

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****36 CFR Part 1206**

[RIN 3095-AA43]

**National Historical Publications and Records Commission; Grant Program Procedures****AGENCY:** National Archives and Records Administration.**ACTION:** Final rule.

**SUMMARY:** The National Archives and Records Administration (NARA) is updating and clarifying current regulations in 36 CFR Part 1206 relating to the National Historical Publications and Records Commission (NHPRC) grant program. In particular, language has been revised to reflect an internal reorganization; to address revisions to the state historical records coordinator and advisory board program; to include mention of archival administration and documentary editing fellowships for individuals; to include prior approval requirements for changes in the grant project; to cite government-wide requirements for grant administration and audit; and to make grantees aware of the lobbying certification requirement for grants of \$100,000 or more. The rule will affect NHPRC applicants and grantees.

**EFFECTIVE DATE:** This rule is effective March 14, 1996.**FOR FURTHER INFORMATION CONTACT:** Nancy Sahli at 202-501-5603.

**SUPPLEMENTARY INFORMATION:** On September 8, 1995, NARA published a notice of proposed rulemaking in the Federal Register at 60 FR 46798. Twelve comments were received on the proposed rule. Eight of the comments were favorable and recommended adoption of the rule in its existing form. Four comments recommended changes or modifications to the rule which have been addressed as follows:

Two commenters associated with State archival organizations suggested that the sentence in § 1206.36 dealing with appointment of State historical agency officials other than the State archivist be clarified. Their concern was that the current wording might result in the required addition of numerous officials of State historical agencies to the State historical records advisory boards, thereby making the boards unwieldy in size. The wording of the sentence has been changed to read as follows: "If the State has another state-funded historical agency or agencies with archival and/or records responsibilities, the official(s) in charge

of at least one of these shall be a member of the State historical records advisory board (board)."

One commenter, director of a State Department of Archives and History, suggested a modification to the language in § 1206.38(a), regarding the designation of the State historical records advisory board chair, to accommodate boards operating under state statutes that specify that a chair should be elected. The wording of the sentence in question has been changed to read as follows: "Each State desiring to participate in the program shall define an appointment process and appoint a State historical records advisory board consisting of at least seven members, including the State historical records coordinator, who chairs the board, unless otherwise specified in state statute."

The Territorial Archivist of American Samoa had two suggestions. First, he recommended that the term "international" be added to language in § 1206.2(f) to accommodate projects needing to involve state or territorial records held by countries outside the United States. We believe that his recommended wording change is better placed in § 1206.2(g) and have changed the wording of the first sentence to encompass activities of the type he has in mind: "The term national projects means records projects involving records or activities in several regions, in widely separated States, or that have an international component."

His second suggestion aimed at broadening the options for matching funds as described in § 1206.50(c) by adding the word "old." We believe that the same purpose is served by eliminating the word "new" that currently exists in the first sentence in the section. State and local government grantees would still be required to demonstrate that matching funds had been provided above and beyond funds previously allocated or planned for the agency's budget and that the funds are set aside exclusively to support the NHPRC grant. The revised sentence would read as follows: "An application for a matching grant should be made when an applicant has prospects of securing financial support from a third party, or, in the case of a State or local government agency, funds from the institution's own appropriation source are provided expressly for the project proposed in the application."

In addition to these changes suggested by commenters, NARA has replaced references to OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education,

Hospitals and Other Non-Profit Organizations" with references to NARA's regulations in 36 CFR part 1210 that implement that Circular. These NARA regulations were published as an interim final rule on October 16, 1995, at 60 FR 53514. A final rule confirming the interim rule without change is published in today's Federal Register.

The information collections contained in this final rule have been approved by the Office of Management and Budget under the Paperwork Reduction Act. This final rule has not been reviewed by the Office of Management and Budget under Executive Order 12866 of September 30, 1993. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities.

**List of Subjects in 36 CFR Part 1206**

Grant programs—Archives and records, Grant administration.

