

National Foundation on the Arts and the Humanities

§ 1180.48

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.

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(b) *Required Statement.* The grantee shall ensure that any publication that contains materials also contains the following statement:

The contents of this (insert type of publication, e.g., book, report, film) were developed in whole or in part under a grant from the Institute of Museum and Library Services. However, the contents do not necessarily represent the policy of the Institute, and endorsement by the Federal Government should not be assumed.

[60 FR 63964, Dec. 13, 1995]

§ 1180.49 Copyright policy for grantees.

A grantee may copyright materials in accordance with government-wide policy applicable to copyright of publications developed under Federal grants.

[60 FR 63964, Dec. 13, 1995]

§ 1180.50 Definition of “materials.”

As used in §§1180.48 through 1180.49, materials means a copyrightable work developed in whole or in part with funds from a grant from the Institute.

[60 FR 63964, Dec. 13, 1995]

GENERAL ADMINISTRATIVE
RESPONSIBILITIES

§ 1180.51 Compliance with statutes, regulations, and its approved grant application.

(a) A grantee shall comply with applicable statutes, regulations, and the approved grant application, and shall use Federal funds in accordance therewith.

(b) No official, agent, or employee of the Institute may waive any regulation unless the regulation specifically provides for waiver.

(c) No act or failure to act by an official, agent, or employee of the Institute can affect the authority of the Director to enforce regulations.

(d) In any circumstance for which waiver is provided, the determination of the Director shall be final.

§ 1180.52 The grantee administers or supervises the grant.

A grantee shall directly administer or supervise the administration of the grant and be answerable therefor.

45 CFR Ch. XI (10–1–10 Edition)

§ 1180.53 Fiscal control and fund accounting procedures.

A grantee shall exert fiscal control and employ fund accounting procedures that ensure proper disbursement of and accounting for Federal funds in accordance with OMB circulars A-102 and A-110.

§ 1180.54 Obligation of funds during the grant period.

A grantee may use grant funds for obligations it makes only during the grant period.

§ 1180.55 Prohibition of subgrants.

(a) A grantee may not make a subgrant.

(b) A grantee may contract for supplies, equipment, and services subject to §1180.45(a).

§ 1180.56 Allowable costs.

(a) Determination of costs allowable under a grant is made in accordance with government-wide cost principles in applicable OMB circulars.

(b) No costs shall be allowed for the purchase of any object to be included in the collection of a museum, except library, literary, or archival material specifically required for a designated activity under a grant under the Act.

[71 FR 6372, Feb. 8, 2006]

§ 1180.57 Use of consultants.

(a) Subject to Federal statutes and regulations, a grantee shall adhere to its general policies and practices when it hires, uses, and pays a consultant as part of the staff.

(b) The grantee may not use its grant to pay a consultant unless;

(1) There is a need in the project for the services of that consultant; and

(2) The grantee cannot meet that need through using an employee rather than a consultant.

[71 FR 6372, Feb. 8, 2006]

§ 1180.58 Duration of grants.

The grantee may use grant funds during the period specified in the grant document unless the grant is suspended or terminated. If the grantee needs additional time to complete the grant, the grantee may apply for an extension of the grant period without additional