March 26, 1990

Dear Member of Congress:

Thank you for your recent inquiry regarding the general terms and conditions which govern the receipt of a grant from the National Endowment for the Arts.

Enclosed you will find a sample grant letter for individual and fellowship grants as well as a "General Information and Guidance for Fellowship and Individual Project Grant Recipients" which includes language on the obscenity amendment adopted by Congress for Fiscal Year 1990. There is also a Fellowship and Individual Project Grant Compliance Agreement and Payment Request Form which must be signed. By signing this form, the grantee certifies that the terms and conditions set forth in the "General Information and Guidance for Fellowship & Individual Project Grant Recipients" paper are carried out.

Also enclosed is a sample grant letter for organizations as well as "General Terms & Conditions for Organizational Grant Recipients" which includes language on the obscenity amendment adopted by Congress for Fiscal Year 1990. There is also a Request for Advance or Reimbursement Form which must be signed. By signing this form, the grantee certifies that the terms and conditions set forth in "General Terms & Conditions for Organizational Grant Recipients" are carried out.

We hope this information is helpful. Thank you for your interest in the Arts Endowment.

Sincerely,

Marianne Klink
Acting Director
Congressional Liaison

MK/ebd
SAMPLE
ORGANIZATIONAL LETTER

Dear xxxxxxx:

On behalf of Chairman John Frohnmayer, it is a pleasure to inform you that your organization has been awarded a grant from the National Endowment for the Arts.

Grant Number: xx-xxxx-xxxx Application Number: Axx-xxxxxx
Sponsoring Program(s): MUSEUM
Amount Awarded: $50,000
To: xxxxxxxx
Start Date: January 1, 1990 End Date: December 31, 1990

Grant funds are provided for the following purpose(s): To support an exhibition and accompanying catalogue, as outlined in your application cited above and the enclosed project budget.

The enclosed "General Terms" for grants from the National Endowment for the Arts specifies the Endowment's regulations, procedures and other requirements and references the Office of Management and Budget Circulars which apply to this grant. Note that at paragraph two these "General Terms" include a restriction on use of Arts Endowment grant funds newly enacted by Congress for Fiscal Year 1990. Please read the "General Terms" carefully.

All correspondence or inquiries regarding the administrative requirements of this grant should be directed to the Grants Office (202) 682-5403.

Sincerely,

Laurence M. Baden
Grants Officer
Enclosures
Request for Advance or Reimbursement

1. Federal Agency and Organizational Element
   National Endowment For The Arts

2. Federal Grant No. or Other Identifying No. ________________________________

3. Type of Payment Requested
   a. □ Advance
   b. □ Final
   □ Reimbursement
   □ Partial

4. State of Report
   □ Cash
   □ Accrued Expenditures

5. Grant Account No. or Identifying No. ________________________________

6. Period Covered by this Request
   From ____________________ To ____________________
   month day year

7. Name of Grantee Organization
   ________________________________

8. Name of Payee (if different from item 6)
   ________________________________

Street Number and Name

City ___________________________ State ___________ Zip Code ___________

9. Name of Financial Institution
   ________________________________

10. Account No. __________________

11. Computation of Amount Requested


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<tr>
<th>Program—Functions—Activities</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
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<td>c. Not program outlays (Line a minus Line b)</td>
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<td>d. Estimated net cash outlays for advance period</td>
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<td>0</td>
<td>0</td>
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<td>e. Total of Lines c and d</td>
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<td>0</td>
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<tr>
<td>f. Non-Federal share of amount on Line e</td>
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<td>g. Federal share of amount on Line e</td>
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<td>h. Federal payments previously requested</td>
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<td>0</td>
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<tr>
<td>i. Federal share now requested (Line e minus Line h)</td>
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<td>j. Monthly advance requirements:</td>
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<td>(3) 3rd month</td>
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12. Remarks (Attach additional sheets if necessary)

13. Certification

I certify that to the best of my knowledge and belief the data reported above is correct and that all outlays were made in accordance with grant conditions and that payment is due and has not been previously requested. Submission of this request for payment constitutes acceptance of all terms and conditions of the grant indicated above. (The person signing as authorizing official below must have authority to legally bind the grantee organization.)

