AmeriCorps VISTA Support Grant Terms and Conditions

Effective October 1, 2014

INTRODUCTION

These Corporation for National and Community Service (CNCS) AmeriCorps VISTA Grant Terms and Conditions are binding on the sponsor. By accepting funds under this grant, the sponsor is a grantee that agrees to comply with AmeriCorps VISTA Support Grant Terms and Conditions, all applicable federal statutes, regulations and guidelines, and any amendments thereto. The sponsor agrees to operate the funded activities in accordance with the approved grant application and budget, supporting documents, and other representations made in support of the approved grant application. Failure to comply with these Terms and Conditions may result in the loss of federal funds and other federal resources and may be considered grounds for the suspension or termination of this grant.

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I. LEGISLATIVE AUTHORITY

The Domestic Volunteer Service Act of 1973 (DVSA), as amended (42 U.S.C.§§ 4950 et seq.)authorizes CNCS to administer the VISTA program through a variety of activities and initiatives focused on combatting poverty that are carried out by nonprofit organizations and public agencies (i.e., sponsors) throughout the United States. This VISTA program grant is authorized by and subject to the Title I, Part A and Title V of the Domestic Volunteer Service Act of 1973, as amended.

II. OTHER APPLICABLE LEGAL ADMINISTRATIVE TERMS AND CONDITIONS

The following applicable federal cost principles, administrative requirements, and audit requirements are incorporated by reference:

A. States, Indian Tribes, U.S. Territories, and Local Governments

- **States, Indian Tribes, U.S. Territories, and Local Governments.** The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments: The following circulars and their implementing regulations apply to states, Indian tribes, U.S. territories, and local governments:
    1. OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments – 45 CFR Part 2541.
    2. OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments – 2 CFR Part 225.
    3. OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations .

B. Nonprofit Organizations

- **Nonprofit Organizations.** The following circulars and their implementing regulations apply to nonprofit organizations:
    1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
    2. OMB Circular A-122, Cost Principles for Nonprofit Organizations – 2 CFR Part 230.
    3. OMB Circular A-133, Audits of States, Local Governments and Non-Profit Organizations.

C. Educational Institutions

Educational Institutions. The following circulars and their implementing regulations apply to educational institutions:

1. OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations – 45 CFR Part 2543 or 2 CFR Part 215.
2. OMB Circular A-21, Cost Principles for Educational Institutions – 2 CFR Part 220.

3. OMB Circular A-133, Audits of States, Local Governments and Nonprofit Organizations.

D. **Other Applicable Statutes and Regulations**

- **Other Applicable Statutes, Agreements, Regulations, and Policies.** The sponsor must comply with all other applicable statutes, executive orders, regulations, and policies governing the grant, including, but not limited to, those cited in these AmeriCorps VISTA Support Grant Terms and Conditions, the Grant Assurances and Certifications, and those cited in 45 CFR Parts 2541 and 2543.

E. **Order of Precedence**

Any inconsistency in the Grant Award shall be resolved by giving precedence in the following order (a) applicable Federal statutes, (b) applicable Federal Regulations, (c) Terms and Conditions, (d) Memorandum of Agreement, (e) the Notice of Funding Opportunity, and (f) the approved Grant Application including all assurances, certifications, attachments, and pre-award negotiations.

III. AMERICORPS VISTA PROGRAM GRANT TERMS AND CONDITIONS

A. Definitions

1. Administrative Costs: expenses associated with the overall administration of a VISTA project.

2. Corporation for National and Community Service (CNCS): a federal agency in the Executive branch of the United States government. CNCS was established under the National and Community Service Act of 1990 (NCSA), as amended (42 U.S.C. §§ 12501 et seq.). CNCS serves individuals of all ages and backgrounds throughout the United States to help meet local needs through a wide array of service opportunities in numerous priority areas, including disaster services, economic opportunity, education, environmental stewardship, healthy futures, and veterans and military families. CNCS' core national service programs are: AmeriCorps VISTA, AmeriCorps State and National, Senior Corps, and Social Innovation Fund.

3.EIN (Employer Identification Number), also known as a Federal Tax Identification Number: the unique nine-digit number assigned by the Internal Revenue Service to identify a business entity operating in the United States.

