



State: \_\_\_\_\_

### Statement of Assurances and Certifications for 2026 Grant

As a Federal agency, the Institute of Museum and Library Services (IMLS) is required to obtain certifications from all applicants, including certifications regarding Nondiscrimination, Debarment and Suspension, Federal Debt Status, and Drug-Free Workplace. Applicants requesting more than \$100,000 in grant funds must also certify regarding lobbying activities and may be required to submit a "Disclosure of Lobbying Activities" form (Standard Form LLL). All State Library Administrative Agencies (SLAAs) receiving Library Services and Technology Act (LSTA) funding under 20 U.S.C. § 9121 et seq. must comply with applicable statutes and regulations including but not limited to those cited below. To receive Federal assistance, all applicants must provide this signed Statement of Assurances and Certifications.

The undersigned authorized representative, on behalf of the SLAA, assures and certifies that, should a Federal award be made, the SLAA will comply with the statutes outlined below and all related IMLS regulations (for example, see 2 C.F.R. Parts 3185–3187 and 45 C.F.R. Parts 1105–1184). These assurances are given in connection with any and all financial assistance from IMLS after the date this form is signed but may include payments after this date for financial assistance approved prior to this date. These assurances shall obligate the applicant for the period during which the Federal financial assistance is extended. The applicant recognizes and agrees that any such assistance will be extended in reliance on the representations and agreements made in these assurances and that the United States Government has the right to seek judicial enforcement of these assurances, which are binding on the applicant, its successors, transferees, and assignees, and on the authorized representative whose signature appears on the application form.

#### Legal Authority and Capability

Pursuant to 20 U.S.C. § 9122(5), the authorized representative, on behalf of the SLAA, provides assurance that the SLAA has the fiscal and legal authority and capability to administer all aspects of the LSTA subchapter of 20 U.S.C. §§ 9121–9141, that it will establish the State's policies, priorities, criteria, and procedures necessary for the implementation of all programs under that subchapter (including the development of a State Plan), and that it will submit copies of these materials for approval as required by regulations promulgated by the Director of IMLS.

#### Internet Safety

Pursuant to 20 U.S.C. § 9134(b)(7), the authorized representative, on behalf of the SLAA, provides assurance that the SLAA will comply with 20 U.S.C. § 9134(f), which sets out standards relating to Internet Safety for public libraries and public elementary school and secondary school libraries that do not receive services at discount rates under 47 U.S.C. § 254(h)(6), and for which IMLS State Program funds are used to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet.

Each SLAA must assure IMLS that no funds made available under the Grants to States Program for a public library or public elementary or secondary school library that does not receive E-rate services will be used to purchase computers used to access the Internet, or to pay for the direct costs of accessing the Internet, unless the library has certified compliance with the applicable Children's Internet Protection Act (CIPA) requirements.

## **State Plan**

Pursuant to 20 U.S.C. § 9134(b)(8), the authorized representative, on behalf of the SLAA, provides assurance that the SLAA will make reports, in such form and containing such information, as the Director may reasonably require to carry out 20 U.S.C. §§ 9121–9141 and to determine the extent to which funds provided under it have been effective in carrying out the purposes in 20 U.S.C. § 9121.

## **Federal Funding Accountability and Transparency Act**

The SLAA agrees that it will comply with the Federal Funding Accountability and Transparency Act of 2006 (FFATA or Transparency Act)(Pub. L. 109-282), as amended by the Digital Accountability and Transparency Act of 2014 (Pub. L. 113-101) and other Public Laws (implemented at 2 C.F.R. Part 170). In particular, this means reporting on subawards and executive compensation. With respect to FFATA, the SLAA agrees that it will comply with the award term in **Appendix A**. The SLAA further provides assurance that it will comply with all other applicable Federal statutes and regulations and OMB circulars in effect for the periods for which it receives grant funding.

## **Nondiscrimination**

By accepting federal funds from IMLS, the authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with the following nondiscrimination statutes and their implementing regulations, that complying with these laws is a material condition of receiving federal grants, and that it is responsible for ensuring subrecipients, contractors, and partners also comply:

- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000a et seq.
- Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000a et seq.
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 701 et seq., including § 794 (IMLS applies the regulations in 45 C.F.R. Part 1181 in determining compliance with Section 504 as it applies to recipients of Federal assistance)
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq.
- The Age Discrimination in Employment Act of 1975, as amended, 42 U.S.C. § 6101 et seq.
- All other applicable federal nondiscrimination statutes.

Grantees are advised to read and understand the Attorney General's [Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination](#) (July 29, 2025).

