

# The Research Quarterly

## Contact US

Gloria Greene: 2657  
greeneg@uah.edu

Felecia Troupe: 2660  
troupef@uah.edu

Judy Conine: 6103  
coninej@uah.edu

John Rogers: 2648  
rogersjs@uah.edu

Steve Parker: 2654  
parkerjs@uah.edu

Kenya Cole: 2647  
colek@uah.edu

Kristen Tapscott: 2658  
Kristen.tapscott@uah.edu

Tempie Powell: 2659  
powellt@uah.edu

Consuela Duckworth: 2650  
hunterci@uah.edu

Petra Dotson: 6467  
dotsonp@uah.edu

Tonia Pitts: 2651  
pittsa@uah.edu

Felicia Stewart: 2649  
Felicia.stewart.@uah.edu

Scott Sandlin: 2662  
Scott.sandlin@uah.edu

Kembela McCrary: 6474 (COE)  
Kembela.mccrary@uah.edu

Laurie Collins: 3080 (COS)  
collinl@uah.edu

Jana Savanapridi: 2702 (COB,  
Nursing & COLA)  
Jana.savanapridi@uah.edu

Woodonna Tally: 2661  
deermaw@uah.edu

Dawndolyn Pearl: 2656  
Dawn.pearl@uah.edu

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## What's News

### The American Recovery and Reinvestment Act (ARRA)

Office of Management and Budget (OMB) released guidance for the reports on Use of Funds Pursuant to the American Recovery Act of 2009. Memorandum M-09-21 dated 22 June 2009 provides guidance for carrying out the reporting requirements included in Section 1512 of the American Recovery and Reinvestment Act of 2009. The reports required under Section 1512 of the Act will be submitted by recipients beginning in October 2009 and will contain detailed information on the projects and activities funded by the Recovery Act. Recipient reports required by Section 1512 of the Recovery Act when published on Recovery.gov will answer important questions such as:

- Who is receiving Recovery Act dollars and in what amount?
- What projects or activities are being funded with Recovery Act dollars?
- What is the completion status of such projects or activities and what impact have they had on job creation and retention?

The provisions in the Guidance apply to recipients of grants, loans, tribal agreements, cooperative agreements and other forms of assistance. This guidance also applies to sub-awards and other payments made by recipients of Federal assistance, including those awards or payments that are made in the form of a contract. A copy of Memorandum M-09-21 is available on the OSP website, under the "RECOVERY ACT." **The online recipient reporting tool is expected to be available for the quarterly report due 10 Oct 09!**

Section 1512(f) of the Recovery Act requires recipient reporting to begin 180 days after enactment, and for reports to be submitted by recipients 10 days after the end of each calendar quarter. This results in an initial statutory reporting deadline of October 10, 2009, with quarterly reports due 10 days after the end of each calendar quarter thereafter.

**Federal Contractors** are not required to report on July 10, 2009 (see FAR 52.204-11). However, federal contractors who submit an invoice prior to June 30, 2009 for Recovery Act funded contract performance should maintain the data required by FAR 52.204-11. Cumulative reporting will begin with the October 10th reporting deadline.

**Grant, Cooperative Agreement, and Loan Recipients** should also maintain the data required for a July 10, 2009 report in order to report cumulatively beginning with the October 10th reporting deadline. OMB will work with agencies to determine the most appropriate method for collecting information from recipients for July 10th reporting.

**The registration function will be available at [www.FederalReporting.gov](http://www.FederalReporting.gov) no later than 26 August 2009. Once the site is functional, OSP will register the university.**

**Please note: compliance with M-91-21: Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009 is mandatory. Non-compliance with the reporting requirement as established under section 1512 of the Recovery Act is considered a violation of the award agreement because awards made with Recovery funds have a specific term requiring such compliance. See Code of Federal Regulations 2 CFR Part 176.50. The awarding agency may use any customary remedial actions necessary to ensure compliance, including withholding funds, termination, or suspension and debarment, as appropriate.**

**All reports will be made available on Recovery.gov and individual Federal agency recovery web-sites.**

## Inside this issue:

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## NEW AWARDS: April—June 2009

