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

September 30, 2015

Dr. Hyoung Koo Lee
The Curators of the University of Missouri (Rolla)
300 W 12th Street
202 Centennial Hall
Rolla, MO 65409-1330

VIA Electronic Mail
leehk@mst.edu

SUBJCT: GRANT NO: NRC-HQ-84-15-G-0044

Dear Dr. Lee:

Pursuant to the authority contained in the Federal Grant and Cooperative Grantee Act of 1977 and the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission (NRC) hereby awards to The Curators of the University of Missouri (Rolla) (hereinafter referred to as the "Recipient"), the sum of $450,000.00 to provide support for "Missouri S&T Nuclear Engineering Faculty Development Program 2015-2018" entitled "Program Description."

This award is effective as of the date of this letter and shall apply to expenditures made by the Recipient furtherance of program objectives during the period beginning with the effective date of September 30, 2015 and ending September 29, 2018. In addition your grant application proposes $150,000.00 in cost share. Please ensure your cost share conforms to the provisions in 2 CFR 200, and is reported on the semi-annual Federal Financial Report.

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.

Based on the pre-award compliance review conducted by NRC's Small Business and Civil Rights Office (SBCR), your institution is placed in a periodic status pending resolution of concerns raised during the review. Within 60 days, SBCR will conduct a periodic review to ensure compliance with applicable Civil Rights statutes. Your cooperation with SBCR is essential. The continued eligibility of Federal financial assistance is conditioned upon compliance with anti-discrimination regulations.

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 Ms. M'Lita Carr by email at Mlita.Carr@nrc.gov.

Sincerely yours,

M'Lita Carr

M'Lita Carr
Grants Officer
Research & Grants Team
Acquisition Management Division

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

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

ADM002

Grant and Cooperative Agreement

CHOOSE ONE:
- [ ] COOPERATIVE AGREEMENT
- [X] GRANT

CHOOSE ONE: [X] EDUCATION [ ] FACILITIES [ ] RESEARCH [ ] SDCR [ ] TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER	2. SUPPLEMENT NUMBER	3. EFFECTIVE DATE	4. COMPLETION DATE
NRC-HQ-84-15-G-0044		09/30/2015	

5. ISSUED TO
NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)
MISSOURI UNIVERSITY OF SCIENCE AND
300 WEST 12 ST
ROLLA MO 654096506

6. ISSUED BY U.S. NRC - HQ
Mailing Address: Acquisition Management Division
Mail Stop: TWFN-5E03
Washington DC 20555-0001

7. TAXPAYER IDENTIFICATION NO. (TIN)

8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.

9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (*Name & Phone*)
Dr. Hyoung Koo Lee
Email:leehk@mst.edu; Phone:573-341-4747

10. RESEARCH, PROJECT OR PROGRAM TITLE
Missouri S&T Nuclear Engineering Faculty Development Program 2015-2018

11. PURPOSE
See Schedule

12. PERIOD OF PERFORMANCE (*Approximately*)
09/30/2015 through 09/29/2018

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	$0.00	PREVIOUS	$0.00
THIS ACTION	$450,000.00	THIS ACTION	$450,000.00
CASH SHARE	$0.00	**TOTAL**	$450,000.00
NON-CASH SHARE	$0.00		
RECIPIENT SHARE	$150,000.00		
TOTAL	$450,000.00		

14. ACCOUNTING AND APPROPRIATION DATA
2015-X0200-IUPNSE-84-84D002-51-K-164-T8459-4110

PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS
OCHCO-15-0188			

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	M'LITA R. CARR		(301) 415-6869	MLITA.CARR@nrc.gov
PAYMENTS				

16. THIS AWARD IS MADE UNDER THE AUTHORITY OF :
PURSUANT TO SECTION 31B AND 141B OF THE ATOMIC ENGERGY ACT OF 1954, AS AMENDED.

17. APPLICABLE STATEMENT(S), IF CHECKED:
- [ ] NO CHANGE IS MADE TO EXISTING PROVISIONS
- [ ] FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT

18. APPLICABLE ENCLOSURE(S), IF CHECKED:
- [ ] PROVISIONS
- [ ] SPECIAL CONDITIONS
- [ ] REQUIRED PUBLICATIONS AND REPORTS

UNITED STATES OF AMERICA		COOPERATIVE AGREEMENT RECIPIENT	
CONTRACTING/GRANT OFFICER M'LITA R. CARR	DATE 09/10/2015	AUTHORIZED REPRESENTATIVE	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)
	CFDA Number: 77.008 DUNS Number: 804883767 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 200. Payment: ASAP GRANT FUNDS REIMBURSEMENT SYS US TREASURY Period of Performance: 09/30/2015 to 09/29/2018				

Attachment A - Schedule

A.1 PURPOSE OF GRANT

The purpose of this Grant is to provide support to the "Missouri S&T Nuclear Engineering Faculty Development Program 2015-2018" as described in Attachment B entitled "Program Description."

