The New Mexico Humanities Council accepts online applications for funding to conduct high quality humanities programs for public audiences throughout New Mexico.

NMHC will conduct grant workshops for five or more people. Call (505) 633-7370 to schedule a workshop in local area.
What are Public Humanities Programs?

**Public:** Projects should connect the public with the humanities at no cost and be accessible. Programs with nominal costs must demonstrate in the application how funds support program goals. Audiences are expected to be primarily adults and families. Programs are expected to be widely advertised and held at times and in locations accessible to the general public.

**NOTE for Colleges and Universities**
NMHC accepts applications from colleges and universities that demonstrate a commitment to reach an audience beyond the campus community. Applications should show community collaboration, a well-defined outreach and publicity plan and stated audience goals.

**Humanities:** The act that established the National Endowment for the Humanities says: “The term ‘humanities’ includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism, and theory of the arts; those aspects of social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to reflecting our diverse heritage, traditions, and history and to the relevance of the humanities to the current conditions of national life.” NMHC will also fund projects that deal with the historical and human values aspects of science and technology.

**Programs:** They may vary as widely as New Mexico’s communities and audiences. These programs bring scholars and the public together in a dialogue that enhances the civic and cultural life of the citizens of the state. For examples of recent programs funded by NMHC, please visit our website at [www.nmhumanities.org](http://www.nmhumanities.org), subscribe to the NMHC E-newsletter, or request a grant sample. Note the deadlines, and required consultations listed on the website. Prospective applicants uncertain if their project qualifies are encouraged to contact NMHC grant program officers by phone or email.

**Project Requirements**

1) **Involvement of Humanities Scholars**

Humanities scholars play central roles in all phases of project planning, presentation, and evaluation. They participate as professional scholars drawing upon their expertise. Professional humanities scholars have higher-level training -- usually advanced degrees -- in a humanities discipline and are active professionally in the humanities as researchers, teachers, writers, or community scholars. The best public humanities programs involve participation by both academic and community or organic scholars. Community scholars include persons grounded (experienced) in the humanities, acknowledged/recognized by their peers and their communities, including but not limited to, community historians, cultural specialists, tradition bearers, and others working in a non-academic setting.

2) **Humanities Content**

The humanities are central to activities funded by NMHC. Projects focus on one or more of the humanities disciplines, or on applying the methods of the humanities, such as critical thinking, analysis, and interpretation to current social or public policy issues and concerns. Funded projects might include components that do not involve the humanities, provided they are subordinate to activities that do use the humanities.
3) Balance of Viewpoints

Projects provide a balanced treatment of different viewpoints, especially projects dealing with controversial contemporary issues. Projects are required to avoid advocacy and bias in their overall design.

4) Audiences

Projects involve and address out-of-school adults and families as their primary audience. These may include specific audiences such as professional, civic, ethnic, and community groups, but events must be open to the public. Planned events and activities offer opportunities for audience engagement. Publicity is targeted to the intended audience and may include community flyers or mailers, social media and press releases to diverse media.

5) Cost Sharing

Project budget must show a minimum 1:1 match of funds requested provided by the Sponsor Organization through matching cash, in-kind donations (services, goods or volunteers’ time), third-party cash or project income.

Grant Awards

Grants are **pass-through awards of Federal funds** from the New Mexico Humanities Council. Grant awards must be matched by other sources to equal or exceed the amount of the award. This requirement can be satisfied entirely with in-kind contributions, such as donated facilities, services, and time or with sponsor’s cash or program income. Federal pass-through grants require a lot of paperwork, with backup documentation and receipts kept in order for three years for auditing purposes. Project Director and Fiscal Agent must both be aware of requirements and keep accurate and complete records for reporting purposes.

**NMHC may award grants with conditions attached;** for example, an organization may be required to revise the project budget or address stipulations set by the NMHC board. No disbursal of funds will be authorized until the organization meets these conditions.