Principal Investigator	Department/ Center	Title
Dr. Roy Spencer	ESSC	NOAA/Temperature Sounding Channel Optimization POP: 5/1/08—4/30/10 Total Award Value: \$426,018
Dr. John Pottenger	OIP	AED/Study of The U.S. for Global Student Leaders POP: 4/1/09—11/30/09 Total Award Value: \$173,964
Dr. Joe Ng	BS	DOE/ORNL/Protein Crystallization for Neutron . . . POP: 5/14/09—9/1/09 Total Award Value: \$24,997
Dr. John Shriver	CH	DHHS/NIH/Energetics of Protein-DNAS Binding . . . POP: 6/1/09—5/31/10 Total Award Value: \$403,189
Dr. Sampson Gholston	ISE	ALDOT/ARRA/National Summer Transportation . . . POP: 5/1/09—9/30/09 Total Award Value: \$66,435
Dr. Nathan Slegers	MAE	DOD/NAVY/Precision Terminal Guidance . . . POP: 5/8/09— 3/31/10 Total Award Value: \$66,766
Dr. Ken Nishikawa	CSPAR	NSF/A Systematic Study of the Role of Magnetic . . . POP: 6/1/09 - 5/31/10 Total Award Value: \$465,443
Dr. Pamela Twigg	LSB	NIH/ARRA/Investigations into the Structure, Function and Activity of E2-25K: \$220,750
Dr. Emanuel Waddell	CH	AAS/Research and Engineering Apprenticeship Program (REAP): \$2,600
Dr. Richard Miller	PH	JHU/APL/Scientific and Exploration Potential of the Lunar Poles: \$201,407
Dr. Gang Li	CSPAR	NSF/ARRA/CAREER/Transport of Ions and Electrons in Solar Energetic Particle Events . . . : \$535,691
Dr. Monica Dillihunt	ED	ALSDoEd/Collaboration in Secondary Special Education: \$15,000
Dr. Michael Anderson	CEE	ALDOT/Statewide Freight Study and Action Plan: \$272,438

### PERIOD OF AVAILABILITY OF FEDERAL FUNDS

#### Compliance Requirements

OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, and OMB Circular A-133 Compliance Supplement Part 3H states: Federal awards may specify a time period during which the non-Federal entity may use the Federal funds. Where a funding period is specified, a non-Federal entity may charge to the award only costs resulting from obligations incurred during the funding period and any pre-award costs authorized by the Federal awarding agency. Also, if authorized by the Federal program, unobligated balances may be carried over and charged for obligations of a subsequent funding period. Effective 30 June 2009, requisitions submitted via Banner will not be approved if the ending date of the period of performance is within 60 days unless the following is submitted to OSP: a) request and justification to funding agency for a no cost extension; and b) a risk memo for the amount of the requisition. Once the risk memo has been approved, the requisition will be approved and submitted to purchasing.

#### Funding Opportunities

##### Community of Science

Looking for potential funding opportunities? Have you tried Community of Science (COS)? COS is the leading global resource for hard-to-find information critical to scientific research and other projects across all disciplines.

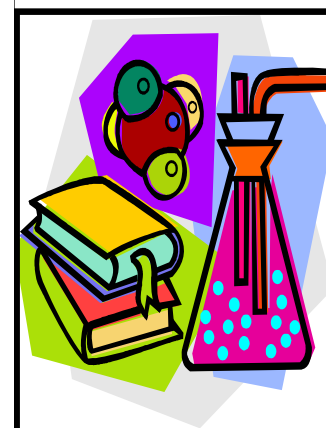
You can access COS from the OSP website, under the PROPOSAL TAB “Funding Sources”  
<http://www.uah.edu/research/resadmin/index.html>

To learn more about COS, please contact Steve Parker at 2654 or [parkerjs@uah.edu](mailto:parkerjs@uah.edu)

##### Weekly Funding Bulletin

The OSP Weekly Funding Bulletin is an abstract of funding opportunities from various agencies such as NASA, DOE, DOD, NIH, NSF, Private Foundations, and State Agencies. It includes special topic announcements from the agencies, as well as the dates and times of OSP selected solicitation reviews. The bulletin is sent via email each week.

If you would like to receive the Funding Bulletin, please send an email to: [ospweeklyfundingbulletin@uah.edu](mailto:ospweeklyfundingbulletin@uah.edu)



## **The Potential Impact on UAHuntsville of the Fraud Enforcement and Recovery Act of 2009**

**Congress** passed the Fraud Enforcement and Recovery Act of 2009 and it was signed into law by President Obama on May 20, 2009. Section Four of the Act amended the civil False Claims Act, 31 U.S.C. § 3729 *et seq.* The Act may significantly expand False Claims Act liability for research universities and researchers.

**Prior** to the recent amendment, the False Claims Act penalized the “knowing” submission of false or fraudulent claims to the United States government. “Knowing” is defined under the False Claims Act to include both actual knowledge and “reckless disregard” of the truth, or “deliberate ignorance” of the truth. Violators of the False Claims Act are subject to being required to pay treble damages plus civil penalties of up to \$11,000 for each false claim submitted. The False Claims Act also permits private citizens to file suit under the Act. These are known as “qui tam” or “whistleblower” lawsuits. A person who successfully brings a “whistleblower” lawsuit is permitted to share in the government’s recovery, and to have their attorney’s fees paid.