4. Federally Approved Indirect Cost Rate: a method for fairly determining the proportion of indirect organizational costs to be charged to each federal project or program at your organization. The indirect cost rate is a ratio between the total organizational indirect expenses; and a direct cost basis, such as grant salaries. In the

context of CNCS' VISTA program, indirect cost rates may not be applied to Support Grants.

5.Grant: a monetary award of financial assistance given to a recipient to carry out some work for a charitable public purpose or for the public good. In the context of CNCS' VISTA program, a grant is CNCS' award of federally-appropriated funds to a nonprofit entity or public agency to support the economic costs of a specific VISTA project.

6. Living Allowance (also referred to as Subsistence Allowance): the biweekly payments made to AmeriCorps VISTA members and AmeriCorps VISTA Summer Associates to cover housing, food and other personal expenses during their term of service. Living allowances are neither salary, nor wages for work. Living allowances do not correspond with services provided by VISTA members or VISTA Summer Associates and are not intended to serve as payment for services provided by VISTA members and VISTA Summer Associates.

7. Program Income: the gross income, including fees for service, earned by a AmeriCorps VISTA project grantee (sponsor) as a direct result of AmeriCorps VISTA-supported activities during the grant award period, or earned as a result of the grant award.

8. OMB: the U.S. Office of Management and Budget, which issues uniform administrative, allowable cost, and audit requirements for the administration of federal grants and other agreements.

9. Stipend (end of service): the alternative lump-sum cash benefit received by AmeriCorps VISTA members in lieu of the Eli Segal AmeriCorps Education Award following the end of a successful term of service.

10. VISTA member (also referred to as AmeriCorps VISTA member): an individual enrolled in the VISTA program. A VISTA member is a year-long, full-time participant in the VISTA program who commits to serve on a specific VISTA project at a nonprofit organization or public agency. AmeriCorps VISTAs live and serve in some of our nation's poorest urban and rural areas. They focus on building the organizational, administrative, and financial capacity of sponsors and subrecipient organizations that carry out programs that alleviate poverty.

11. VISTA program (also referred to as the AmeriCorps VISTA program): a national service program administered by CNCS designed specifically to combat poverty across the United States. Established in 1964 as Volunteers In Service to America, the VISTA program was incorporated into CNCS' AmeriCorps network of national service programs in 1993. The VISTA program's enabling legislation is found in the Domestic Volunteer Service Act of 1993, as amended, 42 U.S.C. §§ 4950 et seq.

12. VISTA project: a series of VISTA program-approved activities carried out by VISTA members at a VISTA sponsor. A VISTA project may be carried out in a single state, or in multiple states across the United States. A VISTA project may have multiple subrecipient sites from the VISTA sponsor site. While VISTA members are placed these various sites, these VISTA members and sites are operating under one VISTA project.

13. VISTA sponsor (also referred to as AmeriCorps VISTA sponsor or grantee): the direct recipient of a VISTA Support Grant. The sponsor is legally and financially accountable to CNCS for the use of grant funds and is bound by the Terms and Conditions of the grant. The sponsor is responsible for compliance with all applicable federal requirements, including these terms and conditions, regulations, and OMB circulars incorporated by reference.

14. Vulnerable population: a client population that includes elders (older than age 60), minors (age 17 or younger), and individuals with mental or physical disabilities.

B.

I. Criminal History Background Checks of Sponsor Staff - Conducted by Sponsor. VISTA sponsors that receive program grant funds from CNCS are required to complete criminal background checks on all current and future sponsor employees who receive any portion of their salary from CNCS grant funding. Such employees are deemed to be in "covered positions" as defined by Section 189D of the National and Community Service Act of 1990 (NCSA) and 45 C.F.R. § 2540.201.

The criminal background check process varies, depending on whether or not such employees work with vulnerable populations, the background check process varies. **For sponsor employees in "covered positions" -- whose salaries are paid, at least in part, with VISTA grant funds, and who work with vulnerable populations:**

The VISTA sponsor must conduct the following three (3) actions:

1. An National Sex Offender Public Records (NSOPR) search, available at http://www.nsopr.gov

2. A State criminal registry or repository search in the state where the VISTA project is operating and the State where the staff member/members reside; and

3. Submit fingerprints to the FBI for a national criminal history background check. Instructions are available at http://www.fbi.gov/about-us/cjis/background-checks. Note:

Employees can submit request for background checks, and have the results sent to the sponsor organization.