Other Grant Considerations

- Any organization that receives funding from NMHC is welcome to apply again only after a current grant has successfully closed. If the program activities described are different from the previous grant, the Council will consider it a legitimate request and not a form of continued funding for the same project.
- NMHC will fund requests to the fullest extent possible based on available resources and competitiveness of applications submitted. Applicants must show a minimum 1:1 match for grant funds requested composed of Sponsor’s Matching Cash and In-Kind Donations, Third Party Cash, or Project Income. The average amount granted by NMHC is $5,500.
- Preference will be given for outreach to new and/or historically underserved audiences, new venues or locations, the participation of new scholars in NMHC projects and/or projects that involve underrepresented humanities disciplines.
- Preference will be given to applicants for “targeted strategic programming” instead of “catch-all programming” or for an “add-on” humanities component.
- All award decisions made by the NMHC Board as recommended by the NMHC Grant Committee are final.
Funding Exclusions

NMHC policies & guidelines exclude grant funding for the following types of projects, activities and costs:

• “Bricks and mortar” projects such as construction, renovation, or preservation.
• Equipment purchase with an exception if purchase is more economical than rental. In those cases, any funded equipment reverts to NMHC at the end of the project.
• Museum or library acquisitions.
• Fundraising events or events intended to make a profit.
• Curriculum development.
• Classroom presentations or “how to” workshops without humanities discussions.
• Traditional courses for college credit.
• Fellowships or scholarships.
• Research, except as preparation for an NMHC public grant program.
• Broadcast quality film or video projects, unless an integral part of another project, e.g., a video as part of an exhibit or oral history project.
• Fine or performing arts programs, with the exception of programs in conjunction with humanities elements (such as history, theory, criticism).
• Publications, unless directly linked to NMHC public grant programs, such as a gallery guide or interpretive program notes. Publications funded through NMHC awards may not contain solicitations of funds.
• Advocacy or direct action programs.
• Projects which promote only one point of view or one course of action.
• The continuation of existing humanities programs that are a regular part of an organization’s activities.
• Professional conference events intended solely for those registered at the conference; conference events open and accessible to the general public may be considered for funding.
• Staff positions unrelated to NMHC grant programs.
• Salaries and/or Professional Development, with the exception of the $350 in honoraria per speaker for a single public event.
• Activity costs occurring before or after the grant period outlined in the Agreement.
• Costs of meals and refreshments, with the exception of per diem expenses for scholars or others who must travel from out of town to participate in the project and stay overnight (see current rate in online application).
• Out of state advertising or publicity costs.
Who Can Apply

NMHC is authorized to award grants to private, nonprofit organizations in good standing including institutions of higher education and state, local, and federally recognized Indian tribal governments. Organizations or groups that apply for funding must be constituted for nonprofit purposes, but it is not necessary that they be incorporated or have tax-exempt status. NMHC does not award grants to individuals; they are required to partner with a private, nonprofit organization to serve as sponsor and applicant.

Required Project Personnel

Project Director - the person who directs the planning, implementation, completion, and evaluation of project activities and events. The project director is the primary contact for the project and bears responsibility for preparing and submitting the reports to NMHC. The project director receives all correspondence from the Council.

Fiscal Agent - a person, other than the project director, with the authority to represent the Sponsor Organization. This person signs the application with the understanding that he/she is certifying to NMHC that the Sponsor Organization is eligible to receive Federal funds and will comply with applicable Federal law if funds are awarded. The Instructions for Certification included in these Guidelines explain what this involves. This person must co-sign agreements and requests for payment with the Project Director. He/she will accept fiscal responsibility on behalf of the Sponsor Organization and will file reports if the Project Director cannot.

Humanities scholar(s) - individuals with specialized competence or training in one or more of the humanities disciplines, usually reflected in advanced degrees. Humanities scholars may also include community and tribal elders and historians, cultural specialists, tradition bearers, self-trained humanists, and other humanists working in a non-academic setting who can bring consideration of the humanities to bear on civic and community life.

Evaluator – an independent evaluator (someone with separation from the Sponsor Organization, project goals and objectives and who is not a participant) is required on all NMHC-funded projects. Evaluators are required to attend programs and assess the program’s effectiveness related to the criteria outlined in the submitted Application.

**Changes in any of the above personnel after submission of application requires written notification**
How to Apply

The Council strongly advises a complete review of the guidelines before beginning the application process. Please note all deadlines!

1. Obtain a DUNS Number and Register on www.sam.gov

Federal law requires Sponsor Organizations to have a Data Universal Numbering System (DUNS) number registered and active on www.sam.gov website to be considered for Federal pass-through funding. **Plan ahead—registration can take anywhere from two to six weeks!** Follow the links below to obtain a DUNS number and to register on the www.sam.gov website.