## **Debarment and Suspension**

The SLAA will comply with 2 C.F.R. Part 3185 and 2 C.F.R. Part 180, as applicable. The authorized representative, on behalf of the SLAA, certifies to the best of his or her knowledge and belief that neither the SLAA nor any of its principals for the Five-Year Plan:

1. are presently excluded or disqualified;
2. have been convicted of, or have a civil judgment rendered against you for, any of the offenses listed in 2 C.F.R. § 180.800(a) within the preceding three years;
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 listed in 2 C.F.R. § 180.800(a); or
4. have had one or more public transactions (Federal, state, or local) terminated within the preceding three years for cause or default.

Where the SLAA is unable to certify to any of these statements, the authorized representative, on behalf of the applicant, shall attach an explanation to the application.

The SLAA, as a primary-tier participant, is required to comply with 2 C.F.R. Part 180, subpart C (Responsibilities of Participants Regarding Transactions Doing Business with Other Persons) as a condition of participation in the award. The SLAA is also required to communicate the requirement to comply with 2 C.F.R. Part 180 (Subpart C) (Responsibilities of Participants Regarding Transactions Doing Business with Other Persons) to persons at the next lower tier with whom the applicant enters into covered transactions.

As noted in the preceding paragraph, SLAAs who plan to use IMLS awards to fund contracts should be aware that they must comply with the communication and verification requirements set forth in the above Debarment and Suspension provisions.

## **Federal Debt Status**

The authorized representative, on behalf of the SLAA, certifies to the best of his or her knowledge and belief that the applicant is not delinquent in the repayment of any Federal debt, including but not limited to unpaid Federal tax liability.

## **Drug-Free Workplace**

The authorized representative, on behalf of the SLAA, certifies, as a condition of the award, that the SLAA will or will continue to provide a drug-free workplace by complying with the requirements in 2 C.F.R. Part 3186 (Requirements for Drug-Free Workplace (Financial Assistance)). In particular, the SLAA must comply with drug-free workplace requirements in Subpart B of 2 C.F.R. Part 3186, which adopts the Governmentwide implementation (2 C.F.R. Part 182) of Sections 5152–5158 of the Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101–8106. This includes, but is not limited to: making a good faith effort, on a continuing basis, to maintain a drug-free workplace; publishing a drug-free workplace statement; establishing a drug-free awareness program for employees; taking actions concerning employees who are convicted of violating drug statutes in the workplace; and

identifying (either at the time of application or upon award, or in documents kept on file in the recipient's offices) all known workplaces under Federal awards.

### **Trafficking in Persons**

The authorized representative, on behalf of the SLAA, certifies, as a condition of the award, that the applicant will comply with the trafficking in persons requirements that are set out in Appendix B.

### **Prohibitions Against Lobbying, Publicity, and Propaganda**

In accordance with Federal appropriations law, no IMLS funds may be used for publicity or propaganda purposes for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any state or local legislature or legislative body, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government. No IMLS funds may be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress or any State government, State legislature, or local legislature or legislative body.

### **Certification Regarding Lobbying Activities**

(Applies to applicants requesting funds in excess of \$100,000, see 31 U.S.C. § 1352.)

The authorized representative certifies, to the best of his or her knowledge and belief, that:

1. no Federally appropriated funds have been paid or will be paid, by or on behalf of the authorized representative, to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. if any funds other than Federal appropriated funds have been paid or will be paid to any person (other than a regularly employed officer or employee of the applicant, as provided in 31 U.S.C. § 1352) for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the authorized representative shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions; and
3. the authorized representative shall require that the language of this certification be included in the award documents for all subawards at all tiers (including

subcontracts and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when the transaction is made or entered into. Submission of this certification is a prerequisite for making or entering into the transaction imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### **Criminal Disclosures and Reporting of Matters Related to Recipient Integrity and Performance**

An applicant for, recipient, or subrecipient of a Federal award must promptly disclose whenever, in connection with the Federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of Federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the Federal agency, IMLS's Office of the General Counsel, and pass-through entity (if applicable) (2 C.F.R. § 200.113 and 2 C.F.R. Part 3185.)

1. The authorized representative, on behalf of the SLAA, certifies that, as part of its award and as applicable, it will comply with Award Term for Recipient Integrity and Performance Matters attached hereto as **Appendix C**.

