

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

1. GRANT/AGREEMENT NO. NRC-HQ-13-G-38-0044	2. MODIFICATION NO.	3. PERIOD OF PERFORMANCE FROM: 8/01/2013 TO: 7/31/2016	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: 832127323 NAICS: 611310	7. RECIPIENT NAME, ADDRESS, and EMAIL ADDRESS The Ohio State University 1960 Kenny Road Columbus, OH 43210-1016	

8. PROJECT TITLE:  
The Ohio State University Nuclear Engineering Faculty Development 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 Tunc Aldemir, Ph.D. The Ohio State University E427 Scott Laboratory, 201 West 19th Avenue Columbus, OH 43210 Email: aldemir.1@osu.edu, Phone: (614) 292-4627
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12. NRC PROGRAM OFFICE (NAME and ADDRESS) NRC Attn: Nancy Hebron-Isreal Office of Chief Human Capitol Officer MS: 3WFN/3A12 (301) 287-0718 11545 Rockville Pike Rockville, Maryland 20852 Email: Nancy.Hebron-Isreal@nrc.gov	13. ACCOUNTING and APPROPRIATION DATA APPN. NO: 31X0200 B&R NO: 2013-84-51-K-164 JOB CODE: T8459 BOC NO: 4110 OFFICE ID NO: RFPA: HR-13-153 FAIMIS: GR0329	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	\$450,000.00	NRC	\$450,000.00
PREVIOUS OBLIGATION	N/A	RECIPIENT	\$150,000.00
TOTAL	\$450,000.00	TOTAL	\$600,000.00

This action provides funds for Fiscal Year in the amount of **See Page Two**

17. NRC ISSUING OFFICE (NAME, ADDRESS and EMAIL ADDRESS)  
  
U.S. Nuclear Regulatory Commission  
Div. of Contracts  
Attn: Gordana Zuber, email: Gordana.Zuber@nrc.gov  
Mail Stop: 3WFN 05C64M  
Rockville MD 20852

18.  Signature Not Required	19. NRC CONTRACTING OFFICER	
	<i>Erika Eam</i>	8/01/2013
	(Signature)	(Date)
	NAME (TYPED)	Erika Eam
TITLE	Grants Officer	
TELEPHONE NO.	301-287-0954	

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.

**ATTACHMENT A - SCHEDULE****A.1 PURPOSE OF GRANT**

The purpose of this Grant is to provide support to the "The Ohio State University Nuclear Engineering Faculty Development Program" project as described in Attachment B entitled "Program Description."

**A.2 PERIOD OF GRANT**

1. The effective date of this Grant is August 01, 2013. The estimated completion date of this Grant is July 31, 2016.

2. Funds obligated hereunder are available for program expenditures for the estimated period: August 01, 2013 – July 31, 2016.

**A. GENERAL**

1. Total Estimated NRC Amount:	\$450,000.00
2. Total Obligated Amount:	\$450,000.00
3. Cost-Sharing Amount:	\$150,000.00
4. Activity Title:	The Ohio State University Nuclear Engineering Faculty Development Program
5. NRC Project Officer:	Nancy Hebron-Isreal
6. DUNS No.:	832127323

**B. SPECIFIC**

RFPA No.:	HR-13-153
FAMIS:	GR0329
Job Code:	T8459
BOC:	4110
B&R Number:	2013-84-51-K-164
Appropriation #:	31X0200
Amount Obligated:	\$450,000.00

**A.3 BUDGET**

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

Personnel	\$223,055.00
Fringe Benefits	34,560.00
Travel	15,000.00
Equipment	25,000.00
Supplies	3,655.00
<b>Total Direct Charges</b>	<b>\$301,270.00</b>
Indirect Charges	148,730.00
<b>TOTAL</b>	<b>\$450,000.00</b>

All travel must be in accordance with the OSU Travel Policy or the US Government Travel Regulations absent Grantee's travel policy.

