



Economic  
Development  
CITY OF AUSTIN

# Arts Education Relief Grant Guidelines

Arts Education Relief Grant: invests in Austin’s diverse arts education non-profit organizations.

- 19 grants available
- \$25,000 award amount
- No match is required

The source of program funds is the National Endowment for the Arts – American Rescue Plan Act Grants to Local Arts Agencies for Subgranting.



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## Program Overview

**One opportunity to apply**

**\$25,000 contracts for Arts Education Non-profits**

This program invests in Austin’s diverse non-profit arts education providers. This grant will help our local arts education organizations recover from the impacts of the COVID-19 Pandemic and will prioritize applicants who have been at immediate risk of cultural erasure and displacement within Austin and/or have been institutionally marginalized.

The source of program funds is the National Endowment for the Arts – American Rescue Plan Act Grants to Local Arts Agencies for Subgranting.

## Key Elements

- This program funds non-profit arts education providers
- Arts Education activities primarily serve participants from early childhood through 18 years
- At least 50% of the award must be paid to teaching artists providing direct services to students

## Eligible applicants

- 501(c)(3) non-profit organization providing significant arts education services
- Primarily serve participants from early childhood through 18 years
- Must be headquartered in the Austin Metropolitan Statistical Area (MSA) with at least a one-year operating history
- Majority of applicant’s activities must be within the Austin City Limits/Extraterritorial Jurisdiction

## Priority will be given to:

- Applicants that serve and are accountable to communities that are at immediate risk of cultural erasure and displacement within Austin and/or have been institutionally marginalized and underfunded by the City of Austin Cultural Arts Division.
- Applicants who have not received City of Austin Cultural Funding awards in the past five years (this does not include relief funds).
- Applicants that provide free or reduced programming for participants that identify as economically disadvantaged, for example as referenced by Title 1 status, Texas Education Agency (TEA) data, or other measure.
- Organizations that offer services that are bilingual or bicultural.
- Organizations that primarily serve students receiving disability services.
- Applicants who have budgets with a significant percentage of funds allocated to Arts Education activities.

## What Arts Education Relief Funds

While Arts Education Relief Grant supports a breadth of creative projects, *all* projects funded by NEA revenue are required to use the funds for one or more of these budget categories:

- Salary support, full or partial, for one or more staff positions
- Fees/stipends for artists and/or contractual personnel only in support of services they provide for specific activities in support of your organization's day to day operations
- Facilities costs such as mortgage principal, rent, and utilities
- Costs associated with health and safety supplies for staff and/or visitors/audiences (e.g., personal protective equipment (PPE), cleaning supplies, hand sanitizer, etc.)
- Marketing and promotion costs
- Rescue Plan funds may be used by an organization to support existing jobs, new jobs, or to restore jobs that were furloughed or eliminated due to the pandemic

## Funding Availability

Arts Education Relief Grant will cover eligible expenses incurred between October 1, 2023 through June 30, 2024

Funding awards allocated from this program may not be used for expenses already funded by any other NEA relief awards, nor any other City of Austin departments or other Cultural Funding programs within the fiscal year.

Only one grant Arts Education Relief Grant per organization is allowed.

## Timeline

Application Opens	August 8
Application Workshops	August 2023
Application Deadline	September 12
Virtual Review Panel	September 27
Awards Announced	September 29

## Award Amounts

- The request amount in Arts Education Relief Grant is \$25,000.
- Applicants are not required to find matching funds
- We encourage grantees to pay all who work on the project an equitable wage
- Any unused funds must be returned at the time of final reporting

## How to Apply

All Cultural Funding program applications are submitted online; there is no paper application. Visit [austincreates.com](http://austincreates.com) for links to all open program applications.

## Application Assistance

### Workshops and Videos

Information on application assistance, workshops, and other information will be shared on our website as soon as it is available. Visit [austincreates.com](http://austincreates.com) for the most current information. You can also attend Virtual Open Office Hours (see schedule below) or email staff your questions at any time.