### **Acknowledgement of IMLS Support**

All materials publicizing or resulting from grant activities must contain an acknowledgement of IMLS support, unless IMLS advises otherwise. This includes invitations, brochures, and signage; audio/video programming for radio, television, or web broadcast; and websites, social media, PowerPoint presentations, and email announcements. (See [Grantee Communications Kit](#), available at [www.imls.gov](http://www.imls.gov), for specific guidance.)

The type of recognition varies according to the type of activity. Please use the following guidelines for acknowledgment:

- Written materials must include a credit line indicating IMLS as a source of support.
- Graphic items such as posters or brochures should include the IMLS logo (see [Grantee Communications Kit](#), available at [www.imls.gov](http://www.imls.gov)) displayed in accordance with the [Logo Standards Guide](#).
- Online products, digital publications, and websites should include links to the IMLS website, [www.imls.gov](http://www.imls.gov).
- Audio/video broadcasts must include a tagline indicating IMLS as a source of support. Video broadcasts should display the IMLS logo.

In materials that contain or present substantive project content, such as an exhibition, article, catalogue, or other publication; video documentary; or online exhibition or website, the acknowledgment must also include the following statement:

“The views, findings, conclusions or recommendations expressed in this [publication/program/exhibition/website/article] do not necessarily represent those of the Institute of Museum and Library Services or the U.S. Government.”

If you have any questions about whether your product requires this statement, contact the IMLS Office of Communications and Public Liaison.

### **Acknowledgement of Federal Support**

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving IMLS-appropriated funding, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state:

1. the percentage of the total costs of the program or project which will be financed with Federal money;
2. the dollar amount of Federal funds for the project or program; and
3. the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

### **General Certification**

The authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

### **Certifications Required for Certain Projects**

The following certifications are required if applicable to the project for which an application is being submitted. Applicants should be aware that additional Federal certifications, not listed below, might apply to a particular project.

#### **Native American Human Remains and Associated Funerary Objects**

The authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with the provisions of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. § 3001 et seq.), which applies to any organization that controls or possesses Native American human remains, associated funerary objects and/or cultural items and which receives Federal funding, even for a purpose unrelated to the Act.

#### **Historic Properties**

The authorized representative, on behalf of the SLAA, certifies that the SLAA will assist the awarding agency in ensuring compliance with section 106 of the National Historic

Preservation Act of 1966, as amended, 54 U.S.C. § 306101, Executive Order Number 11593, and any related applicable preservation laws.

### **Environmental Protections**

The authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with environmental standards, including the following:

- Institution of environmental quality control measures under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. § 4321 et seq.) and Executive Order Number 11514;
- Notification of violating facilities pursuant to Executive Order Number 11738;
- Protection of wetlands pursuant to Executive Order Number 11990, as amended by Executive Order Number 12608;
- Evaluation of flood hazards in floodplains in accordance with Executive Order Number 11988, as amended (see Executive Order No. 12148);
- Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. § 1451 et seq.);
- Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1990, as amended, 42 U.S.C. § 7401 et seq.);
- Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, 42 U.S.C. § 300f et seq.); and
- Protection of endangered species under the Endangered Species Act of 1973, as amended, 16 U.S.C. § 1531 et seq.).

The authorized representative, on behalf of the SLAA, certifies that the project will comply with the Wild and Scenic Rivers Act of 1968, as amended, 16 U.S.C. § 1271 et seq.), related to protecting components or potential components of the national wild and scenic rivers system.

The authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with the flood insurance purchase requirements of the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. § 4001 et seq., which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more, or as otherwise designated.

### **Research on Human Subjects**

The authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with 45 C.F.R. Part 46 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

## **Research on Animal Subjects**

The authorized representative, on behalf of the SLAA, certifies that the SLAA will comply with the Animal Welfare Act of 1966, as amended, 7 U.S.C. § 2131 et seq.), pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.

## **Acknowledgement and Signature**

These assurances and certifications are provided in connection with any and all financial assistance from IMLS after the date this form is signed. This includes payments after such date for financial assistance approved before such date. The SLAA recognizes and agrees that any such assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this Statement of Assurances and Certifications. These assurances and certifications are binding on the SLAA, its successors, transferees, and assignees, and on the Authorized Certifying Official whose signature appears below.

The undersigned further provides assurances that it will include, as applicable, the language of the assurances and certifications in all subawards and that all subrecipients shall certify and disclose accordingly.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above assurances and certifications.

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Signature of Authorized Certifying Official

Date

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Authorized Certifying Official Name and Title (Print)

For additional information on these Assurances and Certifications, contact the IMLS State Programs Office at 955 L'Enfant Plaza North, SW, Suite 4000, Washington, DC 20024-2135 or by email to [stateprograms@imls.gov](mailto:stateprograms@imls.gov).