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

1. The total estimated amount of this Award is \$600,000.00 (includes \$150,000.00 in cost share) for the three-year period.
2. NRC hereby obligates the amount of \$450,000.00 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**

##### **The Ohio State University Nuclear Engineering Faculty Development Program**

###### **1. Background**

The Nuclear Engineering Program (NEP) at The Ohio State University (OSU) is an academically free-standing Graduate Program in the Graduate School and is administratively housed within the Department of Mechanical and Aerospace Engineering (MAE). The main focus of the NEP at OSU has historically been the education of students at the M.S. and Ph.D. levels. The NEP reorganized its course offerings eight years ago to offer an Undergraduate Minor Degree in Nuclear Engineering (NE). This minor program has not only been effective in attracting students from other engineering disciplines to NE, but also in providing a strong source of domestic candidates for the NE graduate program. In the past 5 years, the NEP has added 3 full-time faculty members and presently has 6 full-time tenured or tenure-track faculty members. The activities of the full-time tenured faculty are complementarily supported by activities of three emeritus and two adjunct faculty members with expertise in NE. Among these 11 faculty members, five are fellows of the American Nuclear Society (ANS) and two are former members of the U.S. Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards (ACRS). One member is currently on the NRC's Atomic Safety and Licensing Board Panel (ASLBP). All these indicate that OSU NE currently has a reputable but slightly aging faculty.

Despite the relatively small faculty size, the NEP has been experiencing a healthy growth in research. Research expenditures in NEP have grown from \$0.75 million in Fiscal Year (FY) 2002 to about \$2.6 million in FY 2011. The makeup of the graduate program has also changed over the past decade. In 1999, the NE Program had 19 graduate students. Of that group, two-thirds were international students. In the Autumn Semester of 2012, there were 35 full-time and one part-time graduate students enrolled in the OSU NEP. Within our current graduate program, only 33% are international students with six students from the under-represented groups and one minority student. The OSU, Wilberforce University, and Central State University have a collaborative arrangement in undergraduate nuclear engineering education. Memoranda of Understanding on Cooperation between OSU and these two institutions in Advancing NE Education are attached in Appendix A. About 55% of our graduate students are working toward a doctoral degree. In academic year 2011-2012, 10 students graduated with an MSNE degree and two graduated with a Ph.D. degree in NE. Since students are not required to declare their minor status until near graduation, we estimate that there are about 60 undergraduate minor students based on course enrollments.

The data presented above indicate that the OSU NEP is on rise in productivity. However, due to the relative small faculty size, the faculty has a very high teaching and research load. This heavy load limits the ability of the NEP to meet the growing need in teaching and course offering. In response to this need, the OSU NE faculty have developed a strategic plan to further grow the NEP. Central to that plan is the implementation of an undergraduate major in Nuclear Engineering, which requires, at a minimum, a larger size of faculty and a sufficient number of courses at the undergraduate level.

The College of Engineering (CoE) and MAE Department have recognized the issue of the NE faculty size and have recently hired Professors Carol Smidts (January 2008), Raymond Cao (January 2010), and Jinsuo Zhang (August 2012). However, even with these three additions, the NEP is still somewhat dependent on the emeritus and adjunct faculty. In that respect, additional faculty hires are necessary to improve the future role of the OSU NEP in meeting the growing demand for nuclear engineers. This need of additional faculty members has also recently been recognized in the Report of the College of Engineering Performance Plan Acceleration Task Force, which recommends that resources be made available to hire two additional NE faculty members. Currently, OSU NEP and MAE Department are in the process of finalizing a faculty search description for recruiting one tenure-track junior faculty member in NE. This position is expected to be in nuclear materials area with an emphasis on thermal performance enhancement of the materials.