For the reasons set forth in the preamble, Part 1206 of Title 36 of the Code of Federal Regulations is amended as follows:

**PART 1206—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION**

1. The authority citation of part 1206 continues to read as follows:

Authority: 44 U.S.C. 2104(a); 44 U.S.C. 2501-2506.

2. Section 1206.1 is revised to read as follows:

**§ 1206.1 Scope of part.**

This part prescribes the procedures and rules governing the operation of the grant program of the National Historical Publications and Records Commission.

3. Section 1206.2 is amended by revising paragraphs (e), (f), and (g) to read as follows:

**§ 1206.2 Definitions.**

\* \* \* \* \*

(e) The term *State projects* means records projects directed by organizations operating within and involving records or activities within one State. Records or activities of such projects will typically be under the administrative control of the organization applying for the grant. The records or activities need not relate to the history of the State.

(f) The term *regional projects* means records projects involving records or activities in more than one State in a region. Regional projects include those undertaken by regional archival groups or consortia.

(g) The term *national projects* means records projects involving records or

activities in several regions, in widely separated States, or that have an international component. In general, the location of the records and/or the site of grant-funded activities will determine the category of submission.

4. Section 1206.6 is revised to read as follows:

**§ 1206.6 The Commission's Grant Program.**

The Commission operates primarily through a grant program supporting publications projects (subpart B) and records projects (subpart C). Fellowships for individuals in archival administration and documentary editing are also offered, as well as an annual institute for the editing of historical documents.

5. Section 1206.7 is added to subpart A to read as follows:

**§ 1206.7 Organization.**

The Executive Director, Program Director, and the staff of the Commission administer the publications and records grants under the guidance of the Commission and the immediate administrative direction of its chairman, the Archivist of the United States.

6. Section 1206.10 is revised to read as follows:

**§ 1206.10 General.**

This subpart describes the scope, purpose, and operation of that part of the grant program relating to publications projects and prescribes requirements applicable to printed, microform, and electronic publication projects. Grant application and administration procedures are given in subpart D of this part.

7. Section 1206.12 is revised to read as follows:

**§ 1206.12 Scope and purpose.**

Publications projects are intended to ensure the dissemination and accessibility of documentary source material important to the study and understanding of U.S. history. Projects should therefore be based upon material of widespread interest among scholars, students, and informed citizens. Documents should have historical value and interest that transcend local and State boundaries.

**§ 1206.14 [Removed]**

8. Section 1206.14 is removed.

9. Section 1206.16 is revised to read as follows:

**§ 1206.16 Project requirements.**

(a) Each publications project shall include either the papers of a U.S. leader in a significant phase of life in the United States or documents relating

to some outstanding event or to some topic or theme of national significance in U.S. history. These projects shall consist of collecting, compiling, editing, and publishing, either selectively or comprehensively, the papers or documents. Publication may be in the form of printed, microform, or electronic editions. Electronic formats for publication of documentary sources will be considered only when suitable preservation of the data can be assured. Three copies of each book publication should be deposited with the National Historical Publications and Records Commission (NHPRC), Washington, DC 20408. These copies may be included as part of the five complimentary copies to be sent by presses receiving subvention grants.

(b) For microform projects, the grantee shall make positive prints and all finding aids available to institutions, scholars, or students through interlibrary loan and for purchase. Five complimentary copies of guides and indexes produced by the projects shall be sent to the Commission.

10. In § 1206.18, paragraphs (a) and (c) are revised to read as follows:

**§ 1206.18 Subsidies for printing costs.**

(a) The Commission will consider grant applications from university and other nonprofit presses for the subvention of part of the costs of manufacturing and disseminating volumes that have been formally endorsed by the Commission. Grants not exceeding \$10,000 per volume (\$3,000 for reprints) are awarded upon recommendation of the Commission to promote the availability of Commission-supported documentary editions.

