



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

June 30, 2015

Kenneth D. Lewis, Ph.D
South Carolina State University
Office of Sponsor Programs
300 College Street
Orangeburg, SC 29117

VIA Electronic Mail
klewis31@scsu.edu

SUBJECT: GRANT NO: NRC-HQ-7P-15-G-0001

Dear Dr. Lewis:

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 the South Carolina State University (hereinafter referred to as the "Recipient"), the sum of \$99,974.00 to provide support to the "South Carolina State University's 2014-2015 Scholarship Program in Nuclear Engineering, Radiochemistry and Health Physics" as described in attachment B 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 June 30, 2015 and ending June 29, 2016.

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 Terms & Conditions); all of which have been agreed to by your organization.

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. Gordana Zuber by email at Gordana.Zuber@nrc.gov.

Sincerely yours,

M'Lita Carr

M'Lita Carr

Grants Officer
Resources and 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

☒ GRANT

CHOOSE ONE:

☒ EDUCATION

☐ FACILITIES

☐ RESEARCH

☐ SDCR

☐ TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER

NRC-HQ-7P-15-G-0001

2. SUPPLEMENT NUMBER

3. EFFECTIVE DATE

06/30/2015

4. COMPLETION DATE

5. ISSUED TO

NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)
SOUTH CAROLINA STATE UNIVERSITY
Attn: John Rosenthal
300 COLLEGE STREET NE
ORANGEBURG SC 291170001

6. ISSUED BY

U.S. NRC - HQ

Mailing Address:

Acquisition Management Division
Mail Stop: 3WFN-05-C64MP
Washington DC 20555-0001

7. TAXPAYER IDENTIFICATION NO. (TIN)

57-6000950

8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.

9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (Name & Phone)

Dr. Kenneth D. Lewis

Email: kklewis31@scsu.edu; Phone: 803-378-1277

10. RESEARCH, PROJECT OR PROGRAM TITLE

SOUTH CAROLINA STATE UNIVERSITY'S 2014-2015 SCHOLARSHIP PROGRAM IN NUCLEAR ENGINEERING,
RADIOCHEMISTRY AND HEALTH PHYSICS

11. PURPOSE

See Schedule

12. PERIOD OF PERFORMANCE (Approximately)

06/30/2015 through 06/29/2016

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	\$0.00	PREVIOUS	\$0.00
THIS ACTION	\$99,974.00	THIS ACTION	\$99,974.00
CASH SHARE	\$0.00	TOTAL	\$99,974.00
NON-CASH SHARE	\$0.00		
RECIPIENT SHARE	\$0.00		
TOTAL	\$99,974.00		

14. ACCOUNTING AND APPROPRIATION DATA

2015-X0200-FEEBASED-7P-7PD001-51-K-214-1041-4110

PURCHASE REQUEST NO.

SBCR-15-0015

JOB ORDER NO.

AMOUNT

STATUS

15. POINTS OF CONTACT

	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS
TECHNICAL OFFICER	TUWANDA M. SMITH		301-415-7394	Tuwanda.Smith@nrc.gov
NEGOTIATOR				
ADMINISTRATOR	GORDANA ZUBER		301-415-5002	gordana.zuber@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:

☐ 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

06/30/2015

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)
	<p>CFDA Number: 77.007</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>Period of Performance: 06/30/2015 to 06/29/2016</p> <p>NRC-HQ-7P-14-FOA-0001</p>				

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

The purpose of this Grant is to provide support to the "South Carolina State University's 2014-2015 Scholarship Program in Nuclear Engineering, Radiochemistry and Health Physics."

A.2 PERIOD OF GRANT

1. The effective date of this Grant is June 30, 2015. The estimated completion date of this Grant is June 29, 2016.
2. Funds obligated hereunder are available for program expenditures for the estimated period: June 30, 2015 – June 29, 2016.