For sponsor employees in "covered positions" -- whose salaries are paid, at least in part, with VISTA grant funds, and who do not work with vulnerable populations:

The VISTA sponsor must conduct the following two (2) actions:

1. An NSOPR search, available at http://www.nsopr.gov

2. **and either:**

   a) A State criminal registry or repository search in the state where the VISTA project is operating and the State where the staff member/members reside; **OR**
   b) Submit fingerprints to the FBI for a national criminal history background check, instructions are available at http://www.fbi.gov/about-us/cjis/background-checks

These criminal background checks are not an allowable cost for using AmeriCorps VISTA Support Grant funds because the checks are considered part of the sponsor's share for supervision of AmeriCorps VISTA members. The sponsor must maintain copies of criminal background check results in sponsor employee files and may be subject to monitoring site checks or audits.

J. Prohibition on Use of Support Grant Funds

While charging time to this AmeriCorps VISTA Support Grant award, or otherwise performing activities supported by the AmeriCorps VISTA program or CNCS, neither the sponsor nor anyone acting under the supervision or authority of the sponsor, may engage in the following activities:

1. Attempting to influence legislation.

2. Organizing or engaging in protests, petitions, boycotts, or strikes.

3. Assisting, promoting, or deterring union organizing.

4. Impairing existing contracts for services or collective bargaining agreements.

5. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive.

6. Engaging in partisan political activities or other activities designed to influence the outcome of an election to any public office.

7. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

8. Engaging in religious instruction; conducting worship services; providing instruction as part of a program that includes mandatory religious instruction or worship; constructing or operating facilities devoted to religious instruction or worship; maintaining facilities primarily or inherently devoted to religious instruction or worship; or engaging in any form of religious proselytization.

9. Providing a direct benefit to:
   - **i.** A for-profit entity;
   - **ii.** A labor union;
   - **iii.** A partisan political organization;
   - **iv.** An organization engaged in the religious activities described in the preceding sub-clause 8., unless CNCS assistance is not used to support those religious activities; and
   - **v.** A nonprofit entity that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these Terms and Conditions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative.

10. Providing abortion services or referrals for receipt of such services.

11. Grant funds may not be used for international travel or projects where the primary beneficiaries of an activity are outside the United States.

12. Such other activities as CNCS may prohibit.

Individuals may exercise their rights as private citizens and may participate in the above activities on their own initiative, on non-CNCS time, and using non-CNCS funds. Individuals should not wear the AmeriCorps VISTA or AmeriCorps logos while doing so.

K. Reporting Requirements

The sponsor is responsible for timely submission of periodic financial and programmatic progress reports during the project period and a final financial report.

1. AmeriCorps VISTA Member Payments Report: The sponsor shall submit to the CNCS State Program Office at least monthly, a report of AmeriCorps VISTA member payments disbursed, showing each member by name, and the amount of living allowances and deductions disbursed to AmeriCorps VISTA members. A photocopy of a computer printout or accounting ledger is acceptable proof of payments.

2. Project Progress Report. The sponsor shall complete and submit Project Progress Reports via CNCS' eGrants system to the CNCS State Program Office. The Project Progress Reports shall report on the progress toward achievement of project performance targets. Refer to the Project Progress Report instructions for current due dates.

3. U.S. Department of Health and Human Services Payment Management System SF-425 Federal Financial Report (Federal Cash Transaction Report or FFR). CNCS issues VISTA Program grant funds to sponsors through the U.S. Department of Health and Human Service (HHS) Payment System. Sponsors receiving grant funds through this system must submit a Federal Financial Report (FFR) to report AmeriCorps VISTA CNCS federal funding disbursements and cash on hand, 30 days after each calendar quarter beginning with the first calendar quarter that contains the start date of the grant. FFRs must report disbursement of funds on a cumulative basis over the performance period of the grant and be submitted through the HHS Payment Management System on the following schedule:

Period Covering:	**Report Due No Later Than:**
January 1 to March 31	April 30
April 1 to June 30	July 30
July 1 to September 31	November 30
October 1 to December 31	January 30

4. CNCS Semi-Annual SF-425 Federal Financial Report. Sponsors must also complete a semi-annual Federal Financial Report (FFR), twice yearly in six month increments from the budget start date of the grant to report federal expenditures of funding.