Signature of Authorized Certifying Official ___________________________

Date Report is Submitted ___________________________

Typed Name ___________________________ Typed Title ___________________________

Area Code ___________ Telephone ___________ Ext. ___________

For Agency Use Only

Grants Office Reviewer ___________________________ (Initials & date) ___________________________

Grants Office Approval ___________________________ (Initials & date) ___________________________

Approved ___________________________ (Initials & date) ___________________________

Program Director or Designee ___________________________ Date Approved ___________________________

WHITE - GRANTS OFFICE     PINK - PROGRAM OFFICE     BLUE - GRANTEE'S OFFICE
THE FOLLOWING INFORMATION IS PROVIDED TO HIGHLIGHT VARIOUS GRANT REQUIREMENTS, PARTICULARLY THOSE IDENTIFIED IN THE GOVERNMENT-WIDE COMMON RULE ENTITLED "UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS & COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS" AND IN OFFICE OF MANAGEMENT & BUDGET (OMB) CIRCULARS. THE AVAILABILITY OF THIS INFORMATION, HOWEVER, DOES NOT RELIEVE GRANTEES FROM THEIR RESPONSIBILITY TO READ THE COMMON RULE AND APPROPRIATE OMB CIRCULARS.

1. Applicability of General Terms & Conditions. The General Terms & Conditions for Organizational Grant Recipients apply to all grants awarded by the National Endowment for the Arts (Endowment) to organizations including private nonprofits; institutions of higher education; and state, local, and federally recognized Indian Tribal governments. Grant recipients assume legal responsibility for administering awards in accordance with these General Terms & Conditions and for complying with any provisions included in the grant agreement. Failure to comply with these requirements may result in suspension or termination of the award and Endowment recovery of grant funds.

2. Restriction on the use of FY 1990 Appropriated Funds. Public Law 101-121 requires that:

   "None of the funds authorized to be appropriated for the National Endowment for the Arts ... may be used to promote, disseminate, or produce materials which in the judgment of the National Endowment for the Arts ... may be considered obscene, including but not limited to, depictions of sadomasochism, homoeroticism, the sexual exploitation of children, or individuals engaged in sex acts and which, when taken as a whole, do not have serious literary, artistic, political or scientific value."

3. Treasury or Challenge Grant. If you received a grant that includes Treasury or Challenge Grant funds, please refer to the attached Addendum (A for Treasury and B for Challenge) which contains additional terms and conditions.

4. Sponsors. If this grant is awarded to you as the sponsor or fiscal agent for another organization, it is understood that your organization is financially, administratively and programmatically responsible for all aspects of the grant including submission of the labor assurance form; final reports; payment requests; and any amendment request which would effect the terms and conditions of this grant.

5. Compliance with Terms and Conditions. Submission of a request for funds under this grant (either through a Request for Advance or Reimbursement or Letter of Credit, as applicable) constitutes agreement to comply with all terms and conditions of the grant and agreement that funds will be disbursed in accordance with the approved project budget.
3. GENERAL TERMS AND CONDITIONS FOR NEA GRANT RECIPIENTS

The Committee intends that the General Terms and Conditions form provided to recipients of the NEA grant funds under Section 5 shall include on such form the following:

"REPAYMENT OF FUNDS AND DEBARMENT. In accordance with a Congressional directive, recipients of funds under Section 5 of the National Foundation on the Arts and Humanities Act of 1965 are requested to note the provisions of Section 10(g) of such Act regarding repayment of funds and debarment."
# GENERAL TERMS & CONDITIONS FOR ORGANIZATIONAL GRANT RECIPIENTS

Revised March 1990

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<td>29.</td>
<td>Clarification of Administrative, Technical or Programmatic Requirements</td>
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**Attachments**

Signature Authorization form 11
GENERAL TERMS & CONDITIONS FOR ORGANIZATIONAL GRANT RECIPIENTS

* * * * *

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5. Compliance with Terms and Conditions. Submission of a request for funds under this grant (either through a Request for Advance or Reimbursement or Letter of Credit, as applicable) constitutes agreement to comply with all terms and conditions of the grant and agreement that funds will be disbursed in accordance with the approved project budget.
6. Uniform Administrative Requirements. Nonprofit organizations inclusive of colleges and universities are subject to the provisions of OMB Circulars A-110 ("Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations"). Units of state and local governments and federally recognized Indian Tribal governments are subject to the administrative requirements codified by the Endowment as "Part 1157 - Uniform Administrative Requirements for Grants and Cooperative Agreements" (hereafter referred to as "Common Rule"). As applicable, these documents, by reference are hereby incorporated into this grant.

