

## National Foundation on the Arts and the Humanities

## § 1180.32

providing educational and other programs to the public through the use of its collections and other resources.

### § 1180.4 Museum eligibility and burden of proof—Who may apply.

(a) A museum located in any of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federal States of Micronesia, and the Republic of Palau may apply for a grant under the Act.

(b) A public or private nonprofit agency which is responsible for the operation of a museum may, if necessary, apply on behalf of the museum.

(c) A museum operated by a department or agency of the Federal Government is not eligible to apply.

(d) An applicant has the burden of establishing that it is eligible for assistance under these regulations.

### § 1180.5 Related Institutions.

(a) If two or more institutions are under the common control of one agency or institution or are otherwise organizationally related and apply for assistance under the Act, the Director determines under all the relevant circumstances whether they are separate museums for the purpose of establishing eligibility for assistance under these regulations. *See* § 1180.4.

(b) IMLS regards the following factors, among others, as showing that a related institution is a separate museum:

(1) The institution has its own governing body;

(2) The institution has budgetary autonomy; and

(3) The institution has administrative autonomy.

### § 1180.6 Basic materials which an applicant must submit to be considered for funding.

(a) *Application.* To apply for a grant, an applicant must submit the designated application form containing all information requested. Failure to submit information required by the application at the time of filing can subject an applicant to rejection of the appli-

cation without consideration on its merits.

(b) *IRS letter.* An applicant applying as a private, nonprofit institution must submit a copy of the letter from the Internal Revenue Service indicating the applicant's eligibility for nonprofit status under the applicable provision of the Internal Revenue Code of 1954, as amended.

## Subpart B—General Application, Selection and Award Procedures Applications

### APPLICATIONS

### § 1180.30 Publication of application notices; content of notices.

Each fiscal year the Director publishes application notices that explain what kind of assistance is available that fiscal year under the Act.

[48 FR 27728, June 17, 1983, as amended at 71 FR 6372, Feb. 8, 2006]

### § 1180.31 Information in application notices.

Application notices generally include:

(a) How an applicant can get an application packet containing detailed information about the program including an application form;

(b) Where an applicant must send its application;

(c) The amount of funds for which an applicant may apply;

(d) Any priorities established by the Institute for that year; and

(e) A reference to the applicable regulations.

[71 FR 6372, Feb. 8, 2006]

### § 1180.32 Deadline date for applications.

(a) The application notice sets the deadline date for applications to be postmarked or hand delivered to the Institute. The applicant shall:

(1) Mail the application to the address specified in the application notice on or before the deadline date; or

(2) Hand deliver the application to the address specified in the application notice by 4:30 p.m. (Washington, DC time) on deadline date.

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(b) An applicant must be prepared to show one of the following as proof of timely mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other dated proof of mailing acceptable to the Director.

(c) If an application is mailed through the U.S. Postal Service, the Director does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not date cancelled by the U.S. Postal Service.

(d) The Director of IMLS may publish, in applicable application notices and program guidelines, additional ways in which an application can be submitted to the agency electronically.

[48 FR 27728, June 17, 1983, as amended at 71 FR 6372, Feb. 8, 2006]

**§ 1180.33 Applicants must meet procedural rules.**

The Director is authorized to make a grant only to an eligible applicant that submits a complete application, including attachments, on or before the deadline.

**§ 1180.34 [Reserved]**

**§ 1180.35 Group applications.**

(a) Eligible applicants may apply as a group for a project grant.

(b) If a group of applicants applies for a grant, the members of the group shall either:

(1) Designate one member of the group to apply for the grant; or

(2) Establish a separate, eligible legal entity, consisting solely of the applicant group, to apply for the grant.

(c) The members of the group, or entity, shall enter into an agreement that:

(1) Details the activities that each member of the group plans to perform; and

(2) Binds each member of the group to every statement and assurance made by the applicant in the application.

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(d) The applicant shall submit the agreement together with its application.

(e) If the Director makes a grant to a group of eligible applicants, the applicant for the group is the grantee and is legally responsible for:

(1) The use of all grant funds; and

(2) Ensuring that the project is carried out by the group in accordance with applicable Federal laws, regulations, and requirements.