A.2 PERIOD OF GRANT

1. The effective date of this Grant is 09/30/2015. The estimated completion date of this Grant is 09/29/2018.

2. Funds obligated hereunder are available for program expenditures for the estimated period: 09/30/2015 – 09/29/2018.

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:	Missouri S&T Nuclear Engineering Faculty Development Program 2015-2018
5. NRC Project Officer:	Nancy Hebron-Isreal
6. DUNS No.:	804883767

A.3 BUDGET

Revisions to the budget shall be made in accordance with Revision of Grant Budget in accordance with 2 CFR 200.

	Year 1	Year 2	Year 3
Personnel	$ 61,200.00	$ 63,731.00	$ 66,357.00
Fringe Benefits	$ 5,812.00	$ 6,535.00	$ 7,297.00
Travel	$ 5,000.00	$ 5,000.00	$ 5,000.00
Equipment	$ 14,199.00	$ 8,500.00	$ 2,568.00
Supplies	$ 5,000.00	$ 5,000.00	$ 5,000.00
Other (GRA)	$ 18,358.00	$ 19,094.00	$ 19,860.00
Total Direct Cost	$ 109,569.00	$ 107,860.00	$ 106,082.00
Indirect Cost	$ 40,431.00	$ 42,140.00	$ 43,918.00
Total Cost	$ 150,000.00	$ 150,000.00	$ 150,000.00

All travel must be in accordance with The Curators of the University of Missouri (Rolla) Travel Regulations or the US Government Travel Policy absent Grantee's travel regulation.

A.4 AMOUNT OF AWARD AND PAYMENT PROCEDURES

1. The total estimated amount of this Award is $600,000.00 for the three year period; inclusive of $150,000.00 in cost share.

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

PROGRAM DESCRIPTION

The Missouri S&T Nuclear Engineering (NE) Program has seen increased enrollment in recent times (see Fig. 1). The enrollment data in Fall 2014 show a total enrollment of 243 students, including graduate enrollment of 53. The total number of full-time tenured/tenure track faculty positions in Nuclear Engineering is 7. A new nuclear engineering tenure-track assistant professor will be hired in Fall 2015 as part of S&T's focused hiring campaign in Enabling Materials for Extreme Environments signature area. A copy of the general advertisement is attached (Attachment G-1). The new faculty recruitment process, which is now in progress, involved a national search. The on-campus interview stage of the faculty search was recently completed. The rest of the process will be in accordance with Missouri S&T's Affirmative Action/ Equal Employment Opportunity policies. Two standing committees for research and teaching will mentor the new junior faculty member to help her/him obtain tenure and promotion at the end of the six-year probationary period. In addition, a four member Faculty Development Evaluation Committee will be set up to help evaluate, prepare and retain the new faculty member hired with the assistance of this NRC Faculty Development Grant.