A. GENERAL

1. Total Estimated NRC Amount: \$99,974.00
2. Total Obligated Amount: \$99,974.00
3. Cost-Sharing Amount: \$0.00
4. Activity Title: South Carolina State University's 2014-2015 Scholarship Program in Nuclear Engineering, Radiochemistry and Health Physics
5. NRC Project Officer: Tuwanda Smith
6. DUNS No.: 626143457

A.3 BUDGET

Revisions to the budget shall be made in accordance with Revision of Grant Budget in accordance with 2 CFR § 200.308.

Category	Year 1
Personnel	\$6,857.00
Fringe Benefits	\$2,447.00
Travel	\$4,753.00
Supplies	\$17,400.00
Other	\$66,000.00
Indirect Charges	\$2,517.00
Total	\$99,974.00

All travel must be in accordance with the South Carolina State University 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 \$99,974.00 for the one year period.
2. NRC hereby obligates the amount of \$99,974.00 for program expenditures during the period set forth above and in support of the Budget above. The Recipient will be given written notice by

3. Description of the Selection Process

The general criteria used by South Carolina State University Nuclear Programs for scholarship recipients are:

- Minimum g.p.a of 3.0/4.0 in Nuclear Science and/or Engineering and Advanced Math courses
- Minimum g.p.a of 3.0/4.0 overall
- Minimum Math/Verbal SAT score of 1100 or Qualification as a South Carolina LIFE Scholarship recipient
- Demonstrated motivation to succeed, indicated by outstanding performance in Nuclear Engineering course work during the second or third year.
- USA Citizen or noncitizen nationals of the United States, or have been lawfully admitted to the United States for permanent residence (i.e., in possession of a currently valid Alien Registration Receipt Card I-551, or other legal verification of such status).

4. Evaluation Plan for Recruitment, Retention, and Program Effectiveness

The recruitment scheme devised by South Carolina State University and discussed in section B.2 above has been highly successful as indicated by the dramatic increase in enrollment in the Nuclear Engineering program over the last six academic years. Growth has increased from 11 to 22 to 38 to 55 in a short time and has held steady there. This trend will continue as the program becomes better known across the country and our faculty increases in size. ABET-EAC accreditation of the Nuclear Engineering program in August 2008 (and the anticipated re-accreditation in 2014, which will be well publicized when announced) has provided far reaching notoriety for this program in particular. This will undoubtedly help to sustain large numbers of applications from highly qualified minority as well as majority students.

The current retention plan, which has been successful, includes scheduled advisement for each student; review of mid-term grades of each student; intervention, and available daily tutorial in engineering, science, and mathematics courses both by professors and peers. We strive to build a sense of family among the students, so that they work together to help each other. This is especially true for those students who advance to the junior year, and beyond.

Ultimately, the effectiveness of the Nuclear Engineering and Science programs is reflected by the success of its graduates in gaining employment and in gaining admission to graduate school. The success of our graduates in attaining employment and progressing on the job through promotions is very closely monitored by the Nuclear Science and Engineering programs faculty and staff at South Carolina State University. Many graduates send news items about themselves from their companies or agencies. We are also able to keep track of nearly every Nuclear Engineering, Radiochemistry, and Health Physics graduate through electronic social media such as Facebook, Linked-In, etc. Several graduates from local utilities such as the V.C. Summers and the Vogtle Nuclear Power stations frequently visit the university. Other graduates from as far away as Virginia have accompanied their hiring managers to recruit additional South Carolina State Nuclear graduates.

In terms of graduate school admissions, we are proud to announce that in the 2014 graduating class, Miss Crystal Green has gained admission to the Nuclear Engineering programs at the University of Michigan, Texas A & M University, and Georgia Institute of Technology. Also in

2014, our first graduate to earn the Ph.D. in Nuclear Engineering, Slavica Grdanovska, will complete her degree in Nuclear Engineering at the University of Maryland. Several other graduates have obtained Masters degrees at the following schools: North Carolina State University; the university of Wisconsin, Madison; Clemson University; and the University of Florida. Two Radiochemistry graduates have obtained doctoral degrees from the Medical College of South Carolina.

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 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.

- 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.

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.

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.

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 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

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

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

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.*