## Technical Assistance Provider

### MINDPOP

Christy Savage

[christy.savage@mindpop.org](mailto:christy.savage@mindpop.org)

512-695-5797

Julia Vunderink

[julia.vunderink@mindpop.org](mailto:julia.vunderink@mindpop.org)

512-913-3489

Jackson Knowles

[Jackson.Knowles@mindpop.org](mailto:Jackson.Knowles@mindpop.org)

504-473-1886

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### City of Austin Staff Contact

Anne-Marie McKaskle-Davis

Cultural Funding Specialist Senior

[Annemarie.Mckaskle@AustinTexas.gov](mailto:Annemarie.Mckaskle@AustinTexas.gov)

512-974-7854

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### Virtual Open Office Hours on Zoom

Every 2nd and 4th Tuesday each month

No appointment necessary!

Get the link: <https://forms.office.com/g/aRE3DXn1Cw>

10 am – 12 pm

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## How Applications Are Reviewed

Applications will be reviewed and scored by a panel of experts. Applications that meet the requirements outlined in these guidelines and receive the highest scores will be recommended for funding. The number of awards that are approved is subject to the availability of funds. Applicants will only receive points that apply to their project; we anticipate that most applications will *not* receive the maximum number of points available.

## Arts Education Relief Grant Eligibility – reviewed by staff

<b>Applicant Type</b>	Applicant is: 501(c)(3) non-profit organization providing significant arts education services		
<b>Program Participation</b>	Applicants whose programs primarily serve participants from early childhood through 18 years		
<b>Geographical Eligibility</b>	Applicants that demonstrate a minimum one year of operating history in the Austin metropolitan statistical area (MSA). <i>Address is verified as in the MSA using this link: <a href="https://geomap.ffiec.gov/ffiecgeomap/">https://geomap.ffiec.gov/ffiecgeomap/</a></i>		
<b>Production History</b>	51% or more of the applicant’s activities are within the Austin 10-1 districts or extraterritorial jurisdiction (ETJ).		

Category	Criteria
<b>Artistic Excellence, Artistic Merit, and Equity Priorities</b> <b>50 points</b>	<p><b><u>Mission and Key Constituencies</u></b>  <b>10 points</b></p> <p><b>What is your organization’s mission, vision and programmatic history?</b></p> <p>Your response must include:</p> <ul style="list-style-type: none"> <li>• Mission and Vision</li> <li>• Description of key constituencies (teaching artists, schools, students, families, etc.) served by your mission. Include information about any free or reduced cost programming for participants that are identified as economically disadvantaged.</li> <li>• Brief summary of programmatic history</li> </ul>
	<p><b><u>Cultural Leadership</u></b>  <b>10 points</b></p> <p><b>Who holds power in your organization and how do they represent the community you serve?</b></p> <p>Your response could include:</p> <ul style="list-style-type: none"> <li>• Executive, Creative and Educational Leadership</li> <li>• Board of Directors</li> <li>• Creative and Educational Advisors</li> </ul>

	<p><b><u>History of Service</u></b>  <b>10 points</b></p> <p><b>How does your organization deepen support for your key constituencies?</b></p> <p>Your answer should include:</p> <ul style="list-style-type: none"> <li>• Your organization’s founding history highlighting arts education services</li> <li>• Community service goals</li> <li>• Education program goals</li> <li>• Clear description of how the applicant has directly improved access to opportunities for key constituencies.</li> </ul>
	<p><b><u>Accessibility</u></b>  <b>10 Points</b></p> <p><b>Describe your organization’s specialized programming and accommodations for individuals with disabilities, if any.</b></p> <p><b>10 Points</b>  <b>Describe your organization’s specialized language access accommodations or programming for non-English speaking communities, if any.</b></p> <p>Accessibility accommodations that are “upon-request only” are admirable but will not be considered a specialized service.</p>
<p><b>Organization</b>  <b>20 points</b></p>	<p><b><u>Budget</u></b>  <b>10 points</b></p> <p><b>How will you use these funds?</b></p> <p>Your response must include:</p> <ul style="list-style-type: none"> <li>• Explanation of expenses for your arts education activities</li> <li>• Budget Form should be reflective of your narrative</li> </ul> <p>Panelists will review this response in addition to the uploaded Budget Form to review the applicant's financial history and financial practices.</p> <p><b><u>Percent of participants that are identified as economically disadvantaged</u></b>  <b>10 points</b></p> <p>Applicants will select a response from a list of options</p>