7. Allowable Costs. The allowability of costs for work performed under an Endowment grant shall be determined in accordance with the applicable federal cost principles and the terms and conditions of the grant award. The following OMB Circulars set forth the federal cost principles that, in general, apply to Endowment grantees:

a. OMB Circular A-21: public and private institutions of higher education;

b. OMB Circular A-122: nonprofit organizations exclusive of institutions of higher education; and

c. OMB Circular A-87: state, local and federally recognized Indian tribal governments.

Copies of these OMB Circulars may be obtained by writing to the Office of Management and Budget, Publications Office, New Executive Office Building, Room G236, Washington, D.C. 20503.

8. Subgranting

a. General Requirements

1) Subgranting with Organizations. For organizations subject to the requirements of OMB Circular A-110, the terms and conditions of this grant must be incorporated into all subgrants awarded under this grant if the subrecipient is one of the types of organizations to which OMB Circular A-110 would apply. State and local grantees, subject to the provisions of the Common Rule, should refer to Subpart C, section 1157.37 for guidance regarding subgrants awarded under this grant.

2) Subgranting with Individuals. Please ensure that in your subgrant agreements you include Part 2 of these "General Terms" as well as a requirement that the subgrantee submits to you final reports and maintains a record of any documents pertinent to this grant for a period of three years from the date the final report is filed.
b. Congressional Directive on Subgranting. If your grant award letter indicates that you are subject to a Congressional directive on subgranting, then the requirements contained in the attached “Additional Terms & Conditions for Organizations Receiving Support for Subgranting” are also applicable.

9. Matching Requirements. Unless otherwise stated in the grant award letter and/or reflected in the project budget, it is a condition of this grant that Endowment funds may not exceed 50 percent of the total cost of the project. The obligation of the Endowment shall not be increased unless agreed to in writing by the Chairman or a duly authorized representative. For Treasury and Challenge grant recipients, please refer to Addendum A or B (as applicable) for matching requirements.

10. Program Income. Income earned by a grantee (during the grant period) that results from activities supported by Endowment funds is considered to be program income. Such earnings include, but are not limited to income from fees for services performed, the use or rental of real or personal property acquired with grant funds, admission fees, etc. The Endowment utilizes the cost-sharing or matching method of program income. As such, program income may be used as part of the nonfederal match for a grant, or for additional costs of the Endowment supported project, or for use in other projects in the arts which are consistent with those supported by the Endowment.

11. Grant Amendments. All requests to amend the budget, grant period, matching requirements, or project scope/objective should be submitted in writing to the funding program office. Grantees will be notified of the Endowment’s response in writing by the Grants Office. Until such time as you receive a written response from the Grants Office, you may only incur costs consistent with the terms and conditions of the grant in effect at the time of your amendment request.

a. Budget Revisions. The enclosed project budget reflects the information contained in your application and any revisions made by the Endowment at your request or in order to bring the project budget into compliance with Endowment guidelines or federal regulations. Please refer to either OMB Circular A-110, Attachment J or the Common Rule, Subpart C, section 1157.30, as applicable, for guidance regarding budget revisions that require prior written approval. Please note that if your revision involves the acquisition of an item that has a useful life of at least one year and costs at least $5,000, then this item is considered to be equipment and requires prior written approval from the Endowment.

b. Grant Period Extensions & Liquidation of Obligations. Grantees are responsible for ensuring that all project activities and the commitment of project funds take place within the official grant period (i.e., the period stated in the grant award letter or an amendment letter). Grantees are also responsible for ensuring that all obligations incurred under a grant are liquidated within 90 days after the end date of the grant — to coincide with the submission of the Financial Status Report.
If a project cannot be initiated or completed within the timeframe set out in the grant award letter or if all obligations cannot be liquidated within 90 days following the project end date, then a time extension is needed. Time extension requests require detailed explanations.