5.**CNCS Final Federal Financial Report.** Sponsors completing the final year of their grants must submit, in lieu of the last semi-annual FFR, a final FFR. The final FFR is cumulative over the performance period of the grant within 90 days after the close of the grant. Final FFRs must report expenditure of funds on a cumulative basis over the budget period of the grant, and must be submitted through the CNCS eGrants system.

IV. GENERAL TERMS AND CONDITIONS

A. Responsibilities Under Grant Administration

1. Accountability of the AmeriCorps VISTA Sponsor. The sponsor has full fiscal and programmatic responsibility for managing all aspects of the grant and grant-supported activities, subject to the oversight of CNCS. The sponsor is accountable to CNCS for its operation of the AmeriCorps VISTA project and the use of CNCS grant funds. The sponsor must expend grant funds in a judicious and reasonable manner, and it must record accurately the service activities and outcomes achieved under the

grant. Although CNCS encourages sponsors to seek the advice and opinion of CNCS on special problems that may arise, such advice does not diminish the sponsor's responsibility for making sound judgments and does not shift the responsibility for operating decisions to CNCS.

2.Notice to CNCS. The sponsor will immediately notify the appropriate CNCS Program or Grants Officer of any developments or delays that significantly impact funded activities, administrative or financial aspects of the grant, or any suspected misconduct or malfeasance related to the grant or sponsor. The sponsor will inform the CNCS official regarding the corrective action taken or contemplated by the sponsor and any assistance needed to resolve the situation.

3.Federally Negotiated Indirect Cost Rates. Indirect costs are organizational costs that are incurred for common or joint objectives necessary to operate the organization and its programs and that are not readily identifiable with a particular project or program. **Indirect cost rates do not apply to AmeriCorps VISTA Support Grants.**

4.Budget Changes. The sponsor must obtain prior written approval of its grant officer at the CNCS Field Financial Management Center (FFMC) before deviating from the approved budget.

5.External Evaluation and Data Collection. The sponsor must cooperate with CNCS and its evaluators in all monitoring and evaluation efforts. As part of these effort, the sponsor must collect and submit certain project data, as defined in the AmeriCorps VISTA Progress Report Supplement, and must provide data as requested or needed to support external evaluations.

B. Financial Management Standards

1.Financial Systems. The sponsor must maintain financial management systems that include standard accounting practices, sufficient internal controls, a clear audit trail, and written cost allocation procedures, as necessary. Financial management systems must be capable of distinguishing expenditures attributable to this grant from expenditures not attributable to this grant. The systems must be able to identify costs by program year and by budget category, and to differentiate between direct and indirect costs, or administrative costs. For further details about the sponsor's financial management responsibilities, refer to OMB Circular A-102 and its implementing regulations (45 CFR Part 2541) or A-110 (2 CFR Part 215) and it's implementing regulations (2 CFR Part 205 and 45 CFR Part 2543), as applicable.

2.Allowable Costs. Costs allowed under this grant are limited to those categories contained in the complete programmatic and budget signed programmatic and budget application.

3.Program Income. Program income is the gross income, including fees for service, earned by a sponsor as a direct result of AmeriCorps VISTA-supported activities during the grant award period, or earned as a result of the grant award. If a sponsor believes that its AmeriCorps VISTA project has earned gross income that constitutes program income, the sponsor must report the

program income to its CNCS grants officer and may consult with the grants officer for assistance.

4.Consistency of Treatment. To be allowable under a Support Grant award, costs must be consistent with policies and procedures that apply uniformly to both federally financed and other activities of the sponsor. Furthermore, the costs must be accorded consistent treatment in both federally and grantee financed activities, as well as between activities, supported by different sources of federal funds.

5.Interest Bearing Accounts. The sponsor must maintain advance federal funds in an interest bearing account. The interest earned on advances deposited in such accounts shall be remitted annually by a check, payable to the U.S. Treasury, to the U.S. Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852. The document transmitting the check must indicate that the payment is the interest earned on advanced federal funds. The sponsor may retain interest up to $250 per year for administrative expenses.