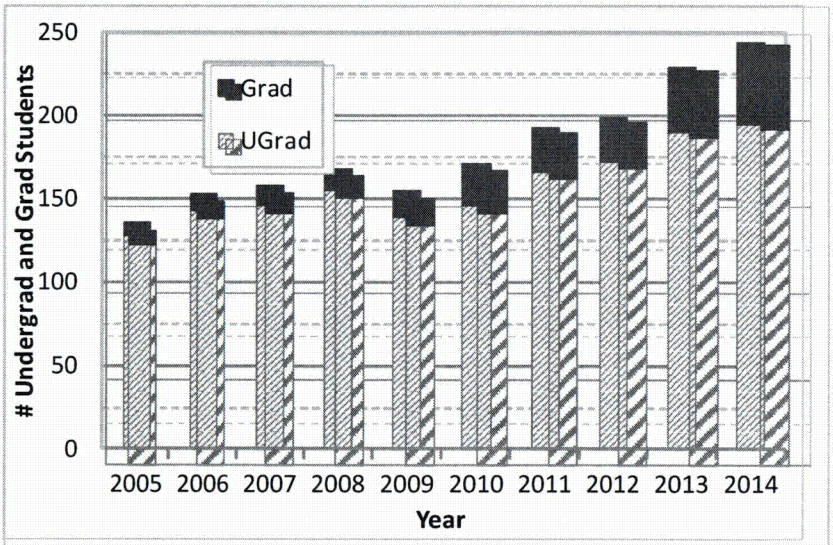

Fig. 1. 10-Year Enrollment History – S&T Nuclear Engineering

B.1. Missouri S&T NE Faculty Development Program

The goal of the proposed Faculty Development Program (FDP) is to attract, prepare and retain the nuclear engineering tenure-track assistant professor to be hired in Fall 2015. To this end, the FDP will allocate additional resources to the new faculty member for (a) complementing the startup package, (b) supporting new curriculum development in nuclear materials for application in extreme environments, (c) developing laboratory facilities and, (d) supporting graduate students working in her/his research team. The faculty to be hired is strategic to Missouri S&T's Best-in-Class initiative in Materials for

Extreme Environments signature area. Hence, the University will match the NRC funds ($450,000 for 3 years) by cash contributions of $150,000 over a 3 year period, and will also include mentoring and evaluation by both in-house senior faculty members with significant experience in Nuclear Engineering, and two outside experts in leadership roles in both research (Oak Ridge National Laboratory) as well as multidisciplinary partnership (University of Delaware Cybersecurity Initiative). The mentoring and evaluation committees will facilitate the research and teaching portfolios of the new faculty member to obtain tenure at the end of the 6-year probationary period. FDP will facilitate the establishment of strong research groups in nuclear materials at Missouri S&T. The new faculty member will work closely with Dr. Carlos Castano, a current NE associate professor, already engaged in the areas of nuclear materials. In recent past, Dr. Castano received two NRC grants titled, "Creation of a Radiochemistry/Radiobiology Teaching Program in Nuclear Engineering at Missouri S&T." and "Laboratory on Corrosion of Nuclear Materials towards the Understanding of Ageing in Light water Reactors."

B.2. Institutional Capacity, Recruitment and Marketing Strategies, and Selection Process

B.2.1. Institutional Capacity

Missouri S&T founded in 1870 as Missouri School of Mines is the premier technological university in the state of Missouri. With support from NRC, S&T matching funds, and the existing space and research support facilities, the junior faculty will be able to obtain graduate student support, establish needed laboratory facilities for research, publish, and develop new curricula in her/his area of research.

On-campus facilities supporting the Faculty Development Program include (1) Missouri S&T Nuclear Reactor (MSTR) (http://nuclear.mst.edu/research/reactor), a pool type reactor with enhanced nuclear facilities including internet-accessible hot cell for nuclear activation analysis, neutron radiography, pneumatic irradiation facilities (RABBIT), internet accessible high flux neutron and gamma spectroscopy facility, and a subcritical assembly, (2) Energy Research and Development Center (ERDC) (http://energy.mst.edu) which assists professors in different departments to promote interdisciplinary research in areas related to energy, (3) Materials Research Center (MRC) (http://mrc.mst.edu) which provides a wide variety of analytical services in support of materials research including SEM-EDS, TEM, XRD, XPS, Auger, TDS, as well as electrochemical equipment and other analytical tools. Professors associated with MRC provide opportunities for collaborative research, including providing in-house cash funds for new research initiatives, (4) Radiation Measurements & Spectroscopy Laboratory (Fulton Hall) which is equipped with a variety of state-of-the-art radiation measurement instruments including HPGe, NaI(Tl) and gas detectors, ion chambers, TLD equipment, and an array of sealed radioactive sources. Other facilities in Fulton Hall include a wet chemistry Lab, Modulated Beam Mass Spectrometry Lab (hydrogen initiatives are conducted here), and a neutron generator.

B.2.2. Recruitment and Marketing Strategies for Faculty Selection and Hiring

A Best-in-Class Signature Area faculty search committee was convened by the Missouri S&T Provost prior to the position's advertisement. The tenure-track position was advertised nationally on the Missouri S&T Human Resources Website, Nuclear News, and on the website of HigherEdjobs.com. The position was also advertised to all Nuclear Engineering Departments in the nation through NEDHO (Nuclear Engineering Department

Heads Organization). Applicants for the position sent their CV, journal publications, and professional development plans to Missouri S&T Human Resources (HR). All documents were submitted through the University's online job application system. A total of 22 applications were received. HR sent copies of all applications for review to the search committee. Seven applicants who met all requirements stipulated in the job advertisement were selected for telephone interview. Letters of recommendation were solicited for all 7 applicants before the telephone interview. Following the interview, the applicants were evaluated and ranked in the areas of teaching and research. All considerations were solely based on academic merit. Top 4 candidates were selected for on-campus seminar and interview with NE faculty, search committee and campus administration. The 4 candidates represented a diverse pool of finalists by gender and race. The final four were independently evaluated by the NE faculty and the search committee. The selection committee and the NE faculty body made independent recommendation on the acceptability of each candidate. The university administration, through the provost, will make the final recommendation about the most qualified candidate for the position.