<p><b>Urgency</b> <b>30 Points</b></p>	<p><b><u>Effects from the COVID-19 Pandemic</u></b> <b>5 points</b></p> <p><b>Due to COVID-19 and the related slowdown, has your organization experienced any of the following losses since March 2020? Check all that apply:</b></p> <ul style="list-style-type: none"> <li>• Reduction in revenue or funding</li> <li>• Increased costs of doing business</li> <li>• Inability to make rent or mortgage payments</li> <li>• Cancellation of events and/or programming</li> <li>• Transition to online events</li> <li>• Difficulty fulfilling services</li> <li>• Pay/salary cuts for staff</li> <li>• Termination of staff</li> <li>• Discrimination</li> <li>• Losses due to deposits, leases, and other down-payments that will not be refunded</li> <li>• Other</li> <li>• None. COVID-19 did not slowdown or affect the organization.</li> </ul>
	<p><b><u>Previous City Funding</u></b> <b>5 points</b></p> <p><b>In the last five years, how much funding have you received from the City of Austin Cultural Arts Division, not including relief funds?</b></p> <p>Applicants will select a response from a list of options</p>
	<p><b><u>Percentage of annual budget for Arts Education activities</u></b> <b>10 points</b></p> <p><b>What percent of your annual operating budget is allocated to arts education activities?</b></p> <p>Applicants will select a response from a list of options</p>
	<p><b><u>Overall Budget Size</u></b> <b>10 Points</b></p> <p><b>What is your organizational budget?</b></p> <p>Applicants will select a response from a list of options</p>

**Source of Program Funds**

The source of program funds is the National Endowment for the Arts – American Rescue Plan Act Grants to Local Arts Agencies for Subgranting

## Contractual Obligations

Following the approval of the funding recommendation, the applicant will submit a certificate of insurance that meets the requirements outlined in the applicant's insurance assessment. The contract will establish procedures and responsibilities for both the City and the contractor. Cultural Funding staff will conduct monitoring activities throughout the year as required, which may include a site visit to verify compliance. In addition to completing their projects on schedule and as described, contractors are subject to the following contractual obligations.

All contract phases – application, contract management, and reporting, are completed online.

### 1. Insurance Requirements

Contracted applicants are required to carry insurance as determined by an insurance assessment completed during the contracting process. A current certificate of insurance is due prior to entering into contract. Certificates of Insurance must be written by a company licensed to do business in the State of Texas at the time the policy is issued and shall be acceptable by the City.

Insurance is an eligible budgetary expense and as such should be researched in advance of submitting any budget proposals, so it can be included in the project budget. Specific insurance requirements can be found in the results of your insurance assessment and in your contract. General requirements are outlined below.

**Commercial General Liability Insurance** with a minimum combined single limit of \$500,000 per occurrence for Coverage's A (bodily injury and property damage) & B (personal and advertising injury). The policy shall also provide blanket contractual and coverage for independent contractors. Three endorsements shall be added in favor of the City of Austin: 1) additional insured, 2) waiver of subrogation and 3) 30-day notice of cancellation.

**Automobile Liability Insurance** for all owned, non-owned, and hired vehicles with a minimum combined single limit of \$500,000 per occurrence. Three endorsements shall be added in favor of the City of Austin: 1) additional insured, 2) waiver of subrogation and 3) 30-day notice of cancellation.

In the event the Contractor will serve liquor to individuals for entertainment purposes, the Contractor shall carry **Host Liquor Liability Coverage** of \$500,000 per claim. In the event the Contractor will sell liquor, the Contractor shall carry **Liquor Liability or Dram Shop Act Liability Coverage** of \$500,000 per claim.

**Workers Compensation and Employers Liability Insurance** for all activities being held on City of Austin premises with minimum policy limits for Employer's Liability of \$100,000 bodily injury each accident, \$500,000 bodily injury by disease policy limit and \$100,000 bodily injury by disease each employee. Two endorsements shall be added in favor of the City of Austin: 1) waiver of subrogation and 2) 30-day notice of cancellation.

Exception: Reservations made through the City of Austin's Parks and Recreation Department include a waiver of worker's compensation. Confirmation of your reservations at any PARD-managed site is required to waive the worker's compensation requirement.