To OBTAIN a DUNS Number, go to https://iupdate.dnb.com/iUpdate/viewiUpdateHome.htm.

To REGISTER a DUNS Number, go to https://www.sam.gov/portal/SAM/##11.

2. Review project in light of Grant Guidelines and requirements. Register on NMHC website and complete the online Eligibility Check.

   - Review NMHC’s mission, funding exclusions and these Grant Guidelines. Contact NMHC Grants staff (505-633-7370 or via email: grants@nmhumanities.org) with any questions about the proposed project.

   - First-time applicants must REGISTER on the www.nmhumanities.org website to draft, edit, save, review and submit grant applications. When registering, applicants will be prompted to enter a valid and active email address. NMHC will send an email containing an activation link with user name and password. Upon clicking the link, prospective applicants use the given password to sign onto the website.

   - Complete the online Eligibility Check form (see below). **Allow one week for this approval.**

3. Plan proposed project carefully

   - Include members of the community to be served as well as humanities scholars in the planning process.

   - Prepare a detailed budget and schedule. Identify a qualified Fiscal Agent to be accountable for the expenditures and reporting on the grant.

   - Obtain confirmation letters of support from community partners, scholars and the project evaluator.

   - Allow ample time for drafting online application and consulting with NMHC staff before submission deadline.

4. Complete every section of the online Grant Application in full

   - Required Project Personnel with complete contact information

   - Project Description - Narrative answers to Questions 1 - 11

   - Budget Summary Form and Explanations

   - Supporting Materials (Optional) – Applicants may include scholars’ letters of commitment, letters of support from community partners, publicity describing this or previous projects, or evaluations of previous projects. Review size limit for documents and upload with the final application submission.

   - Instructions for Certification – Electronic signatures of Project Director and Fiscal Agent indicate their approval of this required language on all Federal awards.
5. **Consult with NMHC staff re: saved Draft Application**

All applicants must consult with NMHC staff before submitting a final grant application. This requirement is intended to improve each applicant’s chances of being funded by dealing with problems, missing information, budget questions, and eligibility issues early enough to allow for corrections.

- Applicants must prepare and save a draft application for review during consultation.
- Applicants must schedule a consultation via phone or in person at the NMHC Office.

Without consultation, NMHC reserves the right to reject an application.

6. **Ensure required signatures are included**

Project Director and Fiscal Agent are each required to electronically sign the application two times: First to agree to their role in the grant, and again, at the FINAL submission of the grant. Each will receive an email with steps on how to do so.

**Eligibility Check**

NMHC, as a pass-through entity of Federal funds through the National Endowment for the Humanities, is required to perform an eligibility check for all applicants.

NMHC Staff will confirm eligibility by checking the sponsor organization’s DUNS number and registration on the [www.sam.gov](http://www.sam.gov) website and will notify applicants of their ability to access the online application.

Additional questions for the Sponsor Organization include:

- Type of accounting system and specific grant monitoring capabilities
- Audit findings for the last three years
- Details of project collaborations, multiple sites or products
- Project staff experience in handling Federal Funds and similar projects
- Organizational changes or challenges

The NMHC Grant Committee and Board will use the information provided on the Eligibility Check form for consideration of the applications at the time they meet to make their award decisions.

### Consultation and Application Deadlines

<table>
<thead>
<tr>
<th>Draft &amp; Consultation Deadline</th>
<th>Application Deadline</th>
<th>Award Notification</th>
<th>Earliest Date Program Can Begin</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 10</td>
<td>May 1*</td>
<td>July 31</td>
<td>August 1</td>
</tr>
<tr>
<td>September 10</td>
<td>October 1*</td>
<td>December 15</td>
<td>January 1</td>
</tr>
</tbody>
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* - **Application Deadline is midnight, Mountain Daylight Time**

Consultation and Application deadlines will be posted on the NMHC website and updated as necessary.
**Budget Instructions**

**INDICATE ALL PROJECTED INCOME AND EXPENDITURES FOR PROPOSED PROJECT**

- **Clarity is very important in the budget.** It should be clear how each cost is calculated, why it is incurred, and what funds will be used to meet this cost. Fuzzy numbers or incomplete information decrease confidence in the organization’s ability to manage the grant.

