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2016

# Reauthorization: S. 2724 (1990): Correspondence 02

Laurence M. Baden

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## Recommended Citation

Baden, Laurence M., "Reauthorization: S. 2724 (1990): Correspondence 02" (2016). *Reauthorization: S. 2724 (1990)*. Paper 13.  
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**NATIONAL  
ENDOWMENT  
FOR  
THE ARTS**

**WASHINGTON  
D.C. 20506**



A Federal agency advised by the  
National Council on the Arts

**SAMPLE  
INDIVIDUAL FELLOWSHIP LETTER**

XXXXXX  
XXXXXX  
XXXXXX

Dear XXXXXXX:

On behalf of Chairman John Frohnmayer, it is a pleasure to inform you that you have been awarded a Creative Writing Fellowship Grant from the National Endowment for the Arts.

Grant Number: xx-xxxx-xxxx      Application Number: Axx-xxxxxx

Sponsoring Program(s): LITERATURE

Amount Awarded: \$5,000

Start Date: January 1, 1990      End Date: December 31, 1990

I am enclosing information concerning the terms and conditions of the Fellowship Grant. Note that at paragraph two this information includes a restriction on use of Arts Endowment grant funds newly enacted by Congress for Fiscal Year 1990. Please read this information carefully.

I trust that this assistance from the National Endowment for the Arts will be of value in furthering your career.

If you have any questions regarding the administrative requirements of this grant, please call the Grants Office at (202) 682-5403.

Sincerely,

Laurence M. Baden  
Grants Officer

Enclosures

**FELLOWSHIP & INDIVIDUAL PROJECT GRANT COMPLIANCE AGREEMENT  
& PAYMENT REQUEST FORM**

Grantee:

Grant Number:

Application Number:

Amount: \$

X Fellowship Individual Project\*

Sponsoring Program:

Start/End Dates: -

**A. I request that I receive grant funds in one or more payments as follows:**

Date _____	Amount \$ _____
Date _____	Amount \$ _____
Date _____	Amount \$ _____
Date _____	Amount \$ _____
	TOTAL \$ _____ = grant amount

**B. The name/address to which the Endowment should mail checks is:**

**C. I certify that I will comply with the terms and conditions of my grant as set forth in the enclosed "General Information and Guidance for Fellowship & Individual Project Grant Recipients."**

\_\_\_\_\_ ( ) \_\_\_\_\_  
 Grantee Signature Telephone # Date

**\*EXPLANATION: IF YOUR GRANT IS TO SUPPORT A PARTICULAR PROJECT AND YOUR GRANT AWARD LETTER CONTAINS A LINE THAT BEGINS WITH THE WORDS "TO SUPPORT," YOU HAVE RECEIVED AN INDIVIDUAL PROJECT GRANT.**

**\*SPECIAL NOTE FOR INDIVIDUAL PROJECT GRANT RECIPIENTS ONLY: Payments should be scheduled so that funds are spent immediately after receipt. If you find that under the above payment schedule you will not be able to spend funds upon receipt, please contact the Grants Office to amend your request. The Assurance as to Labor Standards form must accompany this Compliance Agreement form.**

**Please send the first two copies of this form to: Grants Office, Cash Request Section, National Endowment for the Arts, Washington, DC 20506. For further information, contact the Grants Office at 202/682-5403.**

**INDIVIDUAL CERTIFICATION**

**DRUG-FREE WORKPLACE ACT OF 1988  
(Public Law 100-690, Title V, Subtitle D)**

I, \_\_\_\_\_, will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with the grant.

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**DATE**

**APPLICATION NUMBER:**

\_\_\_\_\_  
**ADDITIONAL BACKGROUND**

The Drug-Free Workplace Act of 1988 was enacted on November 18, 1988 as part of federal omnibus drug legislation. This new law requires applicants for federal grants to certify that they will provide a drug-free workplace by taking the steps outlined in Section 5153 of the Act. These requirements vary depending on whether the application is submitted by an organization or an individual. The certification required of individuals appears above.