**The following are required on the insurance certificate:**

1. Proper office of the insurer,
2. Locations and operations to which the insurance applies, and
3. Expiration date of coverage.

**The following endorsements are required:**

1. City of Austin, Economic Development Department, Cultural Arts Division, 5202 E Ben White Blvd, Suite 400, Austin, TX 78741 as an additional insured,
2. Waiver of Subrogation in favor of the City of Austin, and
3. 30-day cancellation clause obligating the insurance company to notify the Cultural Arts Division Office and City Purchasing Office, Insurance Processing, 124 W. 8th St., Ste., 310, Austin, Texas 78701 of cancellations or material changes.

## **2. Marketing requirements**

Contractors are also required to acknowledge the NEA’s and the City’s support in all appropriate materials and media by placing the NEA and the City of Austin Economic Development Department logos and official publicity statements on all marketing materials.

## **3. Reporting requirements**

A final report is due within thirty days of the final program date, no later than July 31, 2024. Instructions on how to complete your report and supporting materials can be found in the Contractor Library.

The report will require:

- proof of award monies expended
- a variety of demographics data
- proof the funded programming was executed
- proof that marketing requirements were met

## **4. Accessibility**

Applicants are encouraged to provide broader access to by providing sign language interpretation, assisted listening devices, closed captioning, or other ADA services. An ADA resource guide can be found at <https://atxgo.vsatx.org/ada-toolkit/>. Refer to the “Access Resources in Central Texas” PDF to find local vendors who provide accessibility services.



## Glossary of Terms

**Arts Education Non-Profit Organizations** - Local arts organizations and programs that provide performances, student workshops, afterschool programs, family programs and festivals, artist-in-residency programs for schools, and professional development for teaching artists, arts teachers, and classroom teachers. They vary in size, arts discipline, and choice of methodology (such as arts integration versus discrete arts instruction). Due to this diversity, they offer schools varying expertise, financial resources, and instruction types. They may provide pre-professional training for students or exposure through field trips and exhibition or performance experiences. Often, they complete their work through partnerships with schools or districts. (American for the Arts – The Arts Education Field Guide 2012)

### **Cultural Displacement**

Cultural displacement occurs through changes in the aspects of a neighborhood that have provided long-time residents with a sense of belonging and allowed residents to live their lives in familiar ways. As the scale of residential change advances, and shops and services shift to focus on new residents, remaining residents may feel a sense of dislocation despite physically remaining in the neighborhood. This may also reflect the changing racial or ethnic character of the neighborhood—not just its class composition.

### **Cultural Erasure**

Cultural erasure is when, because of cultural displacement, key aspects of neighborhoods that allow both current and future residents to feel at home go missing. Current and future residents lose access to opportunities in the neighborhood and the scale of change erases key aspects of the neighborhood that allows residents to feel at home.

### **Institutional Marginalization**

The ways in which institutional policies and practices (such as government, nonprofit, and corporate structures and institutions) contribute to the marginalization of vulnerable community groups and contribute to different outcomes for these groups. For example, communities of color, LGBTQIA, and disability communities are often subject to the negative impacts of institutional marginalization.

### **Key Constituencies**

For the purposes of this program ‘key constituencies’ are community groups that have disproportionately experienced the negative impacts of systemic racism and/or have been institutionally marginalized and under-funded by the City of Austin Cultural Arts Division. These ‘key constituencies’ are identified and named by the applicant. Any reference to ‘key constituencies’ in a program application and scoring rubric will be referring to the community groups that meet this definition and that has been directly identified by the applicant. This may refer to Black/African American, Native American, Asian, Hispanic/Latino, Middle Eastern, and Pacific Islander, the LGBTQIA and disability communities.

*NOTE: Audience served is NOT the same as 'key constituencies' as the audience served may or may not include communities that have disproportionately experienced the negative impacts of systemic racism and/or have been institutionally marginalized.*

**Teaching Artists** - Teaching artists are a vital component of the arts education ecosystem, as they are one of three major providers of arts instruction—the other two being arts specialists and general classroom teachers. Artist-educator Eric Booth offers the following definition of teaching artists: “A teaching artist (artist–educator) is a practicing professional artist with the complementary skills and sensibilities of an educator who engages people in learning experiences in, through, and about the arts.” (American for the Arts – The Arts Education Field Guide 2012) A teaching artists can be a contract employee or full or part time staff.