- **Do not ask for more than necessary thinking NMHC may cut the project budget.** Be resourceful and economical, demonstrate how Sponsor is leveraging resources.

- **Recruit partners.** Show clear roles and responsibilities to create a stronger program together.

- **Grants are contracts.** Phase project accordingly and don’t promise more than possible to deliver.

**Matching/Cost Share Columns**

Applicants must pledge funds from other sources that at least equal the amount requested from NMHC. In-kind and cash contributions from third party sources are an indication of broad support for the project. Cost sharing can come from:

- In-kind donations to the project from the Sponsor Organization(s) or other individuals or organizations, consisting of goods, services, or volunteered time. Volunteer services should be valued at rates consistent with those ordinarily paid for similar work.

- Cash contributions from outside sources, known as third parties. Third-Party donations must be committed during the contract period. Documentation must be provided in the form of a donor letter (see Project Director Handbook for sample), copy of each check and related deposit slips.

- Cash contributions from the project’s Sponsor Organization(s). Cash contributions may not come from an organization’s board or board member, the project director, or any other individual who might be seen as to gain benefit by financially supporting the proposed program.

- Project income directly generated from activities or events NMHC is asked to support. This income must be included and must be used to defray project costs.

**Funds Requested Column**

In this column there are four possible types of expenditures that NMHC can fund:

I. **Services and Supplies.** This category includes expenditures for support for a project. For items listed as “other,” check with NMHC staff to make sure that the service is allowable. For example, a fee for the services of a videographer may not be allowable, given the limitations on funding video production.

II. **Publicity.** Include the cost of advertising, production of flyers and posters, and distribution of press releases and announcements. Be clear about the intended audience and how they will find out about the program. Public service announcements (PSA) can count as a cost-share item; check with the broadcaster for the market value of a PSA.
III. **Travel**

- Commercial travel (airplane, bus, or rail) must be figured at economy or coach rate. All air travel paid with grant funds must be on U.S. air carriers.
- Mileage allowance: $.445 per mile. (Destinations and mileage must be included.)
- Per Diem allowance: Up to $70 per night for lodging and $35 per day for meals ($8 for breakfast, $12 for lunch, $15 for dinner). NMHC will generally fund meals only if an overnight stay is required. Applicants may budget for higher rates for travel costs, provided the difference between NMHC and budgeted rates comes from other sources (third party or sponsor’s cash or in-kind donations). Higher rates for per diem food costs are disallowed for inclusion as in-kind contributions.

IV. **Honoraria.** NMHC funds requested for personnel should be modest stipends rather than salaries. Because of its limited resources, NMHC cannot compensate project participants for the full value of their time or services on a project. NMHC will pay up to $350 honoraria per speaker for a single public event.*

*Please note:* Applicants may budget for personnel costs at a higher rate than NMHC allows, if the difference between the budgeted rate and an honorarium comes from other funding sources. Except for single, one-time honorarium payments, personnel costs (for payments from NMHC funds or in-kind contributions) must be figured on the basis of an appropriate hourly wage for the position.
Application Rating Sheet

NMHC board will use this form to review and evaluate applications, along with the Eligibility Checklist and any past history or experience with the Sponsor Organization. Applicants may assess their own draft proposals using this tool before consulting with NMHC staff or submitting final version.

SECTION I: HUMANITIES
1. How consistent is the proposal with the mission and goals of the NMHC?
2. How well does the project focus substantially on one or more humanities disciplines? (i.e. philosophy, literature, religion, art, music, history, language)
3. How well does the project address uncommon or innovative topics?

SECTION II: PROPOSAL
4. How well does the proposal address one or more issues of concern to New Mexicans?
5. How well does the proposed program aim at a balanced presentation and broad public understanding?
6. How appropriate, achievable and realistic are the project goals?
7. How well written and organized is the proposal? (Strong, concise, understandable, complete?)
8. How well does the proposal topic consider multiple viewpoints/voices?

SECTION III: PRINCIPALS
9. How well does the applicant demonstrate sound planning and programming?
10. How involved were the scholars in the planning?
11. How clearly does the proposal describe the role of each scholar?

SECTION IV: AUDIENCE
12. How well will this project benefit underserved communities?
13. How well does the project avoid advocacy, bias and calls for direct action?
14. How much Q&A and audience interaction is planned?
15. How accessible is this program/project to the public? (Is the program free? What time of day is it offered? Is it offered in a large city or small town?)