c. Matching. The Endowment will not waive matching requirements except under the most unusual circumstances. Such requests require detailed justification including a new budget that reflects the revised commitment to the project.

d. Project or Scope. A project that is carried out under a grant agreement shall be consistent with the proposal that is approved for funding by the Endowment. Changes may not be made in the subject or the proposed objectives and products of grant activities without prior written approval from the Endowment. Factors that will be examined in considering such amendment requests include whether the: (1) need for the original grant project continues, (2) purpose of the grant remains the same, and (3) target audience remains the same.

12. Change in Key Person(s). State and local grantees, subject to the provisions of the Common Rule, should refer to Subpart C, section 1157.30(d)(3) regarding prior approval for a change in key persons associated with the project.

13. Title to Equipment. Unless otherwise specified in the grant award notice, title to equipment purchased or fabricated with Endowment funds shall be vested (without further obligation to the federal government) in the grantee organization with the understanding that the equipment will be used for the project (or similar activities) for which it was obtained.

14. Indirect Costs. The following applies only to those grantees who have indirect costs included in their approved project budget. The rate included reflects either an already established rate with a federal agency or an estimate submitted by those who intend to negotiate an indirect cost rate before the end of the grant period. When establishing an indirect cost rate, proposals should be submitted to the cognizant federal agency so that the rate may be finalized before the conclusion of your grant period. Similarly, in the event that your rate expires during the grant period, you must submit a proposal to renegotiate so that the rate may be finalized before the conclusion of your grant.

If the actual negotiated rate for your organization exceeds the rate as specified in the approved project budget, the application of a higher rate is subject to the limitations set forth in either OMB Circular A-110, Attachment J or the Common Rule, Subpart C, section 1157.42(c)(4), as applicable. In no event will additional federal funds be awarded to support an increase in indirect costs. A negotiated rate lower than the rate included in the project budget or failure to negotiate a rate by the end of the grant period may result in decreased federal support if the total nonfederal costs is insufficient to satisfy the grant’s matching requirement.
Any questions about negotiating indirect costs should be directed to the Endowment’s Office of Inspector General at (202) 682-5402.

15. Foreign Travel. All travel outside the United States, its territories, and Canada which was not identified in your application must be specifically approved in writing by the Grants Office before travel is undertaken. Additionally, such travel (inclusive of persons or property) that is paid in whole or in part with Endowment funds must be performed on a U.S. air-carrier when such service is available. Except under the following conditions, a U.S. air-carrier service is considered available even though a comparable or different kind of service can be provided at less cost by a foreign carrier and/or foreign air-carrier service is preferred by, or is more convenient for, the traveler:

a. when the traveler’s origin or destination airport is a gateway airport abroad and the use of a U.S. air-carrier would extend the time in travel status by at least twenty-four hours more than travel by a foreign air-carrier;

b. when a traveler while en route must transfer to another flight and the use of a U.S. air-carrier would extend his or her time in travel status by at least six hours more than travel by a foreign air-carrier;

c. when travel time on a scheduled flight by a foreign air-carrier is three hours or less and service by a U.S. air-carrier would involve twice as much travel time; or

d. when travel is between two points outside the U.S. and the use of a foreign air-carrier would eliminate two or more aircraft changes in route.

If you discover that service on a U.S. flag carrier is not available, you must request an exception in writing from the Endowment. All requests should be sent to the Grants Office for determination.

16. Lobbying. In accordance with a Congressional directive, grantees are requested to note the following provisions of federal law regarding the use of Endowment funds for lobbying activities:

18 U.S.C. Sec. 1913 Lobbying with appropriated moneys

“No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or

*A gateway airport abroad is the airport from which the traveler last embarks en route to the U.S. or at which he/she first debarks incident to travel from the U.S.
In addition, use of federal grant funds for lobbying activities is prohibited by OMB Circular A-122. Please review this circular carefully.