B.2.3. Quality of Potential Faculty Beneficiary

The four candidates under consideration for the tenure-track faculty position have the attributes of a faculty member who at the end of a six-year probationary period will be able to obtain tenure and promotion to the rank of Associate Professor of Nuclear Engineering. The candidates have earned doctorate in nuclear engineering or related engineering field. In all cases, the candidates' research focused on nuclear materials in extreme environments. Whoever is hired is expected to develop and maintain externally funded research programs and to teach courses in nuclear engineering at both the undergraduate and graduate levels. The candidate is also expected to guide graduate student research and maintain a good publication record (all four candidates have good publication record). Participation in departmental activities and professional societies is also expected. Missouri S&T is an AA/EEO employer.

In order to assess the potential of the selected candidates to succeed as an assistant professor, reasonable evidences of teaching and research in the candidate's curriculum vita were identified. Evidences of teaching included working as a teaching assistant during the candidate's graduate level experience. Evidence of research included publication in refereed journals and/or conference proceedings. The candidate's communication skills were also evaluated by having each candidate present a seminar in the candidate's area of research to the students and faculty. The candidate's ability to present their research and future plans, and their willingness and ability to answer questions in a clear and unambiguous manner were key criteria in determining the candidate's suitability as a teacher.

After hiring, the tenure-track faculty member will be mentored by two standing faculty committees, a Research Mentoring Committee (Dr. Hyoung Koo Lee and Dr. Samuel Frimpong) and a Teaching mentoring Committee (Dr. Paul Worsey and Dr. Gary Mueller). These two standing committees mentor junior faculty members in the department to assure that the junior faculty members' performance is at or above expectation with the ultimate goal of being promoted and tenured. The standing committees are in addition to the Faculty Development Evaluation Committee (described in Section B.3) appointed for the sole purpose of evaluating the success of the proposed Faculty Development Program.

In addition to the yearly review by the Department Chair, new faculty members also undergo a 3-year mid-term review by a campus-wide committee appointed by the Provost/Vice-Chancellor Academic Affairs to assure that the departmental review process is adequate and the new faculty members are making satisfactory progress toward tenure and promotion. Promotion and tenure policies of Missouri S&T can be viewed at http://provost.mst.edu/facultytopics/faculty/promotiontenure/. These policies represent a mechanism for assuring that the faculty, who are the key resource of an institution, have the talents, abilities, and inclination to carry out the full mission of the University. The promotion and tenure documentation must adequately demonstrate that thorough consideration has been given to all facets of the abilities and performance of a faculty member being considered for promotion and tenure.

The faculty members due for consideration to be promoted to associate professor during their sixth year of probationary period must (1) have the personal qualities, intellectual interests, and the academic competence required for effective teaching and effective research/scholarship, (2) possess the enthusiasm and the capacity to motivate students, (3) have demonstrated the capacity for independent creative thinking, (4) have indicated both the willingness and capability to participate as a respected colleague in deliberations concerning the department and the University, (5) be recognized as an effective teacher as demonstrated by student and peer evaluation, awards and honors, course and curriculum development activities, (6) be recognized as an effective researcher/scholar as demonstrated by publication of significant research results, securing of research support, scholarly presentations or publications of pedagogical nature and/or publication of textbooks, transfer of new technology, and/or other scholarly creative attainments recognized in the field through external evaluation by professional peers, and (7) be recognized by colleagues and peers as making significant contributions to departmental and institutional goals.

B.3. Management Structure and Program Administration Capability

Three mentoring and evaluation committees include a Research Mentoring Committee (chaired by Dr. H. K. Lee, Program Chair of Nuclear Engineering), a Teaching Mentoring Committee (chaired by Dr. P. Worsey, Professor of Mining Engineering), and the Faculty Development Evaluation Committee (chaired by Dr. M. Al-Dahhan, Chair of the Chemical and Biological Engineering Department). An annual report, including the results of the Evaluation and Assessment efforts will be provided to the NRC Project Manager no later than 30 days after each 1-year period beginning with the project's start date. A final performance report will be submitted no later than 90 days after the award expiration date.