SECTION V: BUDGET
16. How understandable is the budget? (Are NMHC grant funds budgeted appropriately?)
17. How reasonable is the budget? (Does it clearly explain proposed expenditures and the sources of funds)
18. How well does the applicant explain sources of cost sharing (minimum 1:1)?

SECTION VI: PROMOTION
19. How comprehensive is the publicity plan? (i.e. effective use of social media, traditional marketing/PR, paid and earned media, use of existing audiences)
20. How well does the project leverage partnerships?

SECTION VII: EVALUATION
21. Does the proposal describe the evaluation criteria adequately?
22. How distanced is/are the evaluator(s) from the project to provide a non-biased perspective?
Application Checklist

Please check the following **before** application is submitted:

**REQUIREMENTS**

☐ Sponsor organization is in good standing with NMHC (e.g., prior recipients have submitted a final report and closed any previous grant).

☐ Sponsor organization has scheduled and completed a consultation with NMHC staff after submitting a draft application.

**DETAILS**

☐ Proposal assumes NMHC Grant Committee is unfamiliar with their organization or project.

☐ Proposal respects all character/word count limits on narrative sections.

☐ Proposal has been proofread carefully for clear, quantifiable language.

☐ All supporting documentation is uploaded.

☐ All required signatures are included.

**BUDGET**

☐ Budget clearly illustrates how Sponsor plans to allocate NMHC funds and any additional resources (cash or in-kind) needed to implement the grant project.

☐ Budgeted in-kind cost-share equals or exceeds NMHC funds requested.

☐ Source and use of any anticipated project income are explained and listed by category.

**COMPLETENESS**

☐ Applicant/Sponsor Organization has reviewed Application thoroughly.

☐ Project Director and Fiscal Agent have reviewed Instructions for Certifications before signing.

☐ Applicant has printed a copy of the online Application from the PDF tab for Sponsor Organization records.

*NOTE: Once Application submitted, no changes are possible.*

Deadlines are deadlines – NO EXCEPTIONS!
Instructions for Certification

General Requirements

The New Mexico Humanities Council (NMHC) is required to seek from institutional applicants a certification regarding the nondiscrimination statutes and from all applicants certifications regarding debarment and suspension, federal debt status and lobbying.

By signing and submitting a proposal, the Project Director and Fiscal Agent for the Sponsor Organization provide the applicable certifications. When a prospective applicant is unable to certify regarding the nondiscrimination statutes, the prospective applicant is not eligible to apply for funding from NMHC. When the applicant is unable to certify regarding debarment and suspension or federal debt status the applicant shall attach an explanation to the proposal. The explanation of why the certification on debarment and suspension cannot be submitted will be considered in connection with NMHC's funding determination. Failure to furnish a certification or an explanation shall disqualify the applicant from receiving an award from NMHC.

The certifications are material representations of fact upon which reliance will be placed when NMHC determines to fund the application. If it is later determined that the applicant knowingly provided an erroneous certification or did not comply with requirements, in addition to other remedies available to the federal government, the National Endowment for the Humanities or NMHC may seek judicial enforcement of the certification (nondiscrimination statutes), may terminate the award for cause or default (debarment and suspension or federal debt status) or may seek civil penalties of not less than $10,000 for each failure (lobbying).

The applicant shall provide immediate written notice to NMHC if at any time the applicant learns that its verifications were erroneous when submitted or have become erroneous by reason of changed circumstances.

Nondiscrimination Statutes

The certification regarding the nondiscrimination statutes shall obligate the applicant for the period during which the federal financial assistance is extended. There are two exceptions. If any personal property is acquired with NMHC's assistance, this certification shall obligate the applicant for the period during which it retains ownership or possession of that property. If any real property or structure is improved with NMHC's support, this certification shall oblige the applicant or any transferee for as long as the property or structure is used for the grant or similar purposes. This certification is binding on the applicant, its successors, transferees, and assignees, and on the authorizing official whose signature appears on the application cover sheet for this proposal.

Grantees are also required to evaluate their policies and practices toward the handicapped and grantee organizations which employ fifteen or more persons must keep on file a list of the interested persons that were consulted and a description of the areas that were examined, the problems identified, and any modifications or remedial steps taken.

