

Notice to applicants of federally funded grant programs

As an applicant to a federally funded grant program, we are providing the following information in this document in accordance with federal law. The following pages contain “flow-down” federal regulations and policy requirements which organizations would need to comply with if selected for an award. These include requirements that prohibit discrimination, ensure accessibility of all facilities and programs funded with federal monies, provide for the protection of environmental and historic resources, and more. These apply to all federal awards. The provider of federal funds for this program’s grants is the National Endowment for the Arts.

APPENDIX A:

NATIONAL POLICY AND OTHER LEGAL REQUIREMENTS, STATUTES, REGULATIONS, AND EXECUTIVE ORDERS THAT GOVERN YOUR AWARD

You must ensure that you implement the funded project in full accordance with the US Constitution, federal law, and public policy requirements including, but not limited to, those protecting free speech, religious liberty, public welfare, and the environment, and those prohibiting discrimination (§ 200.300). Also, you must ensure that you implement the funded project in full accordance with all applicable Executive Orders to the extent permitted by law. Executive orders are posted at [whitehouse.gov/presidential-actions](https://www.whitehouse.gov/presidential-actions) and [federalregister.gov](https://www.federalregister.gov).

As a registrant with SAM.gov, in most cases, you have already self-certified to your compliance with these policies and legal requirements through the *Financial Assistance General Certifications and Representations*, including attesting to the accuracy of the certification and acknowledging that you may be subjected to criminal prosecution under Section 1001, Title 18 U.S.C, or civil liability under the False Claims Act if you have misrepresented the information. A copy of this Financial Assistance Certifications Report is available in your SAM.gov entity registration record.

1. Nondiscrimination Policies

As a condition of receipt of federal financial assistance, you acknowledge and agree to execute your project, and require any contractors, successors, transferees, and assignees to comply with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

Title VI of the Civil Rights Act of 1964, as amended, and implemented by the National Endowment for the Arts at 45 CFR 1110, provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. Title VI also extends protection to persons with limited English proficiency (42 U.S.C. 2000d et seq.).

As clarified by **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency**, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons in conducting your programs and activities. For assistance and information, go to www.arts.gov/about/foia/library. On March 1, 2025, Executive Order 14224, *Designating English as the Official Language of the United States*, rescinded EO 13166 but does not require or direct any change in the services provided by the federal agency.

Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, provides that award recipients should (A) agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of

title 31, United States Code; and (B) certify that it does not operate any programs promoting “diversity, equity, and inclusion” (DEI) that violate any applicable Federal anti-discrimination laws.

Title IX of the Education Amendments of 1972, as amended, provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subject to discrimination under any education program or activity receiving federal financial assistance (20 U.S.C 1681 et seq.).

The Age Discrimination Act of 1975, as amended, provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (42 U.S.C 6101 et seq.).

The Americans with Disabilities Act of 1990 (ADA), as amended, prohibits discrimination on the basis of disability in employment (Title I); State and local government services (Title II); and places of public accommodation and commercial facilities (Title III) (42 U.S.C 12101-12213).

Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of his/her disability, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance (29 U.S.C 794).

Access should be integrated into all facets and activities of an organization, from day-to-day operations to long range goals and objectives. Access accommodations and services should be given a high priority, and funds should be available for these services. All organizations are legally required to provide reasonable and necessary accommodations for staff and visitors with disabilities.

You must designate a staff member to serve as a 504 Coordinator and a Section 504 self-evaluation must be on file at your organization. To help your organization evaluate its programs, activities, and facilities to ensure full compliance with Section 504 accessibility requirements, the NEA’s Office of Civil Rights has a *Section 504 Self Evaluation Workbook* available on the www.arts.gov website. The completed Section 504 self-evaluation workbook or similar compliance and supporting documentation must be kept on file for a period of three (3) years from the date the final Federal Financial Report (FFR) is filed and be made available to the public and the NEA upon request. The NEA may request the 504 workbook or your compliance documents in various instances including an Inspector General audit and/or civil rights investigation.

Design for Accessibility: A Cultural Administrator's Handbook provides guidance on making access an integral part of an organization's staffing, mission, budget, and programs. You may download this handbook and other resources from the NEA website at www.arts.gov. If you have questions, contact the Office of Accessibility at accessibility@arts.gov or (202) 682-5532.

2. Environmental and Historic Preservation Policies

The National Environmental Policy Act of 1969, as amended (NEPA), applies to any federal funds that would support an activity that may have environmental implications. The NEA may ask you to respond to specific questions or provide additional information in accordance with NEPA. If there are environmental implications, the NEA will determine whether a categorical exclusion may apply; to undertake an environmental assessment; or to issue a "finding of no significant impact," pursuant to applicable regulations and 42 U.S.C. Sec. 4332.

The National Historic Preservation Act of 1966, as amended (NHPA), applies to any federal funds that support activities that have the potential to impact any structure eligible for or on the National Register of Historic Places, adjacent to a structure that is eligible for or on the National Register of Historic Places, or located in a historic district, in accordance with Section 106. This also applies to planning activities that may affect historic properties or districts. The NEA will conduct a review of your project activities, as appropriate, to determine the impact of your project activities on the structure or any affected properties. NEA review must be completed prior to any award funds being released. You may be asked to provide additional information on your project to ensure compliance with NHPA at any time during your award's period of performance (16 U.S.C. 470).