**The** recent amendments expand the scope and enforcement of the False Claims Act in several ways.

**First**, it expands the so-called “reverse false claim.” This is a type of false claim where overpayments are retained and not returned to the federal government. If the federal government advances the costs to be incurred on a research contract or grant, and it turns out that the costs are less than anticipated, then it could be a violation of the False Claims Act not to refund any overpayment to the government.

**Second**, the new amendments expand the definition of “claim” to include demands for government payments made by subcontractors and subgrantees. So, if a vendor or subcontractor submits a false or inaccurate invoice, and the university knows of the inaccuracy or by the exercise of reasonable due diligence could have discovered the inaccuracy, but nevertheless passes the claim on to the federal government, the university could be held liable under the False Claims Act.

**Third**, the new amendment allows the federal government to share information with other pertinent state agencies and the “whistleblower.” This will probably make it easier for “whistleblowers” to prove their claims.

**The** recent experience of Yale University is a good example of the type of situation that could become a problem. On December 23, 2008, Yale agreed to pay \$7.6 million to settle False Claims Act allegations. The first allegation was that Yale mismanaged federal funds in situations where the contract or grant was soon to expire. It was alleged that Yale allowed researchers to transfer any unused federal contract and grant money to other accounts, rather than return the money to the federal government. The second allegation was that Yale permitted researchers to submit false time and effort reports so that the researchers could be paid during the summer.

**For** additional information about the False Claims Act, please contact Mr. John Cates, Office of Council, [catesj@uah.edu](mailto:catesj@uah.edu).



## GRA TUITION AND INSURANCE CHARGES FOR 1/1/09—12/31/09—

The Budget Office has posted the dates GRA tuition and insurance will be charged to your accounts. The information is on the Budgets and Management Information web page under Forms, then click Budget Office, then click GRA Insurance and Tuition 2009 Dates. If you have any questions regarding these charges, please contact Candy Horch, [horchc@uah.edu](mailto:horchc@uah.edu) or 2242.

**Postdoctoral research** is academic or scholarly research conducted by a person who has completed their **doctoral** studies, normally within the following five years. It is intended to further deepen expertise in a specialist subject, including necessary skills and methods. Postdoctoral research is essential to the scholarly mission of UAHuntsville. Postdoctoral research is funded through an appointment with salary, fringes, and paid absences (annual, sick and holiday pay). The OVPR, Provost and HR are currently working on the creation of Post Doc positions and will provide this information to the UAHuntsville Research Community as soon as possible. If you have any questions about a post doc position, please contact Gloria Greene, X2657 or email: [greeneg@uah.edu](mailto:greeneg@uah.edu).

## Foreign Travel w/Laptops and GPS Equipment

Travel outside the U.S. *for business or pleasure* can present export control issues for UA Huntsville employees, faculty, and staff. There are government regulations that affect:

- Taking items with you on a trip in support of your work or conference such as Laptops (*personal or UAH Property*) Encryption products Data/technology Blueprints, drawings, and schematics
- Supplying certain technologies/data at a “closed” conference or meeting (not open to all technically qualified members of the public, and attendees are not permitted to take notes)
- Travel to sanctioned/embargoed countries
- Doing business with certain people or entities

What this means is that a license could be required from the Departments of Commerce, State, or Treasury, depending on what you are taking and the country you are traveling to. Another aspect to consider is that a license could also be required if you are providing a *defense service\** to a foreign person.

Fortunately, travel to most countries does not usually constitute an export control problem. In some cases, an exception or exemption to the license requirements is available. ***This form is available on the Research Security Administration Webpage: <http://resadmin.uah.edu/rsa/>, under Export Control Tab.*** Once forms are completed they should be submitted to the Research Security Administration Office where they will be subject to audit and maintained for 2 years.