## **2. Objective**

The objective of this proposal is to seek financial support from the U.S. NRC Faculty Development Grant Program to enhance our future tenure-track junior faculty member's professional career as an educator and researcher. The amount requested from the U.S. NRC is \$450,000 for a three-year period with additional \$150,000 matching funds from OSU. The detailed budget and budget justifications are shown in Section E.

## **3. Proposed Faculty Development Program**

The NEP strategic plan is targeting a total faculty size at OSU NEP to 11 FTE within three years (currently about 8.0 FTE), including 9 full-time and the 5 part-time/adjunct faculty members. This faculty size then would be sufficient to sustain a program comparable to those of the strongest nuclear engineering programs. This proposed NEP Faculty Development Program will provide financial support, in addition the OSU start-up funds, to the tenure-track faculty member with expertise in nuclear materials area with an emphasis on material thermal performance enhancement targeting nuclear power plant applications. This position is expected to be filled by Fall 2013. The plans for faculty recruiting and retention are described in Sections 3.1 and 3.2, respectively, below.

### 3.1 Faculty recruiting

A strategic plan was formulated for the OSU NEP in January 2008 and then updated in 2011. Central to this strategic plan is a faculty development program. In developing this plan, it was recognized that the faculty hires should be directed to: (a) building upon the focused research strengths of the NEP, MAE Department, and OSU; (b) enabling future success in establishing research centers; (c) identifying promising directions for research growth; (d) enhancing gender and ethnic diversity; and (e) renewing strengths in core areas of the NEP. Materials that can improve or inhibit heat transfer (thermal materials) have many potential applications. In that respect, a new discipline of thermal engineering of materials has been identified as an area that will lead to new and safer designs and growth of our program in teaching and research.

Materials can now be designed and engineered at the atomic level to meet specific heat transfer characteristics (thermal conductivity and specific heat) without detriment to their mechanical integrity and corrosion resistance. For example, using technologies such as nanoparticle inclusions, use of anharmonic chemical bonds, and design of specific optical phonon modes in rattling cages, ultra-low thermal conductivity materials were developed for thermoelectricity and thermal barrier coatings. Conversely, by taking care to employ tetrahedrally bonded solids with low anharmonicity, by using isotopically pure materials, and by increasing metals' electrical conductivity (avoiding, for example, scattering of s-shell electrons on d-shell electrons in light transition metals), materials can be designed with maximized heat transfer. Such materials will find applications from the core (e.g., cladding) to balance of plant (e.g., turbine blade coatings) towards improving safety margins, as well as the plant performance.

### 3.2 Faculty retention

A comprehensive faculty retention strategy and plan is available at OSU to assist the new faculty and enable their growth in a timely fashion. The major components of the plan are briefed below.

Collaborative Environment: Each of the NEP faculty members is willing to help others, especially the junior faculty. Several courses are taught jointly with the intention of utilizing the individual expertise. Also, about 3/4 of the current NE research projects are collaborative, with more than one PI.

Competitive Startup Support: A competitive and attractive startup package is provided normally exceeding \$500,000 in cash support (without indirect cost charged). In addition, the new faculty will receive a 1/3 reduction in their teaching load during their probationary period.

Teaching and Research Facilities, Office and Lab Spaces: In addition to the teaching facilities provided by OSU, the OSU CoE has two distance teaching/learning rooms that are fully equipped with the state-of-the-art equipments. A \$71.1 million new facility, called Scott Laboratory, was opened in September 2006 featuring 257,000 gross square feet space.

A major asset for the OSU NEP is the research and teaching facilities within the OSU NRL. These facilities include the OSU Research Reactor (OSURR) (a 500-kW pool type reactor), a Co-60 high-dose rate irradiation facility, and a subcritical assembly, which will be of great value to new faculty members in the area of advanced thermal materials.

Mentoring Program: The MAE Department and NEP at OSU have a formal mentoring process in place for junior faculty members. In addition, there are various programs such as Assistance on Faculty Teaching Improvements, Faculty Academic Excellence Programs, and Junior Faculty Development in place to ensure a success junior faculty member professional career and enjoyable personal life at OSU.

