



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

August 1, 2014

Dr. J. Wesley Hines
University of Tennessee
314 Pasqua Engineering Building
Knoxville, TN 37996-2000

VIA Electronic Mail
jhines2@utk.edu

SUBJECT: GRANT NO: NRC-HQ-84-14-G-0055

Dear Dr. Hines:

Pursuant to the authority contained in the Federal Grant and Cooperative Grantee Act of 1977 and the Atomic Energy Act of 1954, the Nuclear Regulatory Commission (NRC) hereby awards to University of Tennessee (hereinafter referred to as the "Grantee" or "Recipient"), the sum of \$430,000.00 to provide support for "The Nuclear Engineering Faculty Development Program at the University of Tennessee" entitled "Program Description."

This award is effective as of the date of this letter and shall apply to expenditures made by the Grantee furtherance of program objectives during the period beginning with the effective date of August 1, 2014 and ending July 31, 2017.

This award is made to the Recipient on condition that the funds will be administered in accordance with the terms and conditions as set forth in Attachment A (the Schedule); Attachment B (the Program Description); and Attachment C (the Standard Provisions); all of which have been agreed to by your organization. In addition your grant application proposes \$150,000.00 in cost share. Please ensure your cost share conforms to the provisions in 2 CFR 215, and is reported on the semi-annual Federal Financial Report.

Please ensure individuals selected as beneficiaries of support under this grant meet the legal requirements consistent with recent Supreme Court Decisions including *Fisher*, *Gratz*, and *Grutter*.

Please sign the enclosed grant to acknowledge your receipt of the award, and return as a pdf file to Fatima Shuler by email at Fatima.Shuler@nrc.gov.

Sincerely yours,

Erika Eam

Erika Eam
Grants Officer
Resources & Grants Team
Acquisition Management Division (AMD)

SUNSI REVIEW COMPLETE

TEMPLATE - ADMIN

AUG 05 2014

ANNEX 2

Attachments:
Attachment A – Schedule
Attachment B – Program Description
Attachment C – Standard Terms and Conditions

ACKNOWLEDGED:

University of Tennessee

By: _____

Title: _____

Date: _____

Grant and Cooperative Agreement

CHOOSE ONE:

- COOPERATIVE AGREEMENT
 GRANT

CHOOSE ONE: EDUCATION FACILITIES RESEARCH SDCR TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER NRC-HQ-84-14-G-0055	2. SUPPLEMENT NUMBER	3. EFFECTIVE DATE 08/01/2014	4. COMPLETION DATE
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5. ISSUED TO NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip) UNIV TENNESSEE SYSTEM OFFICE 1331 CIR PARK DR KNOXVILLE TN 379163801	6. ISSUED BY U.S. NRC - HQ Mailing Address: Acquisition Management Division Mail Stop: 3WFN-05-C64MP Washington DC 20555-0001
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7. TAXPAYER IDENTIFICATION NO. (TIN)	9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone) Dr. J. Wesley Hines jhines2@utk.edu; 865-974-2525
8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.	

10. RESEARCH, PROJECT OR PROGRAM TITLE
 The Nuclear Engineering Faculty Development Program at the University of Tennessee

11. PURPOSE

12. PERIOD OF PERFORMANCE (Approximately)
 08/01/2014 through 07/31/2017

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	\$0.00	PREVIOUS	\$0.00
THIS ACTION	\$430,000.00	THIS ACTION	\$430,000.00
CASH SHARE	\$0.00	TOTAL	\$430,000.00
NON-CASH SHARE	\$0.00		
RECIPIENT SHARE	\$150,000.00		
TOTAL	\$430,000.00		

14. ACCOUNTING AND APPROPRIATION DATA
 2014-X0200-IUPNSE-84-84D002-51-K-164-T8459-4110

PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS
OCHCO-14-0205			

15. POINTS OF CONTACT

	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS
TECHNICAL OFFICER	NANCY V. HEBRON-ISREAL		301-287-0718	Nancy.Hebron-Isreal@nrc.gov
NEGOTIATOR				
ADMINISTRATOR	FATIMA SHULER		301-287-3726	Fatima.Shuler@nrc.gov
PAYMENTS				

16. THIS AWARD IS MADE UNDER THE AUTHORITY OF:
 Pursuant to Section 31b and 141b of the Atomic Energy Act of 1954, as amended

