

# **Standard Terms and Conditions for U.S. Non-Governmental Recipients**

## **1. Preface**

This award is based on the application submitted to, and as approved by, the U.S. Nuclear Regulatory Commission (NRC) under the authorization [42 U.S.C §2051\(b\)](#) pursuant to section 31a 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 grant or cooperative agreement. The following also apply:

- 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”.

Pursuant to the Federal Grant and Cooperative Agreement Act of 1977, as amended, the NRC distinguishes its financial assistance relationships from procurements. For additional information, see NRC Management Directive 11.6, [“Financial Assistance Program.”](#)

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 in System for Award Management (SAM), the central repository for government-wide certifications and representations required of Federal grants recipients.

## **2. Mandatory General Requirements**

The order of these requirements does not make one requirement more important than any other requirement.

### **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 CFR 200.1](#), unless a section specifically excludes a subrecipient 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 (subaward) covered transactions.

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

### **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 subawards, 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."

### **Registration in FedConnect®**

The U.S. Nuclear Regulatory Commission (NRC) uses Unison Global's secure and auditable two- way web portal, FedConnect®, to communicate with vendors and contractors. FedConnect® provides bi-directional communication between the vendor/contractor and the NRC throughout pre-award, award, and post-award acquisition phases. Therefore, in order to do business with the NRC, vendors and contractors must register to use FedConnect® at <https://www.fedconnect.net/FedConnect>. The individual registering in FedConnect® must have authority to bind the vendor/contractor. There is no charge for using FedConnect®. Assistance with FedConnect® is provided by Unison Global Software Systems, not the NRC.

FedConnect® contact and assistance information is provided on the FedConnect® web site at <https://www.fedconnect.net/FedConnect>.

### **System for Award Management (SAM)**

All recipient organizations must register in the System for Award Management (SAM) and maintain the registration with current information at all times during which such organizations have an application under consideration for funding by NRC and, if an award is made, until a final financial report is submitted or the final payment is received, whichever is later. SAM is the primary registrant database for the Federal government and is the repository into which an entity must provide information required for the conduct of business as a recipient. SAM is the central repository for common government-wide certifications and representations required of NRC applicants and recipients. Additional information about registration procedures may be found at the SAM internet site at <https://www.sam.gov/SAM/>.

## **Subawards**

[Appendix II to 2 CFR Part 200](#), “Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.”

Sub-recipients, subawardees, and contractors have no relationship with the NRC under the terms of this grant/cooperative agreement. All required NRC approvals must be directed through the Recipient to the NRC. See [2 CFR § 200.318](#).

## **Change (Transfer) of Recipient Organization**

A Change of Recipient/Grantee Organization is the transfer of the legal and administrative responsibility for a grant-supported project or activity from one legal entity to another before the completion date of the approved project period.

A change of recipient/grantee organization is not allowed under this program. After the applicant submits the grant application, no new subrecipients/sub-awardees are allowed.

## **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 and 508 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.s 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.
- [Executive Order 14021](#) - Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity, requires Federal agencies to examine their programs and services they provide to ensure that all students be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity where they are attending schools and other educational institutions that receive Federal financial assistance.
- 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 (including sexual orientation, gender identity and expressions, and pregnancy), 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.

Applicants must ensure that individuals selected as beneficiaries of support under this grant meet the legal requirements consistent with Supreme Court decisions including *Fisher v. University of Texas at Austin*, *Gratz v. Bollinger*, and *Grutter v. Bollinger*, and *Students for Fair Admissions*.

### **Compliance With U.S. Immigration Laws and Regulations**

Grant recipients are responsible to ensure that their foreign personnel (including PIs or Co-PIs) are not in violation of United States immigration laws and regulations, including employment authorization documents and visa requirements. Each recipient of funds under this award must be lawfully admitted for permanent residence **for the duration of the grant period**, as evidenced by Permanent Resident Form I-551 (Green Card). The U.S. Citizenship and Immigration Services provides information to grant recipients to help them understand the employment eligibility verification process for non-US citizens. This information can be found on their website, <http://www.uscis.gov/portal/site/uscis>.

The NRC reserves the right to take any number of administrative actions (e.g., disallow costs, termination) should the recipient violate its responsibility under this clause.

### **Modifications/Prior Approval**

Prior written approval is required before a recipient may make budget and program 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 extension, must be made, in writing (which includes submission by email), to the designated Grants Officer at least **60 business 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 the NRC's authority.

### **No-Cost Extensions**

At the sole discretion of the NRC, the NRC Grant Officer may authorize a no cost extension of the period of performance. No-Cost Extension requests that are not received **60 days prior to the grant expiration date** will result in requests being disapproved by the NRC Program Manager and Grants Officer. Recipient should allow a minimum of 4 weeks for processing No-Cost Extensions. Requests must explain the reason(s) for delay in completion of the project as well as a rebudget to reflect the change in the approved award budget as how the remaining funds will be spent during the new requested period of performance. One No-Cost Extension request may be granted for up to one year pending review and approval. **No more than one No-Cost-Extension will be allowed per grant. PIs with an active grant with a No-Cost Extension will not receive a new grant in the same grant type until the existing grant expires.**

**Any request for a no cost extension after the grant has expired will not be approved.**

### **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 shall submit, at the time of application, a completed "Certification Regarding Lobbying" form, regardless of dollar value.