### 3.3 Faculty support

The resources provided by this NE Faculty Development Program will be targeted to support the following expenses:

Faculty Salary: One month of summer salary and a 15% release time per year have been budgeted for the new junior faculty member for preparation of proposals for external funding and course materials for teaching during the upcoming academic years.

Supplies and Equipment for Laboratories: The junior faculty member is expected to have substantial experimental programs that require expenditures for supplies and equipment that cannot be anticipated at this point in time.

Graduate Student Support: Funds for two graduate students will be provided.

Travel Support: It is crucial that junior faculty members travel to conferences and present papers so that the community becomes aware of them. Also, conferences provide opportunities for professional service, such as serving on a program committee or chairing a session.

## **4. Selection Process**

This faculty position will be advertised in professional societies' publications (such as ANS *Nuclear News*), Academic Keys, OSU MAE website, as well as through co-PIs' professional connections. It is expected that the new hire would begin at Autumn Semester 2013. The CoE, MAE Department and NEP have stringent criteria for selection of a tenure-track faculty member that primarily relate to the quality of the applicant's research and publication record. Because of the importance of this junior faculty position to the continuity and advancement of the OSU NEP, additional specific criteria must be satisfied:

1. *The proposed recipient must demonstrate distinguished record of scholarship commensurate with experience, exceptional potential for world-class research, and a commitment to both undergraduate and graduate education. It will be essential to examine the candidate's past academic, research, teaching and advising record and current standing in the technical community. Peer evaluation and the quality of recommendation letters are extremely important measures to the potential success of the candidate.*
2. *The proposed faculty member must be qualified and committed to a long-term collaborative research and education career in the OSU NEP.* The competition for outstanding new junior faculty is very intense because essentially every nuclear engineering program in the nation is expanding. Hence, it is very important to the OSU NEP that we hire not only the best people available, but also those who are committed to a long-term research and education career to the OSU NEP.
3. *The proposed faculty member must be able to integrate into the current program, and complement the existing research/education areas, and explore new areas with high potential.* The NEP currently has a very impressive research portfolio in instrumentation and control and reactor safety with the support from and collaboration of organizations, such as NRC, DOE, NASA, and INL, etc. However, realizing that there are

urgent teaching needs and significant research opportunities in nuclear material areas, the new faculty member with expertise in these areas can relatively easily be integrated into the existing NEP research in a complementary manner.

4. *The proposed recipient needs to demonstrate the potential of being successful in teaching and research at OSU NE Program.* OSU's promotion and tenure criteria will be used as one major reference. The selected recipient must have the capability to succeed in the promotion and tenure process.

The award recipient selection process is overseen by the PI of this proposal, Dr. T. Aldemir, on behalf of the OSU NEP. The search committee will include members from the OSU NEP Graduate Studies Committee (NEPGSC), as well as Professor J. Heremans who holds a Chair at OSU as an Ohio Eminent Scholar.

#### **5. Management Structure and the Capability for Administering the Program**

The PI, Dr. T. Aldemir will oversee the program, present potential candidates to the NEPGSC, review monthly the program progress and status, report semi-annually to the NRC project manager electronically, and prepare a final report. As a co-PI, Dr. X. Sun, will assist the PI in preparing the above tasks. The other co-PI, Dr. J. Heremans will play a key role in the selection of the candidate and his/her evaluation. All these three co-PIs will donate some of their time to help make this project successful.

As a full professor and Program Chair, Dr. Aldemir has extensive experience in managing research projects as well as more administrative-oriented projects like this one. The OSU NEP has received three NE Faculty Development awards from the U.S. NRC and Dr. Aldemir is the PI of all these awards. The recipient of the first award, Dr. Sun, has been promoted to associate professor with tenure. He has over 11-year experience in research and managing research. Dr. J. Heremans is an internationally recognized expert on thermoelectric transport properties of materials. A copy of the curriculum vitae for the PI and co-PIs are attached in Section D.