A government-wide regulation for implementing the new law was published in the Federal Register at 54 FR 4946, on January 31, 1989. It became effective on March 18, 1989. Therefore, as of that date, the Arts Endowment is not able to award any new grants to organizations and individuals unless the applicant has provided the required certification.

As the Arts Endowment undertakes its annual process of updating its Program Guidelines, revisions are being made to include the drug-free workplace certification. However, until this occurs, you will need to sign and return the above certification.

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**GENERAL INFORMATION & GUIDANCE FOR FELLOWSHIP  
& INDIVIDUAL PROJECT GRANT RECIPIENTS**

Revised November 1989

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THE INFORMATION THAT FOLLOWS IS PRESENTED IN TWO PARTS. THE FIRST PART PROVIDES GUIDANCE TO BOTH FELLOWSHIP AND INDIVIDUAL PROJECT GRANT RECIPIENTS. THE SECOND PART, ENTITLED "ADDITIONAL INFORMATION FOR INDIVIDUAL PROJECT GRANT RECIPIENTS," PROVIDES ADDITIONAL GUIDANCE FOR INDIVIDUAL PROJECT GRANT RECIPIENTS ONLY.

1. Definitions. The Arts Endowment awards fellowship and individual project grants to individuals who are citizens or permanent residents of the United States.
  - a. Fellowship grant is a nonmatching grant given to individual artists of exceptional talent to provide them with an opportunity to further their professional careers in the arts.
  - b. Individual project grant is either a matching or nonmatching grant given to an individual for a specific purpose.
    - (1) Matching grants require the individual to match the Endowment's grant with at least an equal amount of nonfederal funds.
    - (2) Nonmatching grants are solely supported by Endowment funds.
2. Restriction on 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. Fellowship & Individual Compliance Agreement & Payment Request Form (Compliance form). Your grant package includes the Compliance form. This form is used by:
  - a. the Endowment to identify whether you have received a fellowship or an individual project grant.

- b. you to indicate agreement to comply with the terms and conditions of your grant. This is accomplished by signing this form.
- c. you to request payment. This is accomplished by completing the payment schedule section of this form. Funds will be paid directly to you. You may request payment of the full amount or schedule payments over a period of time as needed for expenditures. Payments will not be sent before the beginning of the period of support indicated on the Compliance form.
- d. you to indicate where funds should be sent. Payments will only be mailed to an address within the United States, its territories or Canada. If you are currently living or will be living outside of these areas, please use this form to indicate an appropriate address where grant payments may be sent.

After completing the Compliance form, please return two signed copies in the enclosed envelope and keep the third copy for your records.\*

4. 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 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, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation;

"but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

\*NOTE: As required by the Office of Management and Budget, the following information is provided to you. Public reporting burden for this collection of information is estimated to average 10 minutes per response. Send comments regarding this burden estimate or any other aspect of information, including suggestions for reducing burden, to the National Endowment for the Arts, Administrative Services Division, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

"Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than \$500 or imprisoned not more than one year, or both; and after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment."

5. 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 is a gateway airport abroad\* and the use of a U.S. air-carrier would extend the time in travel status by at least 24 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. [NOTE: MUSIC PROGRAM FELLOWSHIPS CANNOT BE USED FOR FOREIGN TRAVEL.]

6. Time Amendments. The grant period is the timeframe for which Endowment funds are awarded. If you cannot initiate and complete your grant within the timeframe set out in the grant award letter or in the Compliance form, a time amendment is needed. Time amendment requests require justification and should be submitted in writing to the program through which your grant was awarded.

\*NOTE: 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.

7. Final Reporting Requirements for fellowship recipients and individual project nonmatching grant recipients. Not later than 90 days after the grant end date, all fellowship recipients and individual project recipients awarded a NONMATCHING grant are required to submit two copies of the completed Fellowship & Individual Project Final Report 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

A copy of this report as well as specific Final Reporting Requirements from your program are included in your grant package. Before completing the final report form, carefully review your Final Reporting Requirements to determine the narrative information required. In addition, individual project grant recipients should review their Final Reporting Requirements to determine whether a product is also required.