17. APPLICABLE STATEMENT(S), IF CHECKED: <input type="checkbox"/> NO CHANGE IS MADE TO EXISTING PROVISIONS <input type="checkbox"/> FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT	18. APPLICABLE ENCLOSURE(S), IF CHECKED: <input type="checkbox"/> PROVISIONS <input type="checkbox"/> SPECIAL CONDITIONS <input type="checkbox"/> REQUIRED PUBLICATIONS AND REPORTS
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UNITED STATES OF AMERICA	COOPERATIVE AGREEMENT RECIPIENT
CONTRACTING/GRANT OFFICER ERIKA EAM <i>Erika Eam</i>	AUTHORIZED REPRESENTATIVE
DATE 07/31/2014	DATE

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	<p>CFDA Number: 77.008</p> <p>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).</p> <p>Payment:</p> <p style="padding-left: 40px;">ASAP GRANT FUNDS REIMBURSEMENT SYS US TREASURY</p> <p>Period of Performance: 08/01/2014 to 07/31/2017</p>				

ATTACHMENT A - SCHEDULE

A.1 PURPOSE OF GRANT

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

A.2 PERIOD OF GRANT

1. The effective date of this Grant is August 1, 2014. The estimated completion date of this Grant is July 31, 2017.
2. Funds obligated hereunder are available for program expenditures for the estimated period: August 1, 2014 – July 31, 2017.

A.3 GENERAL

1. Total Estimated NRC Amount: \$430,000.00
2. Total Obligated Amount: \$430,000.00
3. Cost-Sharing Amount: \$130,000.00
4. Activity Title: "The Nuclear Engineering Faculty Development Program at the University of Tennessee"
5. NRC Project Officer: Nancy Hebron-Isreal
6. DUNS No.: 003387891

A.4 BUDGET

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

Category	Year 1	Year 2	Year 3	Total
Personnel	\$30,502.00	\$31,417.00	\$32,359.00	\$94,278.00
Fringe Benefits	\$8,608.00	\$8,867.00	\$9,133.00	\$26,608.00
Supplies	\$6,000.00	\$6,000.00	\$6,000.00	\$83,618.00
Travel	\$15,500.00	\$15,500.00	\$15,500.00	\$46,500.00
Equipment	\$34,401.33	\$34,401.33	\$34,401.34	\$56,004.00
Indirect Costs (49%)	\$47,137.00	\$47,137.00	\$47,136.00	\$122,992.00
Total	\$142,148.33	\$143,322.33	\$144,529.34	\$430,000.00

All travel must be in accordance with the University of Tennessee Travel Regulations or the US Government Travel Policy absent Grantee's travel regulation.

A.5 AMOUNT OF AWARD AND PAYMENT PROCEDURES

1. The total estimated amount of this Award is \$560,000.00 inclusive of a cost share for the three year period.
2. NRC hereby obligates the amount of \$430,000.00 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

Project Description

Project Title: The Nuclear Engineering Faculty Development Program at the University of Tennessee

Project Description

The University of Tennessee's Nuclear Engineering Faculty Development Program (NEFDP) will support the development and retention of two junior faculty members in the university's Nuclear Engineering Department. The NEFDP is described below, focusing on the following components: (1) Faculty Development for teaching and research in the thrust areas of (i) experimental materials research focused on combined extreme conditions of energetic ion irradiation, high pressure and high temperature, and (ii) Physical metallurgy of structural materials; the effects of ion and neutron irradiation on the microstructure, physical properties, and mechanical properties of metals and ceramics; (2) the Faculty Evaluation Process; (3) Evaluation of NEFDP Effectiveness; (4) Program Management and Administration; and (5) Leveraging of non-Federal Funds.

(1) Faculty Development

The primary areas of proposed support for the two tenure track faculty members are: *(a) developing proposals for research, (b) new course development, and (c) preparation of research papers for publication*. We expect that these three areas will occupy a significant fraction of their time. In addition to those activities, the NEFDP will also provide them with materials stipends, support for participation in professional society meetings, summer schools, and additional travel needed for them to become established in their areas of expertise.

(a) Development of Proposals

At the University of Tennessee, our faculty members' ability to obtain external research funding is a critical component in their retention through the tenure process. Also, their research is a vital component of their abilities to teach and train both undergraduate and graduate students. Research is a tool that the department uses to keep our training modern and relevant to the nation's current needs. Each of our new faculty members is expected to participate in any proposal applicable to his area of research. The department will contribute to faculty members' success through internal review of research grant proposals, as appropriate.