(f) Each member of the group is legally responsible for:

(1) Carrying out the activities it agrees to perform; and

(2) Using the funds it receives under the agreement in accordance with applicable Federal laws, regulations, and requirements.

[48 FR 27728, June 17, 1983, as amended at 60 FR 63964, Dec. 13, 1995; 71 FR 6372, Feb. 8, 2006]

**SELECTION AND AWARD PROCEDURES**

**§ 1180.36 Rejection of an application.**

(a) The Director rejects an application if:

(1) The applicant is not eligible;

(2) The applicant fails to comply with procedural rules that govern the submission of the application;

(3) The application does not contain the information required;

(4) The application cannot be funded under the authorizing statute or implementing regulations.

(b) If the Director rejects an application under this section, the Director informs the applicant and explains why the application was rejected.

**§ 1180.37 Rejection for technical deficiency—appeal; reconsideration; waiver.**

(a) An applicant whose application is rejected because of technical deficiency may appeal such rejection in writing to the Director within 10 days of postmark of notice of rejection.

(b) If an application was rejected because material did not accompany the application, the Director shall reconsider the application upon receipt of material in a timely manner.

(c) As has always been the practice of IMLS, the Director waives the requirement in these regulations of certain

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records under circumstances which would require such waivers where the regulations specifically provide for waiver. (See §1180.51(b) (Pub. L. 97-394))

**§ 1180.38 [Reserved]**

**§ 1180.39 Applications not selected for funding.**

If an application is not selected for funding, the Director informs the applicant.

**§ 1180.40 [Reserved]**

**§ 1180.41 The cost analysis; basis for grant amount.**

Before the Director sets the amount of a grant, a cost analysis of the project is made which involves an examination of:

- (a) The cost data in the detailed budget for the project;
- (b) Specific elements of cost; and
- (c) The necessity, reasonableness, and allowability under applicable statutes and regulations.

[60 FR 63964, Dec. 13, 1995]

**§ 1180.42 The notification of grant award.**

- (a) The Director furnishes a notification of grant award to the grantee.
- (b) The notification of grant award sets the amount of the grant and gives other information about the grant.

**§ 1180.43 Effect of the grant.**

The grant obligates both the Federal Government and the grantee to all of the requirements, regulations and statutes that apply to the grant.

**Subpart C—General Conditions Which Must Be Met by a Grantee**

NONDISCRIMINATION

**§ 1180.44 Federal statutes and regulations on nondiscrimination.**

(a) Each grantee shall comply with the following statutes:

Subject	Statute
Discrimination on the basis of race, color or national origin.	Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d through 2000d-4)
Discrimination on the basis of sex.	Title IX of the Education Amendments of 1972 (20 U.S.C. 1681-1683).

Subject	Statute
Discrimination on the basis of handicap.	Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
Discrimination on the basis of age.	The Age Discrimination Act (420 U.S.C. 8101 et. seq).

(b) *Regulations under section 504 of the Rehabilitation Act of 1973.* The Institute applies the regulations in 45 CFR part 1170, issued by the National Endowment for the Humanities and relating to nondiscrimination on the basis of handicap in federally assisted programs and activities, in determining the compliance with section 504 of the Rehabilitation Act of 1973 as it applies to recipients of Federal financial assistance from the Institute. These regulations apply to each program or activity that receives such assistance. In applying these regulations, references to the *Endowment* of the agency shall be deemed to be references to the Institute and references to the *Chairman* shall be deemed to be references to the Director.

[55 FR 51104, Dec. 12, 1990, as amended at 71 FR 6372, Feb. 8, 2006]

**§ 1180.45 [Reserved]**

EVALUATION

**§ 1180.46 Evaluation by the grantee.**

A grantee shall evaluate at least semi-annually:

- (a) The grantee's progress in achieving the objectives set forth in its approved application; and
- (b) The contribution of the grant toward meeting the purposes of the Act.

**§ 1180.47 Federal evaluation—Cooperation by a grantee.**

A grantee shall cooperate in any evaluation by the Director of the particular grant program in which grantee has participated.

PUBLICATIONS AND COPYRIGHTS

**§ 1180.48 General conditions on publications.**

(a) *Content of materials.* Subject to any specific requirements that apply to its grant, a grantee may decide the format and content of materials that it publishes or arranges to have published.