclear Engineering*) is robust, and about half of the students who take the first course continue with the required course sequence. Elective courses for the program developed and offered to date are *EE 2613 Fundamentals of Electric Power Engineering for Nonelectrical Students*, *ME 4863 Corrosion and Non-Destructive Evaluation of Materials*, *PS 2723 Human Factors in Engineering Design*, *FIN 3593 Probabilistic Risk Assessment* and *ME 4983 Nuclear Power Plant Systems*. A welcome but unexpected outcome is that several of the electives developed for the program are now taken by students who are not pursuing the minor, significantly extending the reach of the program.

Semester	PH 3103	PH 3503	ME 4373	EE 2613	ME 4863	PS 2723	FIN 3593	ME 4983	Totals
Spring 2009	12								12
Fall 2009	15	11							26
Spring 2010	18		17	23					58
Fall 2010	20	13			16				49
Spring 2011	13		14	37		33			97
Fall 2011	15	18			32		4		69
Spring 2012	17		16	22		31			86

Fall 2012	24	20	12	15	71
Totals	134	62	16	15	468

Table 1. Enrollments in Nuclear Science and Engineering Minor courses to date.

There are now 134 students with diverse backgrounds who were exposed to the basics of nuclear physics as a result of the program and a total of 249 individual science and engineering students took one or more courses in the program who otherwise could not have. An overall total of 468 course seats can be directly attributed to the program and we believe these statistics represent a significant measure of success for the program.

Of the cohort of students who started the program in the 2009 calendar year, 21 of the 27 have graduated, with ten completing the concentration and six completing the minor. Three more students are still finishing their major requirements (117 – 127 of 128 credits completed) and two of these students are on track to graduate with either the concentration or the minor by January 2013. Of the remaining students, one was academically disqualified, one has dropped out, and one totally withdrew.

Of the cohort of students who began the minor in the 2010 calendar year, 29 of the 37 have already graduated, with 14 completing the concentration and 12 completing the minor. An additional five students are still completing their major requirements and are on track to graduate by May 2013, with two likely to obtain either the concentration or the minor. Of the remaining students one was academically disqualified, one took a leave of absence and the last totally withdrew. We are very pleased with the initial development of the program and if the trends can be sustained we can expect to graduate 10 - 15 scientists and engineers annually with the concentration or minor and we believe these graduates are particularly well prepared to enter careers in the nuclear arena.

A very important component of our program is scholarship support for the students. In December 2009 we applied to the NRC for scholarship funds and we received an award of \$129,600 (NRC-38-10-940) in 2010. The funds were used to award 24 NYU-Poly nuclear scholarships of \$5,000 per semester, to a total of 13 different students over two years. Of the 13 awardees, five were from underrepresented groups (two African Americans, two Latinos and one Female). To date seven of the NYU-Poly scholarship recipients have graduated, with two already securing employment in nuclear fields (with Entergy and Knolls Lab). Three more are currently applying for employment and one recently secured an interview with Entergy. The two other graduates are currently pursuing graduate degrees. The remaining six students are completing their undergraduate degrees and have indicated their intention (in writing) to enter employment in nuclear fields. Thanks to the efforts of the Institute's development staff, three foundations have provided additional scholarship funds totaling \$115,000 of which \$101,000 has already been disbursed to support students in the program. A total of 22 students received scholarship awards from these additional foundation funds.

We formed an advisory committee for the program, and during its four annual meetings the group strongly endorsed the concept and structure of the minor and enthusiastically supports development of the program (see attached letters of support). Information events are held on campus to promote the program and site visits for student groups have been arranged to the Millstone, Salem & Hope Creek, and Indian Point power plants and to Brookhaven National Laboratory and New York University's Langone Medical Center

**2.2 Nuclear Scholarship Program** The primary goal of this scholarship program is to assist motivated and very capable students, particularly from under-represented groups and from a

range of engineering disciplines, to prepare for careers in nuclear-related fields which they may not consider otherwise. The funding requested from the NRC will go towards reestablishing an NYU-Poly scholarship program to support our minor. We have distributed the funds received under our previous award but were unable to reapply until the current solicitation was released. The renewed program will provide 32 \$5,000 NYU-Poly nuclear scholarships over two years to highly qualified students enrolled in both an STEM BS degree program and the interdisciplinary minor in nuclear science and engineering. Based on experience to date we expect the academic program to enroll at least 70 students each semester and approximately 16 can be expected to be GPA eligible for the scholarship program each year. The scholarship program is therefore quite selective and helps ensure we attract some of the best students to the program.