The University, through the Office of Research, will also contribute through internal review of all proposals and assistance in submitting them to the appropriate agencies.

(b) Course development

Both faculty members supported through this funding will be teaching existing courses in the department. The faculty member hired in August 2013 will be teaching "Introduction to Health Physics", a required course for all nuclear engineering undergraduates, as well as graduate students entering the program with a non-nuclear engineering undergraduate degree. The faculty member to be hired in August 2013 will help teach two graduate courses, "Introduction to Nuclear Fuels and Materials" and "Fundamentals of Irradiation Effects in Nuclear Materials". All of these courses require course development through continual updating of material to be used in the course.

New courses are encouraged by all faculty in the Nuclear Engineering Department, including the two faculty members here. The tenure-track faculty member hired in August 2013 will continue his development of a graduate course in accelerator technology, as well as develop a graduate course in the related to his area of research, tentatively titled "Advanced materials characterization techniques". Support in these areas will help develop and optimize the teaching capabilities of our new faculty. In addition, course revision and new course creation will allow faculty to incorporate new, cutting edge research in their curricula by giving them the tools to utilize the strengths they bring to our department (see section 2). This, in turn, will help to attract and retain top students in the NE program.

(c) Preparation of research papers

The publication of research papers is another key component in our faculty members' ability to attain tenure. Our department strongly encourages and helps our faculty to publish in the major journals, thereby increasing the visibility of the faculty and department in the science and engineering communities, as well as increasing our ability to attract and retain high-quality students. The department will conduct an internal review of research papers, as appropriate, and the UT College of Engineering offers assistance in the preparation of those papers.

(d) Other developmental support

Other support is needed to allow our new faculty to become established in the scientific community in their areas of expertise, conduct research, and pass tenure review while alleviating the added pressure of having to produce full, externally funded support for themselves in the process. To this end, the NEFDP funds will be used for materials, including texts, books and software for new faculty, as well as equipment needed by the faculty engaged in experimental research. The NEFDP will also provide the support for new faculty members to attend professional conferences, summer schools, workshops in order to assist in their professional development as well as make important connections in government, industry, and academia, as they deem appropriate.

(2) Faculty Evaluation Process

Because both of the junior faculty members will be tenure track, the goal of the program is to aid in their retention by the Department of Nuclear Engineering. Our success in retaining our junior faculty depends greatly on how they perform in the evaluation process at the University of Tennessee. Junior faculty will be formally evaluated on an annual basis by the program administrator, Dr. Wes Hines. The evaluation includes a rubric designed to both rate and track the performance of the junior faculty member through the probationary period before tenure review. The table below shows the rubric for junior faculty, with scores of three or higher

meaning that the performance in the particular area is satisfactory.

		Score → 1	2	3	4	5
Teaching	Undergraduate Evaluations	<1	>1	>2	>3	>4
	Graduate Evaluations	<2	>2	>2.75	>3.5	>4.2
	# Courses taught during the year	0	1	2	3	4
Research	Proposals Submitted	1	2	3	4	5
	# Students Funded	0	1	1	2	3
	# Journal articles	0	1	2	3	4
	Research expenditures	<\$50K	>\$50K	>\$100K	>\$150K	>\$200K
	# Post docs	0	0	0	1	>1
	Salary recovery	<10%	>10%	>15%	>20%	>25%
Service	Internal	None	None	1	2	3
	External	<10hrs	<10hrs	>10hrs	>20hrs	>30hrs

The graduate and undergraduate course evaluations are based on metrics determined from the course SAIS forms.

The goal of this evaluation is to provide feedback to junior faculty on their progress in meeting the high expectations for tenure in the College of Engineering. These expectations include consistent and demonstrated success in: **teaching**, measured by student evaluations and peer review; **research and scholarship**, measured by publications in highly respected peer reviewed journals, the ability of the faculty member to bring in external funded research projects; **research administration**, measured by the success in graduating Masters and Ph.D. students; and **service to the department, the university, the scientific community, and professional societies**. Furthermore, awards in teaching, research, and service are also considered. The goal of the NEFDP is to ensure that high-quality, nuclear engineering faculty members are developed in such a way that they will be retained in the tenure process. As such, **the evaluation criteria used in the NEFDP will be the same as they are for the tenure process**. The entire text of the University of Tennessee's "Guidelines for the Tenure and Promotion Review Process" is too long to include in this proposal, but for promotion of tenure-track faculty, the following areas are listed as **Essential**:

Teaching – SAIS student evaluations, Peer Teaching Evaluation, Graduate student advising, consistent production of MS and PhD degrees.