6.Audits. Sponsor organizations that expend $500,000 or more in total federal awards in a fiscal year shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act, as amended, 31 U.S.C. §§ 7501, et seq., and OMB Circular A-133. If the sponsor expends federal awards under only one federal program, the sponsor may elect to have a program-specific audit. A sponsor that does not expend $500,000 in federal awards is exempt from the single audit requirements of OMB Circular A-133 for that year. However, it must ensure records are available for review and audit.

C. The Office of Inspector General

CNCS' Office of Inspector General (OIG) conducts and supervises independent and objective audits, evaluations, and investigations of CNCS programs and operations. Based on the results of these audits, reviews, and investigations, the OIG recommends policies to promote economy and efficiency and to prevent and detect fraud, waste, and abuse in CNCS programs and operations.

The OIG conducts and supervises audits of CNCS sponsors, as well as legislatively mandated audits and reviews. The legislatively mandated audits include the annual financial statement audit, and fulfilling the requirements of the Government Information Security Reform Act and its successor, the Federal Information Security Management Act. The OIG uses a risk-based approach, along with input from CNCS management, to select sponsors and grants for audit. The OIG hires audit firms to conduct some of its audits. The OIG audit staff is available to discuss its audit function; the audit staff can be reached at (202) 606-9390.

The OIG is available to offer assistance to AmeriCorps sponsors that become aware of suspected criminal activity regarding the AmeriCorps program. Sponsors should immediately contact the

OIG when they first suspect that a criminal violation has occurred. The OIG investigative staff is available to provide guidance and ensure that the appropriate law enforcement agency is notified, if required. The OIG may be reached by email at hotline@cncsoig.gov or by telephone at (800) 452-8210.

D. Reporting of Fraud, Waste, and Abuse

Grantees must immediately contact the OIG and their program officer when they first suspect that:

(1) a criminal violation has occurred (see 18 U.S.C. Part I for more information on criminal conduct - http://www.gpo.gov/fdsys/pkg/USCODE-2012-title18/html/USCODE-2012-title18-partI.htm), such as:
   (a) criminal fraud,
   (b) theft or embezzlement,
   (c) forgery, and
   (d) corruption, bribery, kickbacks, or acceptance of illegal gratuities or extortion.

(2) Actual or suspected fraud, waste, or abuse has occurred.
   (a) Fraud involves obtaining something of value through willful misrepresentation.
   (b) Waste involves the taxpayers not receiving reasonable value for money in connection with any government funded activities due to an inappropriate act or omission by players with control over or access to government resources.
   (c) Abuse involves behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse also includes misuse of authority or position for personal financial interests or those of an immediate or close family member or business associate.

E. Whistleblower Protection

1. This grant and employees working on this grant will be subject to the whistleblower rights and remedies in the pilot program on Contractor employee whistleblower protections established at 41 U.S.C. 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).

2. Under this pilot program, an employee of a grantee 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 contract or grant, a gross waste of Federal funds, an abuse of authority (an arbitrary and capricious exercise of authority

that is inconsistent with the mission of CNCS or the successful performance of a contract or grant of CNCS) relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

3. The Grantee shall inform its employees in writing, in the predominant language of the workforce or organization, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described above and at http://www.cncsoig.gov/contractor-whistleblower-protection-0#node-1001.

F. Safety and Liability

The sponsor must institute safeguards as necessary and appropriate to ensure the safety and well-being of all VISTA members. Members may not participate in project or other activities that post undue safety risks. The grantee must have reasonable general liability insurance coverage for the organization, employees, and for individuals engaged in activities under the grant

G. Site Visits

CNCS reserves the right to make site visits to review and evaluate grantee records, accomplishments, organizational procedures and financial control systems, to conduct interviews, and to provide technical assistance as necessary.

H. Non-Discrimination Public Notice and Records Compliance

1. Public Notice of Non-discrimination. The grantee must notify service recipients, community beneficiaries, applicants, program staff, and the public, including those with impaired vision or hearing, that it operates its program or its activity subject to the non-discrimination requirements of the applicable statutes. The notice must summarize the requirements, note the availability of compliance information from the grantee and CNCS, and briefly explain procedures for filing discrimination complaints with CNCS.