NYU-Poly's schedule of tuition and fees for 2012 -13 are as follows:

Full-time tuition (12-20 credits), per semester \$19,167  
Credits in excess of 20 credits, per credit \$1,218  
Part-time per credit rate (0.1-11.99) \$1,218

Full-time fees (12 credits or more), per semester \$615  
Part-time fees (6-11 credits), per semester \$384  
Part-time fees (less than 6 credits), per semester \$224

**2.3 Institutional Capability and Support (Review Criteria #1 & #4)** As described above, the program already enjoys significant support from faculty and very encouraging response from students. The Institute administration has also been very supportive. Our President, a former Under Secretary of the Navy is very supportive, as is our Provost, a physicist.

With advice from the advisory committee and NYU-Poly's marketing team, we have developed recruitment and advertising materials (website, posters, and brochures) to create awareness of the minor, the scholarship opportunities it provides, and internship and employment opportunities available to participating students in the nuclear industries, and government. The different candidate pools we target to recruit students include the following:

- **Current Students:** We distribute marketing materials, display posters around campus, maintain the website and link to the main NYU-Poly website, and list the scholarships on the scholarship page of the NYU-Poly website. We hold information sessions on our advisory committee meeting days and promote the academic program and scholarship opportunities. For this group of students, faculty-based recruitment also occurs as faculty are an excellent resource as role models, mentors, and program recruiters. Additionally, the individual academic department advisors educate students on the merits of the minor and work with them to incorporate it into their program of studies. (Hard prospect estimate ~ 350 per year)
- **Transfer Students:** Many students arrive at NYU-Poly from community colleges throughout the New York metropolitan area. We work with admissions staff to inform and recruit potential students. (Hard prospect estimate ~ 10 per year)

We will market the scholarship program to the broadest possible audience using our website. Primarily targeting the groups cited above, the PI will oversee an outreach program that includes flyers, brochures, postings and email messages. The PI and other faculty teaching in the minor program have developed and maintain a referral network consisting of faculty and administrators who acquaint potential students with the scholarship program. The program team also maintains close relationships with faculty teaching freshmen- and sophomore-level courses, advisers, and student leaders to increase awareness of the minor and scholarship programs.

Each semester applications for scholarship support will be solicited from students taking courses in the academic program. The application will consist of a resume, letter of application and an academic transcript. The program steering committee will review all the applications received for the scholarship program. This committee will include the PI, two additional faculty members who teach courses in the minor, and representatives from the Institute's Admissions and Financial Aid offices. Committee members will ensure that the applicants are rank ordered on the basis of overall merit. A preliminary screening of candidates will be done based on the following criteria and a short list of candidates will be created:

- Candidates must be matriculated in a baccalaureate science or engineering degree program
- Candidates must maintain a course load of at least 12 credit hours per semester to be classified as a full-time student, in accordance with the Institute's policies and practices.
- Candidates must have achieved junior level standing
- Candidates must have a cumulative GPA of 3.0 (on 4.0 scale).
- Candidates must have registered for the first course in the minor in nuclear science and engineering.
- Candidates must explain their interests in nuclear careers in an application letter.
- Candidates are required to be U.S. citizens or permanent residents.

The short-listed students will be invited for an interview with a selection committee panel. Final selection will then be done by the committee, based on the application package and the interviews.

Financial aid infrastructure is in place and currently distributes approximately \$30,000,000 in financial aid to some 1500 undergraduate students annually. The renewed NYU-Poly Nuclear Scholarship Program will follow the processes and procedures set up for the previous program. *All students selected for scholarship support will be required to sign and fulfill the program's service agreement to serve 6 months in nuclear-related employment for each full or partial year of scholarship support received.* NYU-Poly will provide the NRC with a cumulative list of students selected for support, and compliance monitoring reports detailing the participating students' academic performance and post graduation employment records. As illustrated by the statistics presented in section 2.1, tracking and administrative structures are already in place to track students in the nuclear scholarship program.

**2.4 Student Support (Review Criterion #2)** Students in the minor program will meet with the academic program coordinator (PI) each semester before registration, to discuss the student's progress and options. These sessions provide a vehicle to assess student morale and address any retention issues before they become acute. The program course instructors plan at least one site visit per semester and these trips will allow the group to coalesce and form the kind of personal relationships between students that are vital to retention. NYU-Poly's Career Management Center will work closely with all students in the minor program to place them in summer internships that suit their interests and skills, whether in industry or government. Further, the Center offers a variety of programs aimed at supporting students and preparing them for achievement after graduation. During information sessions and site visits students meet and interact with industry and government staff, directly illustrating for them the range of careers paths and opportunities available to them.