If applicable, the recipient receiving in excess of \$100,000.00 in Federal funding shall submit a completed Standard Form (SF-LLL), "Disclosure of Lobbying Activities" for any persons engaged in lobbying activities, as discussed at 31 U.S. Code § 1352 – Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions. 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. If the Recipient must submit the SF-LLL, including those received from sub-recipients, contractors, and subcontractors to the Grants Officer.

**Debarment And Suspension –** (See [2CFR Part 180](#); [2 CFR § 200.206](#); [2 CFR 200.214](#) 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, 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 the recipient's 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/subawards 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**

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. [2 CFR §§ 200.318-200.326](#)

### **Travel and Transportation**

Travel must be in accordance with the Recipient's Travel Regulations or the U.S. Government Travel Policy and Regulations at: <https://www.gsa.gov/policy-regulations/regulations/federal-travel-regulation> and the per diem rates set forth at: <http://www.gsa.gov/portal/content/104877>, absent Recipient's travel regulations. Travel and transportation costs for the grant must be consistent with provisions as established in [2 CFR § 200.474-475](#).

All travel, domestic or international, must not increase the approved travel budget and the total estimated award amount of the grant.

**Any foreign travel using the grant funds must be approved by the NRC prior to the travel being taken. If travel is not approved, the travel will be disallowed, and funds will need to be returned.**

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.

Federal funds may not be used to travel to countries identified under the U.S. Department of States, Directorate of Defense Trade Controls, Country Policies and Embargoes.



## **Property Standards**

Property standards of this award shall follow provisions as established in [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 acknowledgment 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 the 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 an 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 an NRC Federal financial assistance award subject to the 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 an NRC Federal financial assistance award subject to the 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 the 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, the NRC may ask the Recipient to transfer to the NRC its copyright in a particular work when the 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 §§ 200.334](#).

### **Conflict of Interest**

Organizational Conflicts of Interest (OCOI) are governed by 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, 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, or their designees.
- 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 ensure 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 the decision.

### **Remedies for Noncompliance**

Termination of this award will follow provisions as established and described above in "Dispute Review Process" in [2 CFR §§ 200.339-343](#).

## **Performance and Financial Monitoring and Reporting - [2 CFR §§ 200.328-330](#)**

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.
  - Allowable Costs – [2 CFR §§ 200.403](#)

See section [2 CFR §§ 200.331-333](#) for Subrecipient Monitoring and Management.

## **Federal Financial Reports**

Federal Financial Reports (SF-425) are semi-annually, for the periods ending March 31 and September 30, or any portion thereof, regardless of the award date. Reports are due within 30 calendar days following the end of the reporting period and must be submitted through [FedConnect](#). The SF-425 form and instructions are available at [Grants.gov](#).

**Failure to submit financial reports will result in the suspension of the grant ASAP account, termination of the grant, and could be flagged for other awards or potential new grant recommendations with the NRC.**

## **Research Performance Progress Reports**

The Research Performance Progress Reports (RPPR) are semi-annually, for the periods ending March 31 and September 30, or any portion thereof, regardless of the award date. Reports are due within 30 calendar days following the end of the reporting period and must be submitted through [FedConnect](#).

The RPPR's are subject to [2 CFR §200.329](#), and should include a concise summary describing a recipient's technical research progress, details on project status, outcomes and any changes that have occurred during the grant reporting period should be included. Please refer to **attachment 4 – Research Performance Progress Report (RPPR) Guidance** of what information is required to be included in the RPPR

Recipients are instructed to limit progress reports to **10 pages or less**, including attachments.

**Failure to submit timely RPPR reports will result in the suspension of the grant ASAP account, termination of the grant, and could be flagged for other awards or potential new grant recommendations with the NRC.**

### **Final Reports**

A Final Research Performance Progress Report (RPPR), Federal Financial Report (SF-425), and Tangible Property Report, (SF-428 and SF428-B) are required within 120 days after the award has expired, been relinquished, or terminated. The report should include final project outcomes or findings of research performed under the grant. All final reports must be submitted through [FedConnect](#). Please refer to **attachment 4 – Research Performance Progress Report (RPPR) Guidance** of what information is required to be included in the RPPR Final Report

### **Modification to Period of Performance – [2 CFR § 200.309](#)**

The recipient may charge to the Federal award only allowable costs incurred during the period of performance.

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 anyone other than the Grants Officer shall not constitute authority to obligate funds for programmatic activities beyond the expiration date. [please refer to the [No-Cost Extension](#) section above for additional information]

### **Incremental Funding**

Additional Funding for this award is contingent upon the availability of appropriated funds, satisfactory compliance, and the recipient's capacity to manage the award and comply with award requirements. The recipient agrees to perform work up to the amount obligated as specified in Attachment A of the grant award. The NRC is not obligated to reimburse the recipient for expenditures in excess of the total funds obligated by the NRC. The recipient is not authorized to continue the technical research beyond the amount obligated to this award. Any work performed by the grantee beyond the funding amount obligated in Section A will be at the grantee's risk.