***For individuals maintaining a Personnel Security Clearance***

through DoD, Foreign Travel Briefing and Debriefing Forms are also required. Please contact the Research Security Administration Office if you have any questions regarding export control issues related to your projects or travel outside the U.S. at 256-824-6444, or via email at [dn0003@uah.edu](mailto:dn0003@uah.edu) or [denise.spiller@uah.edu](mailto:denise.spiller@uah.edu)

*\*A defense service means the furnishing of assistance (including training) to foreign persons in the design, development, engineering, manufacture, production, assembly testing, repair, maintenance, modification, operation, demilitarization, destruction, processing or use of a defense article. A defense service also includes furnishing to foreign persons any technical data which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles.*

## License Exceptions/Exemption for Travel Outside The U.S.

**Department of Commerce: Export License Exception (TMP) for Temporary Exports/Reexports.**

**What the exception covers:** The export of items, technology, commercial software, and encryption code is subject to export control regulations (this includes laptops, PDAs, and digital storage devices). The Department of Commerce’s Export Administration Regulations (EAR) makes an exception to licensing requirements for the temporary export or reexport of certain items, technology, or software for professional use as long as the criteria in the export license exception

(TMP) certification are met (<http://resadmin.uah.edu/rsa/>).

**What the exception does not cover:** The exception does not apply to any EAR satellite or space-related equipment, components, or software, or to any technology associated with high-level encryption products and cannot be used for travel to Iran, Syria, Cuba, North Korea or Sudan. ***This exception does not apply to items, technology, data, or software regulated by the Department of State’s International Traffic in Arms Regulations (ITAR).*** **Record-keeping requirements and procedures:** The regula-

tions require the use of this license exception be documented and records and must be kept for five years. Fill out the exception form prior to travel (keep a copy for your files) and return to Denise Spiller, Research Security Administrator. If you have questions, please contact Delores Newton at 6048 or [Delores.Newton@uah.edu](mailto:Delores.Newton@uah.edu)



# Current Funding Opportunities

## **OVPB Norms**

1. Communicate openly, directly, and truthfully, with respect for the views of others.
2. Show support for our team, for others at UAHuntsville, and promote the University and its decisions.
3. Find solutions, not just identify problems.
4. Seek first to understand, then to be understood.
5. Trust the motives of our colleagues.
6. Celebrate our successes, and learn from both successes and failures.
7. Hold ourselves and each other accountable to our commitments.
8. Put the global success of the University ahead of local or parochial concerns.
9. Treat everyone as a professional, with courtesy, dignity and mutual respect.
10. Balance our personal and professional lives.
11. Be stakeholder oriented, clarify mutual expectations up front, and establish trust.



### **Department of Commerce (DOC)**

#### Harmful Algal Bloom Program Grant

Due Date(s): Letter of Intent: 17 August 2009

Proposal Due: 14 October 2009

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppId=48538>

#### National Estuarine Research Reserve Graduate Research Fellowship Program FY 2010 Grant

Due Date: 2 November 2009

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppId=48544>

#### Collaborative Science, Technology, and Applied Research (CSTAR) Program Grant

Due Date: 16 October 2009

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppId=48547>

#### Research in Satellite Data Assimilation for Numerical Weather, Climate and Environmental Forecast Systems Grant

Due Date(s): Letter of Intent: 24 August 2009

Proposal Due: 13 October 2009

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppId=48579>

### **Institute of Museum and Library Services (IMLS)**

#### American Heritage Preservation Grants

Due Date: 15 September 2009

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppId=48511>

### **National Institute of Health (NIH)**

#### Development of New Technologies Needed for Studying the Human Microbiome (R01)

Due Date(s): Letter of Intent: 17 August 2009

Proposal Due: 14 September 2009

<http://grants.nih.gov/grants/guide/rfa-files/RFA-RM-09-008.html>

### **National Aeronautics and Space Administration (NASA)**

#### Delivery and Development of Instructional Materials Grants

Due Date: 25 September 2009

<http://www07.grants.gov/search/search.do?&mode=VIEW&flag2006=false&oppId=48549>

### **National Science Foundation (NSF)**

#### Postdoctoral Research Fellowships in Biology (PRFB)

Due Date: 19 October 2009

[http://www.nsf.gov/pubs/2009/nsf09573/nsf09573.htm?govDel=USNSF\\_25](http://www.nsf.gov/pubs/2009/nsf09573/nsf09573.htm?govDel=USNSF_25)

The Office of Sponsored Programs publishes a weekly funding bulletin which provides current solicitations/funding opportunities like the ones noted above. To subscribe to the UAHuntsville weekly funding bulletin, UAHuntsville faculty and staff should send an email request to [ospweeklyfundingbulletin@uah.edu](mailto:ospweeklyfundingbulletin@uah.edu). Add Subscribe in the subject.