17. Signature Authorization. The individuals identified on an application as the authorizing official(s) can sign labor assurance and assurance of compliance forms, revised budgets, cash requests, final reports and make requests to amend a grant. Such individuals serve as authorizing officials for that application only. In addition, the executive director, president, chairman or officers of the board will be considered authorizing officials whether or not they have signed the application.

If grantees wish to have additional individuals act as authorizing officials either for this or any other Endowment grant, a completed signature authorization form (a copy is provided at the end of these General Terms) or a letter making such a request must be submitted to the Endowment's Grants Office. These forms will be maintained on file in the Grants Office for a period of four years. Please submit updated forms if changes in authorizing officials occur within your organization or every four years, as applicable.

Please note that any person serving on an Endowment panel can act as an authorizing official for any application or grant except for those applications reviewed by the panel that he/she serves on. This prohibition begins with and lasts until the conclusion of the fiscal year that the panelist serves.
18. **Cash Requests, Interest Earned on Advances and Labor Assurance**

a. **Cash Requests**

1) **Requests for Advance or Reimbursement.** Cash requests must reflect expenses already incurred (reimbursement) and/or expenses to be incurred (advance) within 30 days or less from the date you sign the form. In either instance, funds must be immediately disbursed upon receipt. Under no circumstances may funds be requested to cover expenditures prior to the beginning of the grant period. Payment requests must be rounded to the nearest dollar.

No payment of grant funds can be made unless the individual that signs the cash request is an authorizing official — with the exception of colleges and universities where an employee of the office fiscally responsible for a grant may request and sign a cash request.

No payment of grant funds will be sent to an address outside the United States, its territories or Canada. You are responsible for making arrangements for grant payments to be sent to an address within the United States and notifying the Endowment in writing of such arrangements.

2) **Letter of Credit (LOC).** Grantees on letter of credit should refer to the instructions included in their grant award package.

3) **Electronic Funds Transfer.** Grantees interested in having payments transferred electronically to their financial institution should refer to the “Guidelines for Completing the Request for Advance or Reimbursement form.”

b. **Interest Earned on Advances.** Grant recipients should refer to either OMB Circular A-110, Attachment I or the Common Rule, Subpart C, section 1157.21(h)(2)(1) for information regarding the disposition of interest earned on advances of funds.

c. **Labor Assurance.** In addition to submitting the payment request form, you must also certify to the Endowment that you will comply with the labor standards set out in "Part 505 (29 CFR) - Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts." This is required by the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951 et seq.). Grantees provide this assurance by signing and returning to the Grants Office the attached Assurances as to Labor Standards.

It is very important that the Assurance form accompany your first payment request. **NO FUNDS WILL BE PAID UNTIL THIS FORM IS RECEIVED IN THE GRANTS OFFICE.**
For grantees on LOC, you must submit the Assurance form and subsequently receive a Letter of Credit SF-1193A from the Endowment indicating the effective date that funds for this grant can be requested BEFORE YOU SUBMIT YOUR FIRST PAYMENT REQUEST TO YOUR FINANCIAL INSTITUTION. YOUR LOC ACCOUNT WILL NOT BE AMENDED TO REFLECT A NEW AWARD OR AN AMENDMENT UNTIL THE GRANTS OFFICE HAS RECEIVED A COMPLETED ASSURANCE FORM.

19. Nondiscrimination and Other Assurances. Grantees are required to execute projects and/or productions in accordance with the requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, where applicable, and the National Endowment for the Arts' "Debarment and Suspension" regulations implementing Executive Order 12549 and the Drug-Free Workplace Act of 1988.

20. Reporting Requirements. A Final Report package including the Financial Status Report, two copies of the Final Descriptive Report and any work products required by an Endowment program must be submitted not later than 90 days after the grant ending date to:

Grants Office/Final Reports Section, Room 204
National Endowment for the Arts
Nancy Hanks Center
1100 Pennsylvania Avenue, N.W.
Washington, D.C. 20506

The necessary forms and specific Final Reporting Requirements for your Program are included in our grant package. An authorizing official must sign the Final Report to verify that the project for which Endowment funds were awarded has been carried out.