B.3.1. Institutional Support and Plans for Sustainability

Missouri S&T is committed to the sustainability and growth of its NE program. The campus has maintained and supported the nuclear reactor facility on campus for the last 50 years even during times of financial hardship. The university has also facilitated both replacement and growth hiring within the past 5 years. Two faculty members were added between 2010 and 2012 to grow the NE program from 5 to 7 faculties. A replacement faculty was hired in 2014 subsequent to the retirement of a faculty member. The addition of yet another faculty in Fall 2015 and the on-going support of the campus research reactor is a demonstration of institutional support to the NE program. When we hire the 8th faculty member in Fall 2015, we will have the biggest faculty size in the history of the Missouri S&T NE program. The 2015 Faculty Development Program will support this new tenure-track faculty member.

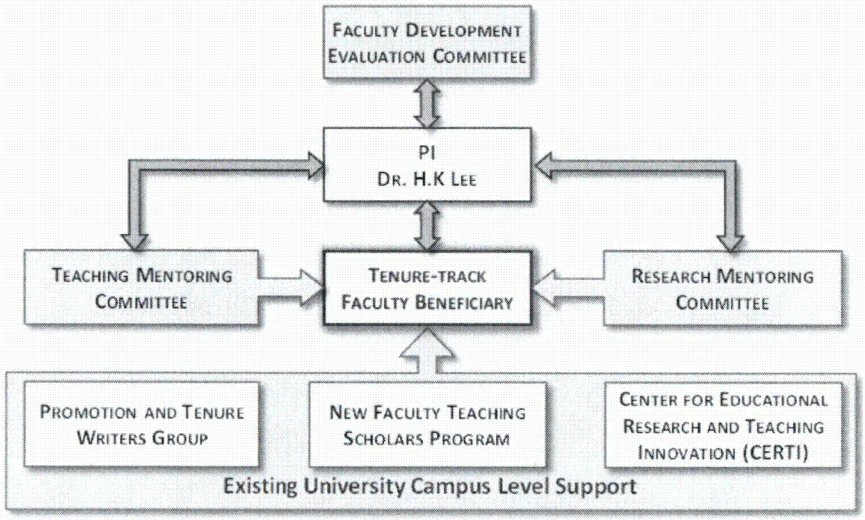

Fig. 2. Institutional Support Structure for tenure-track Faculty under the Faculty Development Program

The Teaching Mentoring Committee and Research Mentoring Committee in the Nuclear Engineering program as well as the Promotion and Tenure Writers Group, the New Faculty Teaching Scholars Program, and the Center for Educational Research and Teaching Innovation (CERTI) at the university will support the Faculty Development Program by providing guidance and workshops to the tenure-track faculty.

Fig. 2 represents a graphical sketch of how the Faculty Development Program will be administered. The interactions shown are not meant to stiffen the process, but facilitate dialog by presenting the new faculty member with helpful opinions and recommendations.

B.4. Evaluation Plan - Measuring the Effectiveness of the Faculty Development Program

A Faculty Development Evaluation Committee with clear communication channels and expectations exists to keep track of the progress of the beneficiary faculty. The evaluation committee consists of 2 Missouri S&T professors and 2 external nuclear engineering professionals. The committee members include Prof. M. Al-Dahhan, Chair of the Chemical and Biological Engineering Department; Prof. K. Chandrasekhar, Curator's Professor of Mechanical and Aerospace Engineering; Dr. Starnes Walker, Director of the University of Delaware Cybersecurity Initiative; and Dr. Phillip D. Ferguson, Division Director, Instrument and Source Design, Spallation Neutron Source, Oak Ridge National Laboratory. The evaluation committee will meet once every year to evaluate the faculty members' progress, to identify his/her strengths and weaknesses and to provide him/her

with guidance for improvement. This will assist the junior faculty member to excel in teaching and research so that she/he can obtain tenure and promotion and eventually become productive member of the Missouri S&T faculty. The faculty member will write a progress report every year and submit it to the committee. The committee will evaluate the performance of the faculty member and share opinions and concerns in annual meetings at the Missouri S&T campus. In the event that a committee member cannot attend the meeting he will be asked to attend virtually by web meeting and provide written feedback. The feedback will consist of the evaluator's assessment on the faculty member's progress toward the goals of the program. In a progress report, the participant faculty member will prepare a performance matrix which will be used by the Evaluation Committee to determine the degree to which the participant is progressing toward the goal of achieving excellence in teaching and research. The performance matrix will include, progress of on-going research including setting up of lab facilities, proposals submitted and funded, conference and journal papers submitted, new courses developed, classes taught and student evaluations, classroom evaluation by NE professors, report of innovative techniques in teaching, and advising activities (graduate students supervised and undergraduates advised). The contents of the annual progress report from the participant faculty will contribute to the final dossier that the candidate will submit to the campus at the time of promotion and tenure.