Sample language is:

This program is available to all, without regard for race, color, national origin, disability, age, sex, political affiliation, or, in most instances, religion. It is also unlawful to retaliate against any person who, or organization that, files a complaint about such discrimination.

In addition to filing a complaint with local and state agencies that are responsible for resolving discrimination complaints, you may bring a complaint to the attention of CNCS. If you believe that you or others have been discriminated against, or if you want more information, contact:

(Name, address, phone number – both voice and TDD, and preferably toll free – FAX number and email address of the grantee) or

Office of Civil Rights and Inclusiveness
Corporation for National and Community Service
1201 New York Avenue, NW
Washington, DC 20525

(800) 833-3722 (TTY and reasonable accommodation line)

(202) 565-3465 (FAX); eo@cns.gov (email)

The grantee must include information on civil rights requirements, complaint procedures, and the rights of beneficiaries in handbooks, manuals, pamphlets, and post in prominent locations, as appropriate. The grantee must also notify the public in recruitment material and application forms that it operates its program or activity subject to the non-discrimination requirements. Sample language, in bold print, is **This program is available to all, without regard to race, color, national origin, disability, sex, age, political affiliation, or, in most instances, religion.** Where a significant portion of the population eligible to be served needs services or information in a language other than English, the grantee shall take reasonable steps to provide written material of the type ordinarily available to the public in appropriate languages.

a. **Records and Compliance Information.** The grantee must keep records and make available to CNCS timely, complete and accurate compliance information to allow CNCS to determine if the grantee is complying with the civil rights statutes and implementing regulations. When applicable, where a grantee extends federal financial assistance to subgrantees, the subgrantees must make available compliance information to the grantee so it can carry out its civil rights obligations.

b. **Obligation to Cooperate.** The grantee must cooperate with CNCS so that CNCS can ensure compliance with the civil rights statutes and implementing regulations. The grantee shall permit access by CNCS during normal business hours to its books, records, accounts, staff, facilities, and other sources of information as may be needed to determine compliance.

I. Grant Products

a. **Sharing Grant Products.** To the extent practicable, the sponsor agrees to make products produced under the grant available at the cost of reproduction to others in the field.

b. Acknowledgment of Support. Publications created with funding under the grant must be consistent with the purposes of the grant. The Corporation for National and Community Service logo, or AmeriCorps VISTA logo, or both shall be included on such documents. The sponsor is responsible for assuring that the following acknowledgment and disclaimer appears in any external report or publication of material based upon work supported by this grant:

"This material is based upon work supported by the Corporation for National and Community Service (CNCS) under Grant No. ____. Opinions or points of view expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, CNCS."

J. Suspension or Termination of Grant

Regulations related to the CNCS's authority to suspend or terminate this grant are contained in 45 CFR § 2540.400. In addition, a grantee may suspend or terminate assistance to one of its subgrantees, provided that such action affords the subgrantee, at a minimum, the notice and hearing rights described in 45 CFR § 2540.400.

K. Trafficking in Persons

This grant is subject to requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).

a. Terms and Conditions applicable to a sponsor that is a private entity.

i. You as the sponsor and your employees may not:

- **(a.)** Engage in severe forms of trafficking in persons during the period of time that the grant is in effect;
- **(b.)** Procure a commercial sex act during the period of time that the grant is in effect; or
- **(c.)** Use forced labor in the performance of the grant.

ii. We as the federal awarding agency may unilaterally terminate this grant, without penalty, if it,

- **(a.)** Is determined you have violated a prohibition in paragraph (a.)(i.) of this grant term; or
- **(b.)** Has an employee who is determined by the agency official authorized to terminate the grant to have violated a prohibition in paragraph (a.)(i.) of this grant term through conduct that is either:

1. Associated with performance under this grant; or
2. Imputed to you using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement)," as implemented by our agency at 2 CFR Part 2200.

b. Terms and Conditions applicable to a sponsor other than a private entity (i.e., a public agency). We, as the federal awarding agency, may unilaterally terminate this grant, without penalty, if it –

i. Is determined to have violated an applicable prohibition of paragraph (a.)(i.) of this grant term; or

ii. Has an employee who is determined by the agency official authorized to terminate the grant to have violated an applicable prohibition in paragraph (a.)(i.) of this grant term through conduct that is –