### **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 online 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).

### **3. Audit Requirements**

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 the recipient’s online report ID at:  
<https://facides.census.gov/Account/Login.aspx>;
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 the NRC or other designated officials for review or audit.

### **4. Programmatic Requirements**

#### **Unsatisfactory Performance**

Failure to comply 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; and/or 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 their 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 their official duties.

## **5. Additional 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 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.

### **Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment**

Recipients and sub-recipients are prohibited from obligating or expending loan or grant funds to: (1) Procure or obtain; (2) Extend or renew a contract to procure or obtain; or (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115–232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of China

In implementing the prohibition under Public Law 115–232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses,

institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

### **Minority Serving Institutions (MSIs) Initiative**

Pursuant to Presidential E.O., 13889, “Continuance of Certain Federal Advisory Committees;” E.O. 13592 “Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities;” E.O. 13621, “White House Initiative on Educational Excellence for African Americans;” 13779, “White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities (HBCUs);” 13872, “Economic Empowerment of Asian Americans and Pacific Islanders;” 13935, “White House Hispanic Prosperity Initiative;” and E.O.s 13309 and 12994, “President’s Committee for People with Intellectual Disabilities”

The NRC is strongly committed to broadening the participation of MSIs in its financial assistance program. The NRC’s goals include achieving full participation of MSI/HBCUs in order to advance the development of human potential, strengthen the Nation’s capacity to provide high-quality education and increase opportunities for MSIs/HBCUs to participate in and benefit from Federal financial assistance programs. The NRC encourages all applicants and recipients to include meaningful participation of MSIs/HBCUs. A review criterion to support this goal is included (see Section IV.2) of the NOFO. Institutions eligible to be considered MSIs/HBCUs 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. If the recipient releases information related to an NRC-funded project, the recipient is required to—(1) submit a copy of such information to the NRC, and (2) 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], U.S. 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 U.S. Nuclear Regulatory Commission.”

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

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

“...any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the 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).)

### **Grant Recipient Protection from Reprisal for Disclosure of Certain Information**

An employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal grant, a gross waste of Federal funds, an abuse of authority related to a Federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule or regulation related to a Federal grant, in accordance with 41 USC 4712. Grantee organizations and subgrantee organizations shall notify their employees in writing of their rights and remedies under 41 USC 4712.

### **Executive Compensation Reporting**

[2 CFR § 170.220](#) directs agencies to include the award term in [Appendix A](#) to this part in each Federal award to a recipient under which the total funding is anticipated to equal or exceed \$30,000 in Federal funding.

Reporting Subawards and Executive Compensation.

- a. *Reporting of first-tier subawards.* [2 CFR part 170 \(Appendix A\)](#)

1. *Applicability.* Unless you are exempt as provided in paragraph (d) of this award term, you must report each subaward that equals or exceeds \$30,000 in Federal funds for a subaward to an entity 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. *Reporting Requirements*

- i. You must report each subaward described in paragraph (a)(1) of this award term to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <http://www.fsrs.gov>.
- ii. For subaward information, report no later than the end of the month following the month in which the subaward was issued. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

### b. *Reporting Total Compensation of Recipient Executives for Entities.*

1. *Applicability.* You must report the total compensation for each of the recipient's five most highly compensated executives for the preceding completed fiscal year if –
  - i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000;
  - ii. in the preceding fiscal year, you received—
    - (A) 80 percent or more of the recipient's annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; and
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal awards (and subawards) subject to the Transparency Act; 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 after receiving this subaward. (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. *Reporting Requirements.* You must report executive total compensation described in paragraph (b)(1) of this appendix:
  - i. As part of your registration profile at <http://www.sam.gov>.

- ii. No later than the month following the month in which this Federal award is made, and annually after that. (For example, if this Federal award was made on November 7, 2025, the executive total compensation must be reported by no later than December 31, 2025.)

c. *Reporting of Total Compensation of Subrecipient Executives.*

1. *Applicability.* Unless a first-tier subrecipient is exempt as provided in paragraph (d) of this appendix, the recipient must report the executive total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if:
  - i. The total Federal funding authorized to date under the subaward equals or exceeds \$30,000;
  - ii. 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 awards (and subawards) subject to the Transparency Act; and,
    - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal awards (and subawards) subject to the Transparency Act; 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 after receiving this subaward. (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. *Reporting Requirements.* You must report to the recipient their executive total compensation described in paragraph (c)(1) of this appendix. The recipient is required to submit this information to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at <http://www.frs.gov> no later than the end of the month following the month in which the subaward was made. (For example, if the subaward was made on November 7, 2025, the subaward must be reported by no later than December 31, 2025).

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:

1. A recipient with gross income under \$300,000 in the previous tax year is 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 2 CFR 200.331).
    - 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.