**Contracts and Grants  
Accounting Staff**

Robert Leonard, 2233  
C&G Acting Director  
[Robert.Leonard@uah.edu](mailto:Robert.Leonard@uah.edu)

Valarie King, 2231  
Associate Director  
[Valarie.King@uah.edu](mailto:Valarie.King@uah.edu)

Brandy Nicholson, 2234  
Accounting Manager  
[Brandy.Nicholson@uah.edu](mailto:Brandy.Nicholson@uah.edu)

Anna Alindogan, 6068  
Senior Accountant  
[Anna.Alindogan@uah.edu](mailto:Anna.Alindogan@uah.edu)

Tharanee Ravindran, 2240  
Senior Accountant  
[ravindt@uah.edu](mailto:ravindt@uah.edu)

Whitney Keelon, 2235  
Accountant  
[Whitney.Keelon@uah.edu](mailto:Whitney.Keelon@uah.edu)

Dee Brown, 2232  
Senior Accountant  
[Dee.brown@uah.edu](mailto:Dee.brown@uah.edu)

Keamonnee Marcus, 6554  
Accountant  
[Keamonnee.Marcus@uah.edu](mailto:Keamonnee.Marcus@uah.edu)

Carrie Rice, 2236  
Accounting Technician  
[Carrie.Rice@uah.edu](mailto:Carrie.Rice@uah.edu)

Website:  
[www.uah.edu/admin/c-g/](http://www.uah.edu/admin/c-g/)

**Research Security**

Denise Spiller, 6444  
Director  
[Denise.Spiller@uah.edu](mailto:Denise.Spiller@uah.edu)

Delores Newton, 6444  
Interim Security Administrator  
[Delores.newton@uah.edu](mailto:Delores.newton@uah.edu)

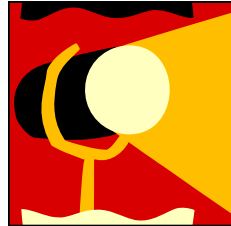
Rita Cramblit, 6048  
Security Assistant  
[Rita.cramblit@uah.edu](mailto:Rita.cramblit@uah.edu)

Website:  
<http://resadmin.uah.edu/rsa/>

The Office of Sponsored Programs' (OSP) mission is to support three distinct groups: 1) UAHuntsville faculty, students and research staff; 2) UAHuntsville administration; and 3) our funding sponsors.

OSP strives to maintain balance among these groups by reviewing proposals to external funding agencies, proper fiscal management of funds received, and oversight of compliance matters related to external agencies and the federal government.

OSP's role is to support the faculty, staff, and administration of UAHuntsville in effectively seeking, obtaining, and managing their research and scholarly activities to enhance their educational role.



**SPOTLIGHT ON  
Aerophysics  
Research Center  
and  
Research Institute**

UAHuntsville's Aerophysics Research Center (ARC) at the U.S. Army's Redstone Arsenal houses three "soft" launch, two-stage light gas gun systems and extensive support facilities. These include instrumentation and data-gathering equipment and laboratories, test chambers, and model and target fabrication shops.

Major experimental areas involve hypervelocity impact and hypervelocity re-entry into the Earth's atmosphere. The instrument test chamber for aerophysics experiments can be pumped down to simulate flight conditions from sea level to about 70 km altitude.

Hypervelocity experiments performed in the ARC are low cost and fast turnaround relative to full-scale flight tests and can be thoroughly

instrumented to gather data needed to understand the phenomenology and physics involved.

UAHuntsville Research Institute was created in 1961 to provide scientific and engineering staff to conduct theoretical and experimental research pertinent to aerospace science and rocket technology, primarily in support of the U.S. Army and NASA, and then to train scientists and engineers through active involvement in research.

The Research Institute is organized into laboratories to provide focus on technologies of particular relevance to its customers. These include: Defense Studies, Software Engineering, Aerothematic Effects, Structural Dynamics, and Simulation and Visualization. Several of these carry out their research in close collaboration with their customer colleagues.

For additional information about ARC, please contact Mr. Mark Zwiener, Range Manager, 464-8000, [Mark.zwiener@uah.edu](mailto:Mark.zwiener@uah.edu). For additional information about Research Institute, please contact Dr. Richard "Dick" Rhoades, Director, 824-6343, [rhoadesr@uah.edu](mailto:rhoadesr@uah.edu)

**PROPOSALS AND AWARDS (APRIL—JUNE 2009)**

	<u>Number</u>	<u>Value</u>
Proposals	185	\$47,307,919
Awards	367	\$18,152,521
Expenditures (YTD)		\$51,490,038

Please keep Denise Spiller, Research Security Director, in your prayers and thoughts as she starts her tour of duty in Iraq. If you wish to communicate with Denise, she has a Facebook Page. You can search for her by using her UAHuntsville email address: [Denise.spiller@uah.edu](mailto:Denise.spiller@uah.edu).