Research – Financial support of graduate students from external funds, Evidence of growing and vibrant externally funded research program.

Scholarship – Archival journal publications, Oral or Poster Presentations at Conferences, and Citations.

Service – Peer review of papers or proposals.

In addition, there are several areas listed as **Desirable or Beneficial** for promotion. Some of those areas are:

- Evidence of Teaching Innovation (course content /design/ breadth)

- Undergraduate student advising, student organizations advising
- Management of multiple contracts/grants
- Refereed conference proceedings/ publications, Invited presentations, Other scholarly work (textbooks, monographs, patents, software, etc.)
- University Citizenship (internal service to department, college, university), Teaching Awards, and Service Awards.

(3) Evaluation of NEFDP Effectiveness (includes description of selection process)

Faculty retention at the University of Tennessee Nuclear Engineering Department is excellent because faculty members are only selected if it is deemed that the probability that they will succeed is very high. As an example, the selection process for final candidates for the position starting in August 2014 has finished at the time of this writing, with interviews starting very shortly. The candidates were selected through a search and evaluation process conducted by a committee of three NE faculty members. The search was conducted nationally, with advertisements in many national publications. The evaluation process takes into consideration the requirements for tenure at the University of Tennessee. All four candidates have records of accomplishment that fit the tenure criteria listed above very well, and as such it is expected that the person hired for the position will have no weaknesses in any of the listed categories.

Faculty retention is also high because faculty members choose to stay for the same reasons that attracted them to the department: academic reputation, opportunities in research at a nearby national laboratory, the many lures of the Knoxville-Oak Ridge area, a very positive working environment, and competitive faculty salaries. By retaining highly qualified, well developed professors, we achieve the goal of the NEFDP over the long-term: that UT may be better equipped to meet the nation's need to train and equip a new generation of nuclear engineers and health physicists.

(4) Program Management and Administration

The NEFDP at the University of Tennessee will be managed by Dr. Wes Hines. Dr. Hines is the department head. As department head, he will be the direct supervisor of all Nuclear Engineering faculty, and so it is natural that he will manage the NEFDP as well. As supervisor, Dr. Hines will guide the supported faculty members through the development program. Dr. Heilbronn will also be responsible for all reports required by the NRC. Additionally, each junior faculty member is assigned a tenured faculty mentor in the NE department, who will assist Dr. Hines in guiding the development of the junior faculty members. Overall, this departmental administrative structure creates an environment where junior faculty members are supported and directed where direction is needed.

The College of Engineering will provide support to the NEFDP through providing needed support to Dr. Hines and the faculty members of the NE department. One relevant, important function of college administrators is internal review of all proposals. In this review process, they assist and help train junior faculty in writing proposals that will be successful.

Institutional capability, support, and commitment to nuclear engineering and science:

The Nuclear Engineering Department at the University of Tennessee is healthy, vibrant, and growing in its 57th year, having produced over 1000 graduates with B.S., M.S., and Ph.D. degrees since its inception. When many nuclear departments dwindled or closed completely in

the last few decades, the UT department continued to prosper due to its commitment to excellence in teaching and in research innovation. Continued excellence in research has led to consistent support from DOE and ORNL, as well as support from the NRC. The NE department is a responsive team player for the NRC and has or is currently preparing over a half a dozen proposals in response to recent calls by the NRC.

The College of Engineering at the University of Tennessee is fully committed to a strong Department of Nuclear Engineering. The College has consistently supported the NE department in a number of ways. In the fall of 2010, the College awarded the NE department over \$145,000 for the purchase of new laboratory equipment for use in its undergraduate and graduate courses. Because both of the new faculty members on this proposal will be actively involved with the improvement of existing lab courses and in the development of new lab courses, those funds will greatly enhance the probability of their retention in the department.

Over the past 8 years, the Department of Nuclear Engineering has experienced a tremendous growth in the number of undergraduate and graduate nuclear engineering majors. Nine new faculty members have been hired over that time to help keep pace with our growing student population. During this time, our graduate program has risen to the rank of #5 in the nation in the annual U.S. News and World Report's ranking of university programs. The University of Tennessee both welcomes and is fully capable to handle the current and expected Nuclear Engineering program growth. Over the past three years, the College of Engineering has provided additional space and other required support so that the quality of teaching and research is not hindered. In January of 2012, we were given an additional 5400 square feet of space, all of which is fully utilized. Furthermore, the College has recently welcomed program growth by adding new faculty positions. For these new positions, a substantial portion of the startup funds is coming directly from the University.

