



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

### **Program Assurances for 2013 Grant Award**

All State Library Administrative Agencies receiving Library Services and Technology assistance under 20 U.S.C. § 9121 et seq., as amended, 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 Program Assurances.

The undersigned, on behalf of the State Library Administrative Agency (SLAA), agrees that the SLAA will comply with

(a) Pursuant to 20 U.S.C. § 9122(5), the SLAA provides assurance that it has the fiscal and legal authority and capability to administer all aspects of the LSTA, that it will establish the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this Act (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 the Institute of Museum and Library Services (IMLS).

(b) Pursuant to 20 U.S.C. § 9134(b)(7), the State Library Administrative Agency provides assurance that it 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 § 254(h)(6) of the Communications Act of 1934, 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.

(c) Pursuant to 20 § U.S.C. 9134(b)(8), the SLAA provides assurance that it shall make reports, in such form and containing such information, as the Director may require reasonably to carry out the State Plan and to determine the extent to which funds provided under this Act have been effective in carrying out the purposes of the LSTA.

(d) The SLAA agrees that it will comply with all applicable IMLS regulations, including 45 C.F.R. part 1183 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; 45 C.F.R. part 1180.44 – Federal statutes and regulations on nondiscrimination; 45 C.F.R. part 1110 – Nondiscrimination in Federally Assisted Programs; 2 C.F.R. part 3185 – Nonprocurement Debarment and Suspension; and 2 C.F.R. part 3186 – Requirements for Drug-Free Workplace (Financial Assistance).

(e) The SLAA agrees that it will comply with the Federal Funding Accountability and Transparency Act (FFATA or Transparency Act – P.L. 109-282, as amended by § 6202(a) of P.L. 110-252) subaward and executive compensation reporting requirements. The SLAA further provides assurance that it will comply with all other applicable Federal statutes and regulations and OMB circulars in effect with respect to the periods for which it receives grant funding.

(f) The SLAA agrees that it will comply with the Trafficking in Persons requirement set forth in Appendix A hereto.

These assurances are provided in connection with any and all financial assistance from the Institute of Museum and Library Services 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 U.S. States shall have the right to seek judicial enforcement of this Statement of Program Assurances. These assurances are binding on the SLAA, its successors, transferees, and assignees, and on the Authorized Certifying Official whose signature appears below.

For additional information on this Statement of Program Assurances, contact the IMLS State Programs Office at 1800 M Street NW, 9th Floor, Washington, DC 20036-5802.

\_\_\_\_\_  
Signature of Authorized Certifying Official

\_\_\_\_\_  
Print Name and Title of Authorized Certifying Official

\_\_\_\_\_  
Date

## APPENDIX A

### Trafficking in Persons

The SLAA 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 and a private entity shall include a condition that authorizes the Federal agency (IMLS) to terminate the grant, contract, or cooperative agreement, if the grantee, subgrantee, contractor, or subcontractor engages in trafficking in persons, procures a commercial sex act, or uses forced labor. 2 C.F.R. part 175 requires IMLS to include the following award term:

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

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not –

i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

ii. Procure a commercial sex act during the period of time that the award is in effect; or

iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –

i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or

ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either –

A. Associated with performance under this award; or

B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 C.F.R. part 3185.

b. *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity –

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either –
  - i. Associated with performance under this award; or
  - ii. 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 C.F.R. part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 2 C.F.R. part 3185.

c. *Provisions applicable to any recipient.*

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
  - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
  - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

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

1. “Employee” means either:
  - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - ii. Another person engaged in the performance of the project or program under this award and not compensated by you 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 or matching requirements.
2. “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.

3. "Private entity":

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. part 175.25.

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R part 175.25(b).

B. A for-profit organization.

4. "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).

2 C.F.R. part 175.15, *Electronic Code of Federal Regulations* at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=0c772e898f6409eb76e130fcd9dd073c&rgn=div5&view=text&node=2:1.1.1.8.10&idno=2#2:1.1.1.8.10.0.1.3>, as of July 20, 2011. IMLS 7/22/11.