## APPENDIX A

### Reporting Subaward and Executive Compensation

The recipient must comply with Federal law pertaining to reporting subawards and executive compensation information, Federal Funding Accountability and Transparency Act of 2006, (Pub. L. 109-282), as amended by the Digital Accountability and Transparency Act of 2014 (Pub. L. 113-101) and other Public Laws, hereafter referred to as the “Transparency Act”. Accordingly, IMLS includes the following award term from Appendix A to 2 C.F.R. Part 170 (Reporting Subaward and Executive Compensation Information) in each award to a non-Federal entity under which the total funding is anticipated to equal or exceed \$30,000 or more in Federal funding at any time during the project or program period.

#### I. Reporting Subawards and Executive Compensation

##### (a) Reporting of first-tier subawards –

(1) ***Applicability.*** Unless the recipient is exempt as provided in paragraph (d) of this award term, the recipient must report each subaward that equals or exceeds \$30,000 in Federal funds for a subaward to an entity or Federal agency. The recipient must also report a subaward if a modification increases the Federal funding to an amount that equals or exceeds \$30,000. All reported subawards should reflect the total amount of the subaward.

(2) ***Reporting Requirements.***

(i) The recipient 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 <https://sam.gov/fsrs>.

(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, 2026, the subaward must be reported by no later than December 31, 2026).

##### (b) Reporting total compensation of recipient executives for entities –

(1) ***Applicability.*** The recipient 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, the recipient 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.** The recipient must report executive total compensation described in paragraph (b)(1) of this appendix:

(i) As part of the recipient's registration profile at <https://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, 2026, the executive total compensation must be reported by no later than December 31, 2026.)

**(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.** Subrecipients 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 <https://sam.gov/fsrs> 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, 2026, the subaward must be reported by no later than December 31, 2026).

**(d) Exemptions.**

(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:

*Entity* includes:

(1) Whether for profit or nonprofit:

- (i) A corporation;
- (ii) An association;
- (iii) A partnership;
- (iv) A limited liability company;
- (v) A limited liability partnership;
- (vi) A sole proprietorship;
- (vii) Any other legal business entity;

- (viii) Another grantee or contractor that is not excluded by subparagraph (2); and
- (ix) Any State or locality;

(2) Does not include:

- (i) An individual recipient of Federal financial assistance; or
- (ii) A Federal employee.

*Executive* means an officer, managing partner, or any other employee holding a management position.

*Subaward* has the meaning given in [2 CFR 200.1](#).

*Subrecipient* has the meaning given in [2 CFR 200.1](#).

*Total Compensation* means the cash and noncash dollar value an executive earns during an entity's preceding fiscal year. This includes all items of compensation as prescribed in [17 CFR 229.402\(c\)\(2\)](#).

[\(See Appendix A to 2 C.F.R. Part 170 \(Reporting Subaward and Executive Compensation Information\) for more information.\)](#)

## APPENDIX B

### Award Term for Trafficking in Persons

The recipient must comply with Federal law pertaining to trafficking in persons. Under 22 U.S.C. § 7104(g), any grant, contract, or cooperative agreement entered into by a Federal agency under which funds are to be provided to a private entity shall include a condition that authorizes the Federal agency (IMLS) to terminate the grant, contract, or cooperative agreement, or take other authorized actions if the recipient or any subrecipient, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in trafficking in persons, the procurement of a commercial sex act, the use of forced labor, or acts that directly support or advance trafficking in persons. 2 C.F.R. Part 175 requires IMLS to include the following award term, which is made a part of this Statement of Assurances and Certifications:

**(a) *Provisions applicable to a recipient that is a private entity.***

(1) Under this award, the recipient, its employees, subrecipients under this award, and subrecipient's employees must not engage in:

- (i) Severe forms of trafficking in persons;
- (ii) The procurement of a commercial sex act during the period of time that this award or any subaward is in effect;
- (iii) The use of forced labor in the performance of this award or any subaward; or
- (iv) Acts that directly support or advance trafficking in persons, including the following acts:
  - (A) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
  - (B) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:
    - (1) Exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant or cooperative agreement; or
    - (2) The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action;

(C) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;

(D) Charging recruited employees a placement or recruitment fee; or

(E) Providing or arranging housing that fails to meet the host country's housing and safety standards.