\* \* \* \* \*

(c) The Commission shall receive five complimentary copies of each published volume for which a subvention grant is made.

11. Section 1206.20 is revised to read as follows:

**§ 1206.20 Microform publication standards.**

Technical standards for NHPRC-sponsored microform projects are stated in the brochure "National Historical Publications and Records Commission: Microform Guidelines," which will be supplied to applicants upon request and to grantee institutions at the time a grant is made for a microform project.

12. Section § 1206.30 is revised to read as follows:

**§ 1206.30 General.**

This subpart describes the scope, purpose, and operation of that part of the grant program relating to records

projects. Grant application and administration procedures are given in subpart D of this part.

13. Section 1206.32 is revised to read as follows:

**§ 1206.32 Scope and purpose.**

Through its support for records projects, the National Historical Publications and Records Commission encourages a greater effort at all levels of government and by private organizations to preserve and make available for use those records, generated in every facet of life, that further an understanding and appreciation of U.S. history. In the public sector, these historical records document significant activities of State, county, municipal, and other units of government. In the private sector, historical records include manuscripts, personal papers, and family or corporate archives that are maintained by a variety of general repositories as well as materials in special collections relating to particular fields of study, including the arts, business, education, ethnic and minority groups, immigration, labor, politics, professional services, religion, science, urban affairs, and women. In addition to recommending the supporting of projects relating directly to a body of records, the Commission may also recommend support for projects to advance the state of the art, to promote cooperative efforts among institutions and organizations, and to improve the knowledge, performance, and professional skills of those who work with historical records.

**§ 1206.34 [Removed]**

14. Section 1206.34 is removed.

15. Section 1206.36 is revised to read as follows:

**§ 1206.36 State historical records coordinator.**

(a) The governor of each State desiring to participate fully in the program shall appoint a State historical records coordinator (coordinator), who shall be the full-time professional official in charge of the State archival program or agency. If the State has another state-funded historical agency or agencies with archival and/or records responsibilities, the official(s) in charge of at least one of these shall be a member of the State historical records advisory board (board). The coordinator is appointed to a minimum four-year term, but may continue to serve until replaced by the governor or until resignation. The coordinator shall serve as chair of the board and shall be the central coordinating officer for the historical records grant program in the

State. The person appointed will not be deemed to be an official or employee of the Federal Government and will receive no Federal compensation for such service. The pamphlet "Guidelines for State Historical Records Coordinators and State Historical Records Advisory Boards," which is available from the Commission and from State historical records coordinators, provides further information on the role of the coordinator.

(b) In the event of the resignation of the coordinator or other inability to serve, a deputy coordinator, if one has been designated, will serve as acting State coordinator until the governor makes an appointment. In the absence of a deputy coordinator, the NHPRC will recognize an acting coordinator, selected by the state board, who shall serve until the governor appoints a coordinator in order to conduct the necessary business of the board.

16. Section 1206.38 is revised to read as follows:

**§ 1206.38 State historical records advisory board.**

(a) Each State desiring to participate in the program shall define an appointment process and appoint a State historical records advisory board consisting of at least seven members, including the State historical records coordinator, who chairs the board, unless otherwise specified in state statute. The coordinator shall provide the Commission with a description of the appointment process. A majority of the members shall have recognized experience in the administration of government records, historical records, or archives. The board should be as broadly representative as possible of the public and private archives, records offices, and research institutions and organizations in the State. Board members will not be deemed to be officials or employees of the Federal Government and will receive no Federal compensation for their service on the board. They are appointed for three years with the possibility of renewal; and preferably terms are staggered so that one-third of the board is newly appointed or reappointed each year. If the board is not established in State law, members' terms continue until replacements are appointed. The board may adopt standards for attendance and may declare membership positions open if those standards are not met.