3. Other National Policies

Debarment and Suspension. You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR 180, as adopted by the NEA in 2 CFR 32.3254. There are circumstances under which the NEA may receive information concerning your fitness to carry out a project and administer federal funds, such as:

- Conviction of, or a civil judgment for, the commission of fraud, embezzlement, theft, forgery, or making false statements.
- Any other offense indicating a lack of business integrity or business honesty that seriously and directly affects your present responsibility.
- Any other cause of so serious or compelling a nature that it affects an organization's present responsibility.

In these circumstances, the NEA may need to act quickly to protect the interest of the government by suspending your funding while investigating the specific facts. The NEA's suspension actions may be coordinated with other federal agencies that have an interest in the NEA's findings. A suspension may result in your debarment from receiving federal funding government-wide for up to three (3) years.

The Drug Free Workplace Act requires you to publish a statement about your drug-free workplace program. You must give a copy of this statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out.

You must maintain a record of the sites where work is performed under this award including the full street address, city, state, and zip code. You must notify the National Endowment for the Arts Office of Grants

Management of any employee convicted of a violation of a criminal drug statute that occurs in the workplace (41 U.S.C 701 et seq. and 45 CFR 1155).

Lobbying. You must not conduct political lobbying, as defined in the statutes and regulations listed below, within your NEA-supported project. In addition, you must not use federal funds for lobbying specifically to obtain awards. For definitions and other information on these restrictions, refer to the following:

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counter-intelligence, intelligence, or national security activities (18 U.S.C 1913).

Lobbying (§ 200.450) describes the cost of certain influencing activities associated with obtaining grants, contracts, cooperative agreements, or loans as an unallowable project cost. The regulation generally defines lobbying as conduct intended to influence the outcome of elections or to influence elected officials regarding pending legislation, either directly or through specific lobbying appeals to the public.

Certification Regarding Lobbying to Obtain Awards. Section 319 of Public Law 101-121, codified at 31 U.S.C. 1352, prohibits the use of federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any federal grant, cooperative agreement, contract, or loan. While non-federal funds may be used for such activities, they must not be included in your project budget, and their use must be disclosed to the awarding federal agency. Disclosure of lobbying activities by long-term employees (employed or expected to be employed for more than 130 days by a recipient of federal funds) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

Davis-Bacon and Related Acts (DBRA), as amended, requires that each contract over \$2,000 to which the United States is a party for the construction, alteration, or repair of public buildings or public works (these activities include, but are not limited to, painting, decorating, altering, remodeling, installing pieces fabricated off-site, and furnishing supplies or equipment for a work-site) must contain a clause setting forth the minimum wages to be paid to laborers and mechanics employed under the contract. Under the provisions of DBRA, contractors or their subcontractors must pay workers who qualify under DBRA no less than the locally prevailing wages and fringe benefits paid on projects of a similar character.

You can find information about the laborers and projects that fall under DBRA on the U.S Department of Labor's website at www.dol.gov. DBRA wage determinations are to be used in accordance with the provisions of Regulations, 29 CFR Part 1, Part 3, and Part 5, and with DOL's Compliance Guide. The provisions of DBRA apply within the 50 states, territories, protectorates, and Native American nations (if the labor is completed by non-tribal laborers).

The Native American Graves Protection and Repatriation Act of 1990 applies to any organization that controls or possesses Native American human remains and associated funerary objects and receives Federal funding, even for a purpose unrelated to this Act (25 U.S.C. 3001 et seq.). For more information see 43 CFR 10 - Native American Graves Protection and Repatriation Regulations at <https://www.ecfr.gov/>.

If your project includes Native American human remains, funerary objects, sacred objects, and/or objects of cultural patrimony, per the Native American Graves Protection and Repatriation Act (NAGPRA) of November 16, 1990, you are required to:

- Consult with lineal descendants, Indian Tribes, or Native Hawaiian organizations on the appropriate storage, treatment, or handling of human remains or cultural items,
- Make a reasonable and good-faith effort to incorporate and accommodate the Native American traditional knowledge of lineal descendants, Indian Tribes, or Native Hawaiian organizations in the storage, treatment, or handling of human remains or cultural items, and
- Obtain free, prior, and informed consent from lineal descendants, Indian Tribes, or Native Hawaiian organizations prior to allowing any exhibition of, access to, or research on human remains or cultural items. Research includes, but is not limited to, any study, analysis, examination, or other means of acquiring or preserving information about human remains or cultural items.

U.S. Constitution Education Program. Educational institutions (including but not limited to "local educational agencies" and "institutions of higher education") receiving federal funds from any agency are required to provide an educational program on the U.S. Constitution on September 17 (P.L. 108-447, Division J, Sec. 111(b)). For more information, go to the U.S. Department of Education's website at www.ed.gov and the Library of Congress website at www.loc.gov.

Prohibition on use of funds to ACORN or its subsidiaries. No NEA funds or cost share funds expended for your NEA project may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries (P.L. 111-88 Sec. 427).