(2) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by [22 U.S.C. 7104b\(c\)](#), without penalty, if any private entity under this award:

(i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or

(ii) Has an employee that is determined to have violated a prohibition in paragraph (a)(1) of this appendix through conduct that is either:

(A) Associated with the performance under this award; or

(B) Imputed to the recipient or the subrecipient 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 Government-wide Debarment and Suspension (Nonprocurement)," as implemented by IMLS at 2 C.F.R. Part 3185.

(b) *Provision applicable to a recipient other than a private entity.*

(1) The Federal agency may unilaterally terminate this award or take any remedial actions authorized by [22 U.S.C. 7104b\(c\)](#), without penalty, if a subrecipient that is a private entity under this award:

(i) Is determined to have violated a prohibition in paragraph (a)(1) of this appendix; or

(ii) Has an employee that is determined to have violated a prohibition in paragraph (a)(1) of this appendix through conduct that is either:

(A) Associated with the performance under this award; or

(B) Imputed to the subrecipient 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 Government-wide Debarment and Suspension (Nonprocurement)," as implemented by IMLS at 2 C.F.R. Part 3185.

(c) *Provisions applicable to any recipient.*

(1) The recipient must inform the Federal agency and the Inspector General of the Federal agency immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a)(1) of this appendix.

(2) The Federal agency's right to unilaterally terminate this award as described in paragraphs (a)(2) or (b)(1) of this appendix:

(i) Implements the requirements of [22 U.S.C. 78](#), and

(ii) Is in addition to all other remedies for noncompliance that are available to the Federal agency under this award.

(3) The recipient must include the requirements of paragraph (a)(1) of this award term in any subaward it makes to a private entity.

(4) If applicable, the recipient must also comply with the compliance plan and certification requirements in [2 CFR 175.105\(b\)](#).

(d) *Definitions.* For purposes of this award term:

*Employee* means either:

(1) An individual employed by the recipient or a subrecipient who is engaged in the performance of the project or program under this award; or

(2) Another person engaged in the performance of the project or program under this award and not compensated by the recipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.

*Private Entity* means any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in [2 CFR 200.1](#).

The terms “severe forms of trafficking in persons,” “commercial sex act,” “sex trafficking,” “Abuse or threatened abuse of law or legal process,” “coercion,” “debt bondage,” and “involuntary servitude” have the meanings given at section 103 of the TVPA, as amended ([22 U.S.C. 7102](#)).

## APPENDIX C

### Award Term and Condition for Recipient Integrity and Performance Matters

#### I. Reporting of Matters Related to Recipient Integrity and Performance

##### *(a) General Reporting Requirement.*

(1) If the total value of your active grants, cooperative agreements, and procurement contracts from all Federal agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient must ensure the information available in the responsibility/qualification records through the System for Award Management (SAM.gov), about civil, criminal, or administrative proceedings described in paragraph (b) of this award term is current and complete. This is a statutory requirement under section 872 of [Public Law 110-417](#), as amended ([41 U.S.C. 2313](#)). As required by section 3010 of [Public Law 111-212](#), all information posted in responsibility/qualification records in SAM.gov on or after April 15, 2011 (except past performance reviews required for Federal procurement contracts) will be publicly available.

##### *(b) Proceedings About Which You Must Report.*

(1) You must submit the required information about each proceeding that—

- (i) Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- (ii) Reached its final disposition during the most recent five-year period; and
- (iii) Is one of the following—
  - (A) A criminal proceeding that resulted in a conviction;
  - (B) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
  - (C) An administrative proceeding that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
  - (D) Any other criminal, civil, or administrative proceeding if—
    - (1) It could have led to an outcome described in paragraph (b)(1)(iii)(A) through (C);

(2) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(3) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.

(c) ***Reporting Procedures.*** Enter the required information in SAM.gov for each proceeding described in paragraph (b) of this award term. You do not need to submit the information a second time under grants and cooperative agreements that you received if you already provided the information in SAM.gov because you were required to do so under Federal procurement contracts that you were awarded.

(d) ***Reporting Frequency.*** During any period of time when you are subject to the requirement in paragraph (a) of this award term, you must report proceedings information in SAM.gov for the most recent five-year period, either to report new information about a proceeding that you have not reported previously or affirm that there is no new information to report. If you have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000, you must disclose semiannually any information about the criminal, civil, and administrative proceedings.

(e) ***Definitions.*** For purposes of this award term—

*Administrative proceeding* means a non-judicial process that is adjudicatory in nature to make a determination of fault or liability (for example, Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with the performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

*Conviction* means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

Total value of currently active grants, cooperative agreements, and procurement contracts includes the value of the Federal share already received plus any anticipated Federal share under those awards (such as continuation funding).

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