(b) The board is the central advisory body for historical records planning and for Commission-funded projects developed and carried out within the State. The board serves as a

coordinating body to facilitate cooperation among historical records repositories and other information agencies within the state and as a state-level review body for grant proposals as defined in the Commission's guidelines. Specifically, the board may perform such duties as sponsoring and publishing surveys of the conditions and needs of historical records in the State; soliciting or developing proposals for projects to be carried out in the State with NHPRC grants; reviewing proposals by institutions in the State and making recommendations about these to the Commission; developing, revising, and submitting to the Commission State priorities for historical records projects following guidelines developed by the Commission; promoting an understanding of the role and value of historical records; acting in an advisory capacity to the state archives and other statewide archival or records agencies; and reviewing, through reports and otherwise, the operation and progress of projects in the State financed by NHPRC grants.

17. In § 1206.50, paragraph (c) is revised to read as follows:

**§ 1206.50 Types of grants.**

\* \* \* \* \*

(c) *Matching grants.* An application for a matching grant should be made when an applicant has prospects of securing financial support from a third party or, in the case of a State or local government agency, funds from the institution's own appropriation source are provided expressly for the project proposed in the application. Upon Commission approval of a matching grant request, the applicant shall present written documentation certifying that matching funds have been provided for the project by the non-Federal source. In the case of a State or local government agency, the matching requirement may also be met through matching funds from the State or local government, provided that it can be demonstrated to the Commission's satisfaction that the matching amount has been provided above and beyond funds previously allocated or planned for the agency's budget and that the funds are set aside exclusively to support the project proposed for an NHPRC grant. Applicants need not, however, have money in hand to make a matching grant request; they need only assure the Commission that they have reasonable prospects of obtaining the needed amounts.

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18. Section 1206.52 is revised to read as follows:

**§ 1206.52 Grant limitations.**

Grant limitations are described in the grant program guidelines pamphlet, available on request from the Commission.

19. Section 1206.54 is revised to read as follows:

**§ 1206.54 Who may apply.**

The Commission will consider applications from State and local government agencies, nonprofit organizations and institutions, Federally acknowledged or state-recognized Native American tribes or groups, and, under certain conditions, from individuals. Proposals for State projects falling under the Commission's goals, "To Assure the Preservation of the Nation's Documentary Heritage through State Collaborative Efforts" and "To Achieve Progress in the Preservation and Use of Original Source Material," as defined in the grant program guidelines, will be accepted only from applicants in States in which a State historical records coordinator and a State historical records advisory board are currently appointed. This requirement does not apply to regional or national projects.

20. Section 1206.56 is revised to read as follows:

**§ 1206.56 When to apply.**

Grant proposals are considered during Commission meetings held three times during the year. For current application deadlines contact the grant program staff or State historical records coordinators (for records grant proposals). Some State boards have established pre-submission review deadlines for records proposals; further information is available from State coordinators.

21. In § 1206.58, paragraphs (b), (c), and (d) are revised to read as follows:

**§ 1206.58 How to apply.**

\* \* \* \* \*

(b) *Application forms.* Applicants for NHPRC grants shall use Standard Form 424, Application for Federal Assistance, and NA Form 17001, Budget Form (OMB Control Number 3095-0004). Applicants for subvention grants also submit the NHPRC subvention grant application (OMB Control Number 3095-0021), and applicants for archival administration fellowship host institution grants submit a special application (OMB Control Number 3095-0015). Applicants for NHPRC-sponsored fellowships complete the appropriate fellowship application

(OMB Control Numbers 3095-0011, 3095-0012, or 3095-0014). Copies of these applications and forms are available from the commission. Project proposals and related correspondence should be sent to the National Historical Publications and Records Commission (NHPRC), Washington, DC 20408.

(c) *Assurances and certifications.* All grant applications to the Commission must include the following assurances and certifications signed by an authorized representative of the applicant institution, or in the case of an individual applicant, by that individual: Standard Form 424B, Assurances: Non-Construction Programs; the Certification Regarding Debarment, Suspension, and Other Responsibility Matters specified in part 1209, appendix B; the Certification Regarding Drug-free Workplace Requirements specified in part 1209, appendix C, of this chapter; and, if the application requests more than \$100,000 in Federal funds, a signed Certification for Grants, Loans, or Cooperative Agreements in Excess of \$100,000 (certification regarding lobbying). Assurance and certification language is included in the program pamphlet.