B.5. Cost-share and Matching Funds

Missouri S&T will provide a total of $150,000 as a cash match for the three years of the NRC Faculty Development grant (2015-2018), which will be disbursed at $50,000 per year.

Attachment C – Standard Terms and Conditions

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

Preface

This award is based on the application submitted to, and as approved by, the Nuclear Regulatory Commission (NRC) under the authorization 42 U.S.C. § 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 Grant and Cooperative Agreement.
- 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 Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

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 (E.O.), Office of Management and Budget (OMB) Circulars, the NRC's 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 200
All provisions of 2 CFR Part 200 and all Standard Provisions attached to this grant/cooperative agreement are applicable to the Recipient and to sub-recipients which meet the definition of "Recipient" in 2 Part §200.86, unless a section specifically excludes a sub-recipient from coverage. The Recipient 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 D of 2 CFR Part 200 and include this term in lower-tier (sub-award) covered transactions.

Recipients must comply with monitoring procedures and audit requirements in accordance with 2 CFR Part 200, Subpart F—AUDIT REQUIREMENTS.

2. Award Package
The Recipient is obligated to conduct project oversight as may be appropriate, to manage the funds with prudence, and to comply with the provisions outlined in 2 CFR Part 200. Within this framework, the Principal Investigator (PI) named on the award face page, 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, and is subject to a refund of unexpended grant funds to the NRC.
The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements related to its grant award. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any financial or fiduciary responsibilities or obligations arising under its grant, including sub-contracts and sub-awards, or any other contractual or financial obligation. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction. See 2 CFR § 200.318(k), General Procurement Standards.

Subawards
Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

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 Recipient to NRC. See 2 CFR § 200.318.

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 Recipient agrees to comply with the non-discrimination requirements below:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.), which prohibits discrimination on the grounds of race, color, or national origin in any program or activity receiving federal financial assistance.
- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.), which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance.
- The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), which prohibits discrimination on the basis of age in any program receiving federal financial assistance.
- The Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12101 et seq.), which prohibits recipients from discriminating on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III).
- Parts II and III of E.O. 11246, as amended by E.O.11375, 11478, 12086, 12107, 13279, 13665, and 13672, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over $10,000 in Government business in one year, from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin and requires that government contractors take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.
- E.O.13166, "Improving Access to Services for Persons with Limited English Proficiency," which clarifies that national origin discrimination under Title VI includes discrimination on the basis of limited English proficiency (LEP) and requires that the recipient take reasonable steps to ensure that LEP persons have meaningful access to programs and activities.
- Any other applicable non-discrimination law(s).

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 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 VII, 42 U.S.C. § 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 Recipient 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 and obtained from the NRC Grants Officer in advance of the change or obligation of funds. All requests for NRC prior approval, including requests for extensions to the period of performance, must be made, in writing (which includes submission by e-mail), to the designated Grants Officer at least 30 days before the proposed change. The request must be signed by 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 Recipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

The Recipient will comply with provisions of 31 U.S.C § 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 Recipient receiving in excess of $100,000.00 in Federal funding shall submit a completed Standard Form (SF-LLL), "Disclosure of Lobbying Activities." The form concerns 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 Recipient must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors, to the Grants Officer.

Debarment And Suspension – (See 2 CFR Part 180; 2 CFR § 200.205; 2 CFR § 200.113; and 2 CFR Part 200, Appendix II.)

The Recipient 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); or

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

(5) The Recipient agrees that, unless authorized by the Grants Officer, it will not knowingly enter into any subaward or contracts under this grant/cooperative agreement with a person or entity that is not included on the System for Award Management (SAM) (https://www.sam.gov).

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

'Debarment, Suspension, Ineligibility, and Voluntary Exclusion

The Recipient 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 2 CFR Part 180 and 2 CFR Part 200.

Drug-Free Workplace
The Recipient 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 U.S.C. §§ 8101-8106.

Implementation of E.O.13224 – Executive Order on Terrorist Financing
The Recipient 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 Recipient 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.

The Recipient must comply with E.O. 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:
Implementation of Executive Order 13224 Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism , amended by E.O. 13268, 13284, and 13372.

Procurement Standards - 2 CFR §§ 200.318-200.326
Sections 200.318 - 200.326 set forth standards for use by Recipients 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 will be imposed by the Federal awarding agencies upon Recipients, unless specifically required by Federal statute, executive order, or approved by OMB.