(a.) Associated with performance under this grant; or

(b.) Imputed to you using the standards and due process for imputing conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 2200.

c. Terms and Conditions applicable to any sponsor.

i. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a.)(i.) of this grant term.

ii. Our right to terminate unilaterally that is described in paragraph (a.)(ii.) or (b) of this section:

(a.) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(b.) Is in addition to all other remedies for noncompliance that are available to us under this grant.

iii. You must include the requirements of paragraph (a.)(i.) of this grant term in any subgrant you make to a private entity.

d. Definitions. For purposes of this grant term:

i. "Employee" means either:

(a.) An individual employed by you or a subgrantee who is engaged in the performance of the project or program under this grant; or

(b.) Another person engaged in the performance of the project or program under this grant and not compensated by you including, but not limited to, a volunteer or individual whose service are contributed by a third part as an in-kind contribution toward cost sharing or matching requirements.

ii. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or

services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

iii. "Private entity":

(a.) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR §175.25.

(b.) Includes:

1. A non-profit organization, including any non-profit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR §175.25(b).

2. A for-profit organization.

iv. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. §7102).

L. Central Contractor Registration (CCR) and Universal Identifier Requirements

1. Unless exempted from this requirement under 2 CFR 25.110, the sponsor, as the grant recipient, must maintain the currency of their information in the CCR until they submit the final financial report required under this award or receive the final payment, whichever is later. This requires that sponsors review and update the information at least annually after the initial registration, and more frequently if required by changes in their information or another award term.

Effective June 2012, the CCR system was migrated to the new federal System for Award Management (SAM): All CCR registrations must be completed at SAM.

2. Requirement for Data Universal Numbering System (DUNS) Numbers. If you are authorized to make subawards under this award, you:

a. Must notify potential subrecipients that no entity (see definition in paragraph c. of this award term below) may receive a subaward from you unless the entity has provided its DUNS number to you.

b. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

3. Definitions. For purposes of this award term:

a. Central Contractor Registration (CCR) means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at https://www.sam.gov/portal/public/SAM/).

b. Data Universal Numbering System (DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at http://fedgov.dnb.com/webform).

c. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

(a.) A Governmental organization, which is a State, local government, or Indian Tribe;

(b.) A foreign public entity;

(c.) A domestic or foreign nonprofit organization;

(d.) A domestic or foreign for-profit organization; and

(e.) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

d. Subaward:

(a.) 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.

(b.) 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 Nonprofit Organizations").

(c.) A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

e. Subrecipient means an entity that:

(a.) Receives a subaward from you under this award; and

(b.) Is accountable to you for the use of the Federal funds provided by the subaward.

M. Transparent Act Requirements (for grants and cooperative agreements of $25,000 or more)

1. Reporting Executive Compensation of Grant Recipient Executives.

A. 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--

1. the total Federal funding authorized to date under this award is $25,000 or more;

2. 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

3. 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.)

B. Where and when to report. You must report executive total compensation described in paragraph (b.)(i.) of this award term:

(a.) As part of your registration profile at https://www.sam.gov/portal/public/SAM/..

(b.) By the end of the month following the month in which this award is made, and annually thereafter.

2. Exemptions. If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

A. Subawards, and

B. The total compensation of the five most highly compensated executives of any subrecipient.

3. **Definitions**. For purposes of this award term:

A. Entity means all of the following, as defined in 2 CFR part 25:

(a.) A Governmental organization, which is a State, local government, or Indian tribe;

(b.) A foreign public entity;

(c.) A domestic or foreign nonprofit organization;

(d.) A domestic or foreign for-profit organization;

(e.) A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

B. Executive means officers, managing partners, or any other employees in management positions.

C. Subaward:

(a.) 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.

(b.) 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'').

(c.) A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

D. Subrecipient means an entity that:

(a.) Receives a subaward from you (the recipient) under this award; and

(b.) Is accountable to you for the use of the Federal funds provided by the subaward.

E. 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)):

(a.) Salary and bonus.

(b.) 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.

(c.) 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.

(d.) Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

(e.) Above-market earnings on deferred compensation which is not tax-qualified.

(f.) 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.