(d) *Program guidelines pamphlet.* Supplementary information for applicants is contained in the pamphlet, "Program Guidelines: Applications and Grants," which is available from the Commission upon request. The pamphlet is also available from State historical records coordinators. This pamphlet includes copies of the application form and certifications, guidelines on the preparation of project budgets and program narrative statements, and other guidance on applying for and administering NHPRC grants. OMB Control Number 3095-0013 has been assigned to this information collection.

22. In § 1206.66, paragraphs (b) and (c) are revised to read as follows:

**§ 1206.66 Review and evaluation of grant proposals.**

\* \* \* \* \*

(b) *Publications grant proposals.* The Commission staff reviews publications grant proposals for completeness, conformity with application requirements, and relevance to the objectives of the grant program. Proposals are sent to specialists in American history and documentary editing for review and recommendations. The recommendations are considered by the full Commission at regular meetings.

(c) *Subvention grant applications.* The Commission staff reviews subvention grant applications to ensure their

adherence to established technical standards for the production of printed volumes, particular in the quality of paper and ink. Staff recommendations are considered by the full Commission at regular meetings.

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23. Section 1206.68 is revised to read as follows:

**§ 1206.68 Grant administration responsibilities.**

Primary responsibility for the administration of grants is shared by the grantee institution and the project director designated by the institution. In the case of grants made to individuals, the individual named as project director has primary responsibility for the administration of the grant. Grants shall be administered in conformance with either the regulations in part 1210 of this chapter or, in the case of State and local governments, with the regulations in part 1207 of this chapter. All grants shall be in conformance with part 1209 of this chapter.

(a) *Changes in the grant project.*  
 (1) *Extension of the grant period.* Requests for extension of the grant period must be made before the end of the grant period and must be signed by the grantee institution's authorized representative as indicated on the grant application form (SF 424). No extensions will be allowed unless grantees are up-to-date in their submission of financial and narrative reports.

(2) *Rebudgeting.* To meet unanticipated program needs, grantees may adjust the amounts allocated to existing budget lines for both grant funds and cost sharing and may transfer grant funds among existing NHPRC-funded direct cost categories that appear in the final project budget approved by the Commission at the time of the grant award. Cost-sharing funds may also be shifted among existing cost-sharing categories. For grants where the NHPRC's award is less than \$100,000, grantees may make these transfers without NHPRC approval. When Commission grant awards are for \$100,000 or more, grantees must obtain prior approval from the NHPRC when cumulative transfers among direct cost categories total more than 10 percent of the total project budget (i.e., grant funds plus other funds). In addition, the Program Director of the Commission may approve the use of NHPRC grant funds for new cost categories for which Commission funds were not provided in the final approved budget where such action seems appropriate for the fulfillment of the original purposes of the grant and where the amount of

funds involved does not exceed 10 percent of the amount of the award or \$5,000, whichever is less. Requests to establish these new cost categories must be made in writing and signed by the grantee institution's authorized representative. Requests that exceed this limit are subject to approval by the full Commission.

(3) *Other changes requiring prior approval.* Prior written approval from the Commission must be obtained for financial or programmatic changes in all cases involving the following: revision of the scope or objectives of the project; change of the project director or other key project personnel who have been specifically named in the grant application or award or related correspondence; and, contracting out, subcontracting, or otherwise obtaining the services of a third party to perform activities central to the purposes of the grant, unless specified in the grant proposal.

(b) *Submission of requests for changes.* All requests for approval of budget or programmatic changes must be submitted in the form of a letter signed by the grantee institution's authorized representative for the grant and addressed to the Program Director. A written response signed by the Program Director of the Commission will constitute approval for the changes.