Certification

The applicant certifies that it will comply with the following nondiscrimination statutes and their implementing regulations:

a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et. seq.) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance.

b) Section 503 of the Rehabilitation Act of 1973, as amended (20 U.S.C. 794), which prohibits discrimination on the basis of handicap in programs and activities receiving federal financial assistance.
c) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et. seq.), which prohibits discrimination on the basis of sex in education programs and activities receiving federal financial assistance.

d) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6106 et. seq.) which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance, except that actions which reasonably take age into account as a factor necessary for the normal operation or the achievement of any statutory objective of the project or activity shall not violate this statute.

**Federal Debt Status**

If any applicant is unable to certify regarding federal debt status, an explanation must be submitted with the proposal.

**Certification**

The applicant certifies, to the best of its knowledge and belief, that it is not delinquent in the repayment of any federal debt.

**Debarment and Suspension**

The applicant agrees by submitting this proposal that, should the proposal be funded by NMHC, it shall not knowingly enter into any project-related transactions (as defined under lower tier covered transactions) with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NMHC.

The applicant further agrees by submitting this proposal to include without modification the following clauses in all lower tier covered transaction and in all solicitations for lower tier covered transactions:

1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

A grantee may rely on the certification of a prospective subrecipient that it is not debarred, suspended, ineligible, or voluntarily excluded from covered transaction, unless it knows that the certification is erroneous. A grantee may decide on the method and frequency by which it determines the eligibility of its principals. Except when specifically authorized by NMHC, if the participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to the other remedies available to the federal government, NMHC may terminate this transaction for cause or default.

**Certification**

The applicant certifies to the best of its knowledge and belief that it and its principals:

a) are not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transaction by any federal department or agency;

b) have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or statute antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
c) are not presently indicted for or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (b) of this certification;

d) have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state, local) terminated for cause or default.

**Lobbying Certification**

The applicant certifies to the best of his or her knowledge and belief that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions.

3. The applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made and entered into. Submission of this certification is a prerequisite for asking or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

**DEFINITIONS**

The following definitions refer to the terms used in the certifications regarding the nondiscrimination statutes, federal debt status, and debarment and suspension.

**Covered transaction:** A covered transaction is either a primary covered transaction or a lower tier covered transaction.

**Debarment:** An action taken by a debarring official in accordance with 45 CFR Part 1169 to exclude a person from participating in covered transactions. A person so excluded is debarred.

**Delinquent:** Represents the failure to pay an obligation or debt by the date specified in the agency's initial written notification or applicable contractual agreement, unless other satisfactory payment arrangements have been made by that date, or if at any time thereafter, the debtor fails to satisfy the obligation under a payment agreement with the agency.

**Federal debt:** The amount of money or property that has been determined by an appropriate agency official to be owed to the United States by any person, organization, or entity. Examples of debts include delinquent taxes, audit disallowances, guaranteed and direct student loans, housing loans, farm loans, business loans, Department of Education institutional loans, benefit overpayments, and other miscellaneous administrative debts.

**Ineligible:** Excluded from participation in federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549.
**Lower tier covered transaction:**

a) Any transaction between a participant and a person other than a procurement contract for goods and services, regardless of type, under a primary covered transaction.

b) Any procurement contract for goods and services between a participant and a person, regardless of type, excepted to equal or exceed the federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently $25,000 USD) under a primary covered transaction.

c) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are project directors, principal investigators, and providers of federally required audit services.

**Participant:** Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.

**Person:** Any individual, corporation, partnership, association, unit of government, or legal entity, however organized, except foreign governments or foreign governmental entities, public international organization, or foreign government-owned or controlled entities.

**Primary covered transaction:** This is normally any nonprocurement transaction between an agency and a person, regardless of type, including grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance payments for specified use, donation agreements, and any other nonprocurement transaction between a federal agency and a person.

**Principal:** Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has critical influence on or substantive control over a covered transaction, whether or not employed by the participants.

**Proposal:** A solicited or unsolicited bid, application, request, invitation to consider, or similar communication by or on behalf of a person seeking to participate or to receive benefit, directly or indirectly, in or under a covered transaction.

**Suspension:** An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceeding as may ensue.

**Voluntarily excluded:** The status or non-participation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.