Travel and Transportation
Travel must be in accordance with the Recipient's Travel Regulations or the U.S. Government Travel Policy and Regulations at: www.gsa.gov/federaltravelregulation and the per diem rates set forth at: www.gsa.gov/perdiem, absent Recipient's travel regulations. Travel and transportation costs for the grant must be consistent with provisions as established in 2 CFR § 200.473-474.

All other travel, domestic or international, must not increase the total estimated award amount for the grant.

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 Recipient'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 for the grant.

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 Recipient's policies and practices. Travel by first-class travel is not authorized unless prior approval is obtained, in writing, 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 Recipient will comply with the provisions of the Fly America Act (49 U.S.C 40118), as implemented at 41 CFR §§ 301-10.131 through 301-10.143.

Property Standards
Property standards of this award shall follow provisions as established 2 CFR §§ 200.310-200.316.

Intangible Property
Intangible and intellectual property of this award shall generally follow provisions established in 2 CFR § 200.315.

Inventions Report - The Bayh-Dole Act (P.L. 96-517) affords Recipients 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 Recipient 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 Recipient report all subject inventions to the awarding agency (NRC) as well as include an acknowledgement of federal support in any patents.

Patent Notification Procedures - If the NRC or its Recipients, 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, E.O.12889 requires NRC to notify the owner. If the Recipient uses or has used patented technology under this award without license or permission from the owner, the Recipient must notify the Grants Officer. This notice does not imply 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, such as data, databases or software are determined by Subpart D of 2 CFR Part 200. The Recipient 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 Recipient 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 Recipient employees may be copyrighted, but only the part authored by the Recipient is protected because, under 17 U.S.C. § 105, works produced by Government employees are not copyrightable in the United States. On occasion, NRC may ask the Recipient 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 U.S.C. § 105.

Record Retention and Access
Recipient shall follow established provisions in 2 CFR §§ 200.333-337.

Conflict Of Interest
Conflict of Interest standards for this award will follow the Organizational Conflict of Interest (OCOI) requirements set forth in Section 170A of the Atomic Energy Act of 1954, as amended, and provisions set forth at 2 CFR § 200.112, Conflict of Interest.

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 Recipient'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 Acquisition Management Division, unless otherwise delegated, who shall appoint an intra-agency Appeal Board to review a recipient 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 Recipient 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.

Remedies for Noncompliance
Termination of this award will follow provisions as established and described above in "Dispute Review Process" in 2 CFR §§ 200.338-342.

Performance and Financial Monitoring and Reporting - 2 CFR §§ 200.327-329

Recipient Financial Management systems must comply with the provisions in 2 CFR § 200.302.

- Payment – 2 CFR § 200.305
- Cost Share or Matching – 2 CFR § 200.306
  - Recipients are to be careful with providing excessive cost share or match since at the end of the grant, if the identified match has not been provided, then a portion of the federal share may be required to be returned to the Government.
- Program Income – 2 CFR § 200.307
  - Earned program income, if any, will be added to funds committed to the project by the NRC and Recipient and used to further eligible project or program objectives or be deducted from the total project cost for the grant, as directed by the Grants Officer or indicated in the terms and conditions of the award.

- Revision of Budget and Program Plans – 2 CFR § 200.308
  - The Recipient is required to report deviations from the approved budget and program descriptions in accordance with – 2 CFR § 200.308(b) and request prior written approval from the Project Officer and the Grants Officer.
  - The Recipient is not authorized to re-budget between direct costs and indirect costs without written prior approval of the Grants Officer.
  - The Recipient is authorized to transfer funds among direct cost categories up to a cumulative 10 percent of the total approved budget. The Recipient 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 §§ 200.401-403

- See section 2 CFR §§ 200.330-332 for Subrecipient Monitoring and Management.

Federal Financial Reports - In accordance with 2 CFR § 200.327, the Recipient will 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 authorized by the Grants Officer. 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.Resource@NRC.GOV. ***(NOTE: There is an underscore between Grants and FFR).***

Performance Progress Reports - In accordance with 2 CFR § 200.328, the Recipient will submit Performance Progress Reports (SF-PPR, SF-PPR-B, and the SF-PPR-E) on a semi-annual basis for the periods ending March 31, and September 30, or any portion thereof, unless otherwise authorized by the Grants Officer. Reports are due no later than 30 days following the end of the reporting period. Performance reports are sent to the Program Officer at the email address indicated in the Notice of Award, and to Grants Officer at:

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

Final Reports - The Recipient is required to submit final reports, both Financial (SF-425) and Performance (SF-PPR, SF-PPR-B, SF-PPR-E) within 90 days of the grant expiration. In addition to these reports, a final SF-428, Tangible property report, is also required, if applicable.