In the past year, approval was given to start the design process for a new building which will house the Nuclear Engineering Department, with possible completion in 4 years. The new building will more than triple all of our existing space, with new labs, classrooms, offices, and shops for our expanding program. The new building has the full support of the University and the State of Tennessee, showing their commitment to

Moreover, the University's commitment to making nuclear an organizational focus extends beyond what it is doing in the Nuclear Engineering Department. The University is fully supportive of nuclear physics and engineering, demonstrated by their recent efforts to strengthen ties with Oak Ridge National Laboratory through creation of a host of joint faculty positions across many different disciplines that relate to nuclear. Moreover, in the College of Engineering, researchers in many departments are involved in nuclear-related research, including Electrical and Computer Engineering, Materials Science Engineering, Mechanical Engineering, and Civil Engineering, where neutron imaging is being pursued as a major focus of the department head. The University of Tennessee is very excited about the opportunity to help lead the nation in the endeavor of expanding its nuclear capability.

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

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>

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.

The Grantee agrees to comply with the non-discrimination requirements below:

- Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq)
- Title IX of the Education Amendments of 1972 (20 USC §§ 1681 et seq)
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794)
- The Age Discrimination Act of 1975, as amended (42 USC §§ 6101 et seq)
- The Americans with Disabilities Act of 1990 (42 USC §§ 12101 et seq)
- Parts II and III of EO 11246 as amended by EO 11375 and 12086.
- EO 13166, "Improving Access to Services for Persons with Limited English Proficiency."
- Any other applicable non-discrimination law(s).

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

Modifications/Prior Approval

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

Lobbying Restrictions

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

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

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

§ 215.13 Debarment And Suspension.

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

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

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

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

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

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

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

'Debarment, Suspension, Ineligibility, and Voluntary Exclusion

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

Drug-Free Workplace

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

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

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

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

Procurement Standards. § 215.40-48

Sections 215.41 through 215.48 set forth standards for use by Grantees in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement

standards or requirements shall be imposed by the Federal awarding agencies upon Grantees, unless specifically required by Federal statute or executive order or approved by OMB.

Travel

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

Domestic Travel:

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

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

International Travel:

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

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

Property and Equipment Management Standards

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

Procurement Standards

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

Intangible and Intellectual Property

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

Inventions Report

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

Grantees to submit reports electronically via the Internet. In addition, the invention must be reported in continuation applications (competing or non-competing).

Patent Notification Procedures

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

Data, Databases, and Software

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

Copyright

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

Records Retention and Access Requirements

For records of the Grantee shall follow established provisions in 2 CFR 215.53.

Organizational Prior Approval System

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

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

Conflict Of Interest Standards

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

Dispute Review Procedures

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

Termination and Enforcement

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

Monitoring and Reporting § 215.50-53

- a. Grantee Financial Management systems must comply with the established provisions in 2 CFR 215.21
 - Payment – 2 CFR 215.22
 - Cost Share – 2 CFR 215.23
 - Program Income – 2 CFR 215.24
 - Earned program income, if any, shall be added to funds committed to the project by the NRC and Grantee and used to further eligible project or program objectives or deducted from the total project cost allowable cost as directed by the Grants Officer or the terms and conditions of award.
 - Budget Revision – 2 CFR 215.25

- The Grantee is required to report deviations from the approved budget and program descriptions in accordance with 2 CFR 215.25 and request prior written approval from the Program Officer and the Grants Officer.
- The Grantee is not authorized to rebudget between direct costs and indirect costs without written approval of the Grants Officer.
- The Grantee is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Grantee is not allowed 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. **(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 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 31st is due by April 30th or any portion thereof. The submission for the six month period ending September 30th is due by October 31st or any portion thereof.

d. Grant Performance Metrics:

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

As part of the 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 faculty sponsored, for this reporting period and cumulative to the grant.
2. How many items have the 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 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 etseq), 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 InVictims Protection Act Of 2000 (as amended by the Trafficking Victims Protection Reauthorization Act of 2003)

Section 106(g) of the Trafficking InVictims 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/execomp.htm>.)

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

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