24. Section 1206.78 is revised to read as follows:

**§ 1206.78 Grant reports.**

(a) Financial status reports and narrative progress reports are required for all grants. Standard Form 269, Financial Status Report, shall be used for all financial reports. The pamphlet, "Program Guidelines: Applications and Grants," which is provided to each grantee and is available from the Commission on request, specifies the content of the narrative progress reports (OMB Control Number 3095-0013).

(b) Financial reports are due annually 30 days after the end of each reporting period. Narrative progress reports are due 30 days after the end of each six-month period. Final financial and narrative reports are due within 90 days after the expiration or termination of the grant period. Grants with a duration of six months or less require a final report only. Additional rules on financial and performance reports are found in §§ 1210.51 and 1210.52 or §§ 1207.40 and 1207.41 of this chapter, as appropriate.

25. Section 1206.79 is added to read as follows:

**§ 1206.79 Audits.**

Grantees are responsible for obtaining audits in accordance with either the Single Audit Act of 1984 (31 U.S.C. 7501-7), for which audit requirements have been set forth in Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments," or requirements established under OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Organizations," as appropriate. Copies are available from the Commission office or from OMB. The grantee is responsible for ensuring that the NHPRC receives a copy of the audit report for any audit performed during the grant period or for three years thereafter. A reasonable portion of grant funds, as defined in the OMB Circular, may be used to comply with audit requirements. The Commission prefers that the grantee assume such costs as institutional cost sharing.

26. Section 1206.94 is revised to read as follows:

**§ 1206.94 Compliance with Governmentwide requirements.**

In addition to the grant application and grant administration requirements outlined in this part 1206, grantees are responsible for complying with applicable Governmentwide requirements contained in part 1210 or part 1207 of this chapter, as appropriate, and part 1209 of this chapter.

Dated: February 6, 1996.  
John W. Carlin,  
*Archivist of the United States.*  
[FR Doc. 96-3097 Filed 2-12-96; 8:45 am]  
BILLING CODE 7515-01-P

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****36 CFR Part 1210**

RIN 3095-AA43

**Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations**

**AGENCY:** National Archives and Records Administration.

**ACTION:** Final rule; confirmation of interim final rule.

**SUMMARY:** The National Archives and Records Administration (NARA) is adopting as a final rule the interim final rule establishing regulations incorporating the revised OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations." These regulations apply to grants administered by the National Historical Publications and Records Commission (NHPRC). The regulation provides standards for obtaining consistency and uniformity in the administration of grants and agreements with institutions of higher education, hospitals, and other non-profit organizations.

**EFFECTIVE DATE:** This rule is effective November 15, 1995.

**FOR FURTHER INFORMATION CONTACT:** Nancy Sahli or Nancy Copp at (202) 501-5603.

**SUPPLEMENTARY INFORMATION:** On October 16, 1995 at 60 FR 53514, NARA published an interim final rule that incorporates and reflects the provisions of the Office of Management and Budget (OMB) Circular A-110 in a new 36 CFR part 1210. A 60-day comment period was provided. No written comments were received. Accordingly, the interim rule is adopted as a final rule without change.

This rule is a significant regulatory action for purposes of Executive Order 12866 of September 30, 1993, and was reviewed by the Office of Management and Budget before publication as an interim final rule. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small entities.

List of Subjects in 36 CFR Part 1210

Accounting, Administrative practice and procedure, Grant programs, Grants administration, Insurance, Reporting and recordkeeping requirements.

Accordingly, under the authority of 44 U.S.C. 2104(a), the interim final rule published at 60 FR 53514 adding 36 CFR part 1210 is adopted as final without change.

Dated: February 6, 1996.  
John W. Carlin,  
*Archivist of the United States.*  
[FR Doc. 96-3096 Filed 2-12-96; 8:45 am]  
BILLING CODE 7515-01-P