## **National Policy and Other Legal Requirements, Statutes, and Regulations that Govern Your Award**

You must ensure that the funded project is implemented in full accordance with the U.S. Constitution, federal Law, and public policy requirements: including, but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination (2 CFR 200.300).

As a registrant with SAM.gov, in most cases, you have already self-certified to 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 USC, 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:

1.a Title VI of the Civil Rights Act of 1964, as amended, and implemented by the National Endowment for the Arts at 45 USC 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 USC 2000d et seq.)

1.b 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/foia/reading-room/nea-limited-english-proficiency-policy-guidance](http://www.arts.gov/foia/reading-room/nea-limited-english-proficiency-policy-guidance).

1.c 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 USC 1681 et seq.)

1.d 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 USC 6101 et seq.)

1.e 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 USC 12101-12213).

1.f 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 USC 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.

#### Section 504 - Self-Evaluation and Additional Resources

i. A Section 504 self-evaluation must be on file at your organization. To help your organization evaluate its programs, activities, and facilities with regard to Section 504 accessibility requirements, the Civil Rights Office has a Section 504 Self Evaluation Workbook available on our website.

ii. You should designate a staff member to serve as a 504 Coordinator. The completed workbook or similar compliance and supporting documentation should be kept on file for a period of three (3) years from the date the Federal Financial Report (FFR) is filed, and made available to the public and the National Endowment for the Arts upon request. The National Endowment for the Arts may request the 504 Workbook or your compliance documents for various potential scenarios including an Inspector General audit and/or civil rights investigation.

iii. 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. This Handbook and other resources may be downloaded from the National Endowment for the Arts website. If you have questions, contact the Office of Accessibility at [accessibility@arts.gov](mailto:accessibility@arts.gov); (202) 682-5532; fax (202) 682-5715; or TTY (202) 682-5496.

#### 2. Environmental and Preservation Policies

2.a The National Environmental Policy Act of 1969, as amended, applies to any Federal funds that would support an activity that may have environmental implications. We may ask you to respond to specific questions or provide additional information in accordance with the

Act. If there are environmental implications, we 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 USC Sec. 4332.

2.b The National Historic Preservation Act of 1966, as amended, 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. We 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. Agency review must be completed prior to any agency funds being released. You may be asked to provide additional information on your project to ensure compliance with the Act at any time during your award period (16 USC 470).

### **Other National Policies**

3. Debarment and Suspension. You must comply with requirements regarding debarment and suspension in Subpart C of 2 CFR Part 180, as adopted by the National Endowment for the Arts in 2 CFR 3254.10.

There are circumstances under which we may receive information concerning your fitness to carry out a project and administer Federal funds, such as:

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

In these circumstances, we may need to act quickly to protect the interest of the government by suspending your funding while we undertake an investigation of the specific facts. We may coordinate our suspension actions with other Federal agencies that have an interest in our findings. A suspension may result in your debarment from receiving Federal funding government-wide for up to three (3) years.

4. 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 on file the place(s) where work is being performed under this award (i.e., 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 USC 701 et seq. and 2 CFR Part 3256).

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

5.1 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 USC 1913).

5.2 Lobbying (2 CFR 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.

5.3 Certification Regarding Lobbying to Obtain Awards. Section 319 of Public Law 101-121, codified at 31 USC 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 may 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) is, however, not required. In addition, the law exempts from definition of lobbying certain professional and technical services by applicants and awardees.

6. 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.

Information about the laborers and projects that fall under DBRA can be found in the U.S. Department of Labor's Compliance Guide at <https://www.dol.gov/agencies/whd/government-contracts/construction>. 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).

7. 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 the Act (25 USC 3001 et seq.).

8. 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 on how to implement this requirement and suggested resources, see [www2.ed.gov/policy/fund/guid/constitutionday](http://www2.ed.gov/policy/fund/guid/constitutionday) and <https://www.loc.gov/extranet/cld/constitution.html>.

9. Prohibition on use of funds to ACORN or its subsidiaries. None of the federal or matching funds expended for your awarded project may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries (P.L. 111-88 Sec. 427).