#### **6. Evaluation Plan**

The Evaluation Committee to ensure the effectiveness of this program will include members from the NEPGSC as well as members from the MAE Department with relevant expertise. The junior faculty recipient will collect, twice a year, data on the accomplishments of the project and impact on his professional career development. The PI and co-PIs will present the data to the Evaluation Committee. The following criteria will be used for evaluation.

1. *Effective advising of graduate students and their career development.* One of the important measures is the publication produced from the support of this grant. The other is the academic performance of the students, such as the grade point average value and their job placement after graduation.
2. *Success in securing major external research funding from government agencies,* namely, the U.S. NRC, DOE, NSF, Department of Homeland Security, and from the nuclear industry.
3. *Contributions to the nuclear science and engineering literature through archival book and journal publications, and timely conference presentations, workshops, invited seminars.* The proposed minimum quantitative measures are: a) a minimum of three conference papers for Year 1, b) a minimum of three conference papers and two journal publications for year 2, and, c) a minimum of three conference papers and three journal publications for Year 3. In addition, invited seminars provide an important measure as to whether the junior faculty recipient is recognized nationally and internationally as a leader in his/her expertise area.
4. *Effective teaching in nuclear science and engineering at the OSU NEP.* The student evaluation index will be used as one measure of the effectiveness of teaching. In addition, the recipient is encouraged to develop new courses (typically at the graduate-level) in his/her expertise areas.
5. *Contribution to nuclear science and engineering community through ANS, ASME, and ASM activities, including organizing and chairing meeting sessions, participating in technical division development as an executive and/or program committee member and division officer, and reviewing manuscripts for technical journals and proposals for funding agencies.*

6. *Additional services to the NEP and the MAE Department at OSU through participating in graduate students' thesis/dissertation advisory committee and final defense/examination committee, Ph.D. qualifying exams, etc.*

Another important measure of the effectiveness of the project is whether the proposed recipient receives promotion and tenure as scheduled. A junior faculty recipient, if hired in the fall of 2013, will usually have the mid-year review (Reappointment review) in spring 2017 and sixth year review (Mandatory promotion and tenure review) in fall 2018. Therefore, by the completion of the project, it will be relatively clear how the individual performs as evaluated against the promotion and tenure criteria.

### **7. Institutional Commitment to OSU NE Program**

The administration at OSU recognizes that nuclear power is currently the largest clean electricity-generation source and has been very supportive of the NEP's growth. In the State of Ohio, there are two nuclear power plants, namely, Perry and Davis Besse Nuclear Power Plants and the Portsmouth Site, located in Piketon, Ohio. The OSU and State administrations have been very supportive of growing the OSU NEP. At the college level, Dean David Williams with his materials engineering background has been very supportive of this proposed faculty line. Finally, the CoE and MAE Department are providing to this OSU NE Faculty Development Program cost share match in the amount of \$150,000. Letters of commitment from Dean Williams and MAE Department Chair Prof. Ahmet Selamet are attached in Appendix B.

### **8. Other Support from Non-Federal Identities**

AREVA committed \$25,000 in 2010 to support OSU Nuclear Reactor Laboratory's outreach activities to high school students and the general public. The commitment has been renewed for another two years with the same amount of support. A letter from AREVA is attached in Appendix C.

## **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\\_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 2 CFR 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](http://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](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](#).

**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 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.
    - 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](mailto: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](mailto: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 part of the OCHCO grant awards, in addition to the 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 awardees as follows:

#### **Faculty Development Awards**

1. How many faculty 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 items have NRC sponsored faculty produced, for example, Professional Journal articles, publications, patents, or conference reports?
  - a. Response is the type and number of items, 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 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.
- 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)).

### **Executive Compensation Reporting**

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 <https://www.sam.gov/portal/public/SAM/>

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.