Grantees who fail to submit required final reports for any grant(s) are ineligible to receive subsequent funding for five years following the final report due date of the grant(s) or until the delinquent final reports are submitted earlier; whichever occurs first. Acceptability of final reports may also affect eligibility. In addition, failure to submit required final reports within 210 days from the grant end date will result in the Endowment withdrawing any undisbursed funds remaining on the delinquent grant.

21. Financial Management and Audit Requirements. OMB Circular A-110, Attachment F and the Common Rule, Subpart C, section 1157.20 & .26, as applicable, prescribe standards for financial management systems of grantees, including requirements to conduct financial and compliance audits. Please direct any questions about these requirements to the Endowment's Office of Inspector General at (202) 682-5402.
22. **Record Retention.** Following the submission of financial status reports, grant recipients must maintain financial records, supporting documents, statistical records, and all other records pertinent to a grant consistent with the provisions outlined in OMB Circular A-110 and the Common Rule, Subpart C, section 1157.42, as applicable. Generally, the retention period is three years from the date the financial status report is filed.

23. **Drug-Free Workplace Act Requirements.** Grantees who do not identify, either in application materials or in final reports, the place(s) that work is being performed under the grant, should have this information on file.

24. **Audit Confirmation.** Grantees that wish to confirm, primarily for audit purposes, the exact amount of a grant or payment that they have received from the Endowment should contact the Endowment's Finance Office at (202) 682-5493 or mail their requests to the Finance Office, National Endowment for the Arts, Room 223, 1100 Pennsylvania Ave., N.W., Washington, D.C. 20506.

25. **Acknowledgment of Support.** Please reference category specific requirements contained in either the program guidelines used to submit this grant application or in this grant award package.

26. **Library of Congress Cataloging in Publication Data.** It is strongly recommended that any publication which might result from this grant be cataloged by the Cataloging in Publication Division of the Library of Congress before it is prepared for final printing. In order to do this, the grantee must submit galley proofs or front material to the Library of Congress at least 10 days prior to publication. For procedural information write or call: Library of Congress, Cataloging in Publication Division, Washington, D.C. 20540 (202/287-6372). This method of cataloging enables libraries to acquire and process books quickly.

27. **Suspension, Termination and Debarment.** Office of Management and Budget Circular A-110, Attachment L and the Common Rule, Subpart C, section 1157.43, respectively, provide uniform suspension and termination procedures for federal grants. National Endowment for the Arts regulations implementing Executive Order 12549, "Debarment and Suspension" also provide additional guidance.

Suspension of a grant is an action by a federal sponsoring agency that temporarily suspends federal sponsorship under the grant pending corrective action by the recipient or pending a decision to terminate the grant by the federal sponsoring agency. Termination of a grant means the cancellation of federal assistance, in whole or in part under a grant at any time prior to the date of completion. As a result of Executive Order 12549, if you or your organization is suspended or debarred by one federal agency then you are suspended or debarred by all federal agencies.
28. Resolution of Conflicting Conditions. Should there be any inconsistency between these General Terms and Conditions and the terms and conditions of a grant award notice, the applicable laws and regulations will determine what takes precedence.

29. Clarification of Administrative, Technical or Programmatic Requirements. If you have any questions about these requirements, please contact either the Grants Office at 202/682-5403 or the Endowment program through which your grant was awarded at 202:

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For the hearing impaired, the Endowment has a telecommunications device (TDD) located within its Office of Special Constituencies (TDD number 202/682-5496).
GUIDELINES: Individuals noted on an application as authorizing officials serve as authorizing officials for that application only.

In addition, the executive director, president, chairman or officer of the board will be considered authorizing officials whether or not they signed the application. If you would like other individuals to be authorizing officials for this or any other project supported by the Endowment, please provide the information requested below. Space has been provided for you to identify as many as two alternative authorizing officials. Examples of such alternatives may include board members, fiscal officers and/or project directors. This request must be signed by a current authorizing official of your organization.

Organization

Alternate Authorizing Official: Alternate Authorizing Official:
Typed Name Typed Name
Title Title

Signature Date Signature Date

Current Authorizing Official making this request:
Typed Name
Title

Signature Date

Please return this form to:
Grants Office
National Endowment for the Arts
Washington, DC 20506