**2.5 Program Evaluation (Review Criterion #3)** To date the recruiting efforts for the academic program have been quite successful, with an average of 34 students starting in the program annually. Overall retention is quite high, with approximately 90% of students ultimately graduating with an STEM BS degree. Completion rates for the minor continue to rise and are

now approaching 40%. Statistics on the first group of NYU-Poly scholarship recipients are also very encouraging. With an average of some 59 students in the academic program each

semester and six scholarships awarded, the gross NYU-Poly scholarship award rate was 10%. In the last semester of the previous NYU-Poly scholarship program (spring 2012), we solicited applications for scholarship support from the 74 individual students who registered for one or more courses for the minor. A total of 14 students who believed themselves eligible applied for support, and six \$ 5,000 scholarships (with service agreements) were awarded. The net award rate to qualified students was therefore 43%. As noted in section 2.1, five of the 13 NYU-Poly scholarship awardees were from underrepresented groups, a very encouraging award rate of 38%.

We have been working closely with our Career Management department to maintain contact with our graduates. The response rate to surveys conducted for accreditation and other purpose is approximately 5% for those five years after graduation. Our first attempt to maintain contact with our first two cohorts was very disappointing. Only six of the 64 graduates (9%) in the first two cohorts responded to an e-mail request from Career Management to fill out a post graduation job search survey. We subsequently followed up with a personalized e-mail from the PI to those students who had not participated, which also made use of available personal e-mail addresses. The overall response rates rose to 29 out of 64 (45%). As a final tactic to raise the response rates we are trying to identify additional graduates who have Facebook or LinkedIn pages. We plan to send them messages through these systems requesting that they participate in the survey. Of the NYU-Poly scholarship recipients, all 13 have remained in contact with the PI.

**2.6 Partnerships with Minority Serving Institutions (Review Criterion #5)** NYU-Poly has strong relationships with several schools in the NY tri-state area that have large minority student bodies. These include the nearby CUNY Minority Institutions: New York City College of Technology, Medgar Evers College and Borough of Manhattan Community College. We will leverage these relationships to identify and recruit talented students from underrepresented groups.

**2.7 Matching Funds (Review Criterion #6)** The Office of Development at NYU-Poly submitted funding requests to the philanthropic arms of the program's industry partners and the following foundations have provided additional scholarship funds: Constellation Energy, \$30,000, Entergy Charitable Foundation, \$55,000 and PSEG Power Foundation, \$30,000. Copies of the most recent award letters are included in the attachments. We fully intend to re-apply and seek to expand these awards, however, the amounts involved are not sufficient to assure continued participation by our best students in the minor program. Students at NYU-Poly receive varying amounts of financial aid based on need and merit, so it is impossible to be precise about the amounts of matching aid students may receive. However, a one half need based Institute scholarship would be typical for the students in the target group, amounting to as much as \$306,672 in cost sharing over two years.

In summary, we have developed and launched a relevant academic program. Initial results, including institute response, course registrations, industry participation, and scholarship successes are very encouraging. However, we believe we have picked the "low hanging fruit" among the student prospects and that to flourish, additional scholarship support is needed. This concern was amplified following a presentation to our students by the US Navy. The inducements provided by the Navy are such that to appear attractive we believe we need to offer our better students a more substantial support package, including significant scholarship support. The reestablished NYU-Poly Nuclear Scholarship Program would help significantly in allaying these concerns.

**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 Regulatory Commission (NRC) 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](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/a133.html> [http://www.whitehouse.gov/omb/circulars/a133\\_compliance/08/08toc.aspx](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.

#### **Debarment And Suspension 2 CFR 215.13**

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](http://www.fas.org/irp/offdocs/eo/eo-13224.htm).

#### **Procurement Standards. § 2 CFR 215.40-48**

Sections 215.40 through 215.48 set forth procurement 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](http://www.gsa.gov/federaltravelregulation) and the per diem rates set forth at: [www.gsa.gov/perdiem](http://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.

**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.

#### **Termination and Enforcement**

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

**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.

**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 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 semi-annual basis for the periods ending March 31 and September 30, 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 the Chief Human Capital Officer (OCHCO) 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 31<sup>st</sup> is due by April 30<sup>th</sup> or any portion thereof. The submission for the six month period ending September 30<sup>th</sup> is due by October 31<sup>st</sup> 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 a part of the grant awards, OCHCO in addition to the above customary performance progress report requested on the SF-PPR, SF-PPR-B, and SF-PPR-E forms, OCHCO requires the following metrics to be reported on by the awardee as follows:

#### **Scholarship Performance Metrics**

1. How many students have been sponsored by NRC funding?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.
2. How many students, supported by NRC funding, have received B.S. or equivalent degrees?

- a. Response is the number of students, for this reporting period and cumulative to the grant.
3. How many students, supported by NRC funding, have accepted a job and are employed in the nuclear industry?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.
4. How many students, supported by NRC funding, are continuing on to Graduate School in a field related to the nuclear industry?
  - a. Response is the number of students, for this reporting period and cumulative to the grant.

#### **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 there under, 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.
- 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, 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/excomp.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.sam.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.

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.