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), unless the delinquent final reports are submitted earlier. 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.

NOTE: Individual project grantees who were awarded a MATCHING grant should refer to "Additional Information for Individual Project Grant Recipients" on page 7 concerning their final report requirements.

8. Record Retention for fellowship and individual project nonmatching grant recipients. Following submission of your final report, you are required to maintain a record of any documents pertinent to your grant for a period of three years from the date the final report is filed.

NOTE: Individual project grantees who were awarded a MATCHING grant should refer to "Additional Information for Individual Project Grant Recipients" on page 7 concerning record retention requirements.

9. Copyright. Without prior approval you may arrange for copyright of materials developed from work undertaken during the grant period. Any royalties from any work made possible by this grant vest in you or your designee.
10. Income Tax. Specific questions regarding the taxability of your grant should be directed to the Internal Revenue Service (IRS), the appropriate state or local officials, or your tax advisor.



11. 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:

Arts in Education	682-5426	Literature	682-5451
Challenge/Advancement	682-5436	Locals Program	682-5431
Dance	682-5435	Media Arts	682-5452
Design Arts	682-5437	Museums	682-5442
Expansion Arts	682-5443	Music	682-5445
Fellows	682-5786	Opera-Mus. Theater	682-5447
Folk Arts	682-5449	States Program	682-5429
Inter-Arts	682-5444	Theater	682-5425
International	682-5422	Visual Arts	682-5448

For the hearing impaired, the Endowment has a telecommunications device (TDD) located within its Office of Special Constituencies (TDD number 202/682-5496).

**ADDITIONAL INFORMATION FOR INDIVIDUAL  
PROJECT GRANT RECIPIENTS**

The following apply **ONLY** to individual project grant recipients as indicated on your "Fellowship & Individual Project Grant Compliance Agreement & Payment Request" form.

1. **Assurances.** The National Foundation on the Arts and the Humanities Act of 1965 ("Act"), as amended (20 U.S.C. 951 et seq.) requires grantees to provide assurance of compliance 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 and the National Endowment for the Humanities." You provide this assurance by submitting the labor standards assurance form with your Compliance form. A copy of the labor assurance form is included in your grant package.
2. **Payment Request.** Payments should be scheduled so that funds are spent immediately after receipt. If you find that under a previously submitted payment schedule you will not be able to spend funds upon receipt, please contact the Grants Office to amend your request.
3. **Project Budget.** 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. If you have any questions about the project budget, contact the Grants Office (202/682-5403).
4. **Grant Amendments.** Budgetary changes may be made at your discretion without prior approval of the Endowment, providing the changes and costs incurred are reasonable and necessary to carry out the purposes of the grant. All other changes (i.e. project scope or objective, matching requirements for grants that require match, etc.) must be submitted in writing to the appropriate Endowment program office. Grantees will be notified of the Endowment's response in writing by the Grants Office. Until 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.
5. **Acknowledgment of Support.** In all published material and announcements regarding this project, it is suggested that a special notice (set apart from the text, if appropriate) be made that: "This project is supported by a grant from the National Endowment for the Arts."

For individual project grantees with matching grants, the following applies: In accordance with Sec. 8136 P.L. 100-463, the grantee agrees that when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part by this grant, the grantee will clearly state (a) the percentage of the total cost of the program or project which will be financed with federal money, and (b) the dollar amount of federal funds for the project or program.

6. Final Reporting Requirements for individual project matching grant recipients. Not later than 90 days after the grant end date, individual project MATCHING grant recipients are required to submit a final report package that includes two copies of the Final Descriptive Report, the Financial Status Report, and any work products required by an Endowment program 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 from your program are included in your grant package. Carefully review your Final Reporting Requirements to determine the narrative information required and whether a product is also required.

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), unless the delinquent final reports are submitted earlier. 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.

7. Record Retention for individual project matching grant recipients. Following submission of your Financial Status Report, you are required to maintain financial records as well as any supporting documentation pertinent to your grant for a period of three years from the date the financial status report is filed.