Period of Performance – 2 CFR § 200.309
The recipient may charge to the Federal award only allowable costs incurred during the period of performance and any costs incurred before the NRC or pass-through entity made the Federal award that was authorized by the NRC or pass through entity.

Unless otherwise authorized in 2 CFR Part 200 or by special award condition, any extension of the award period can only be authorized by the Grants Officer in writing. Assurances of funding from other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date.

The NRC Grant Officer may authorize a no cost extension of the period of performance. However, 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.

Automated Standard Application For Payments (ASAP) Procedures
Unless otherwise stated, Recipient payments are made using the Department of Treasury's Automated Standard Application for Payment (ASAP) system, ASAP.gov, through preauthorized electronic funds transfers. To receive payments, Recipients 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 is required to make ASAP withdrawals: (1) ASAP account number – the award number found on the cover sheet of the award; (2) Agency Location Code (ALC) – 31000001; and Region Code. Recipients enrolled in the ASAP system do not need to submit a "Request for Advance or Reimbursement" (SF-270).

II. Audit Requirements

Audits
Organization-wide or program-specific audits are performed in accordance with the Single Audit Act of 1996, as amended, and as implemented by 2 CFR Part 200, Subpart F—AUDIT REQUIREMENTS. Recipients are subject to the provisions of this subpart if they expend $750,000 or more in a year in Federal awards. See 2 CFR 2 CFR § 200.501.

The Form SF-SAC and the Single Audit Reporting packages for fiscal periods ending on or after January 1, 2008 are submitted online, as follows:

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; and
5. Click "Submit."

Organizations expending less than $750,000 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

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.

The performance (technical) reports will contain brief information as prescribed in the applicable uniform administrative requirements 2 CFR §200.328. 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 Metrics:

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 may result in designation of the Recipient as high risk and the assignment of special award conditions. Further action may be required as specified in the standard term and condition entitled "Remedies for Noncompliance."

Failure to comply with the award provisions may result in a negative impact on future NRC funding. In addition, the Grants Officer may withhold payments; change the method of payment from advance to reimbursement; impose special award conditions; suspend or terminate the grant.

Other Federal Awards With Similar Programmatic Activities

The Recipient will immediately notify the Project Officer and the Grants Officer in writing if after award, other financial assistance is received to support or fund any portion of the program description stated in the NRC award. NRC will not pay for costs that are funded by other sources.

Prohibition Against Assignment By The Recipient

The Recipient will not transfer, pledge, mortgage, or otherwise assign the award, or any interest to the award, or any claim arising under the award, to any party, banks, trust companies, or other financing or financial institutions without the written approval of the Grants Officer.

Site Visits
The NRC, through authorized representatives, has the right to make site visits to review project accomplishments and management control systems and to provide technical assistance as required. If any site visit is made by the NRC on the premises of the Recipient or contractor under an award, the Recipient shall provide and shall require his/her contractors to provide reasonable access to all facilities and provide necessary assistance for the safety and convenience of the Government representative in the performance of his/her official duties.

IV. Miscellaneous Requirements

Criminal and Prohibited Activities
The Program Fraud Civil Remedies Act (31 U.S.C. §§ 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).

False statements (18 U.S.C. § 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.

False Claims Act (31 U.S.C. § 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.

Copeland "Anti-Kickback" Act (18 U.S.C. § 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
Recipients are encouraged to purchase American-made equipment and products with funding provided under this award.

Increasing Seat Belt Use in the United States
E.O. 13043, amended by E.O. 13652, requires Recipients to 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
E.O. 13513 requires Recipients to 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 barred from accepting funds from a Recipient 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 Recipient'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 Recipients or applicants regardless of the source.

Minority Serving Institutions (MSIs) Initiative

Pursuant to E.O.s 13230 and 13270, amended by E.O. 13316 and 13385, 13532, 13592, 13555, 13515, and 13621, 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 Recipients 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 Recipient 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 Recipient organization shall investigate the allegation and submit its findings to the Grants Officer. The NRC may accept the Recipient's findings or proceed with its own investigation. The Grants Officer shall inform the Recipient 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 Recipient 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 Recipient 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 **[Recipient name]** under award **[number]** from **[name of operating unit]**, Nuclear Regulatory Commission. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the view of the **[name of operating unit]** or the US Nuclear Regulatory Commission."

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

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

> "...any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the recipient or any subrecipient, 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." (See 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 $25,000.00 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 $25,000.00 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 $300,000.00, 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 $10,000.00.