

2016

Reauthorization: S. 2724 (1990): Report 03

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Chris Harvey - Kathleen Sullivan

- Will we be triggering Cincinnati all over the place? - don't write this

Add the following language to the Endowment's enabling legislation immediately following section 954 (h):

954 (i) If a court renders a final decision, after appeals, that a work funded by the National Endowment for the Arts is obscene, the Chairperson of the Endowment may, after reasonable notice and opportunity for hearing and upon a determination that the grant recipient knowingly disseminated or produced obscene materials that were funded by the proceeds of an Arts Endowment grant, declare that no further grants shall be made to such recipient until the recipient repays or arranges the repayment, within one year of final appeal, all or a portion of the Federal funds that were so used."

on board
in a
meeting
Monday

shall

due process

Should NEA develop a national standard?
and NEA don't based on a
court - state by state - national standard.

↓ requires re-lettering of section 954 (i), (j), (k), (l) and (m)

✓ That Chair will always be more liberal than states.

Bragamin position?

NEA Chairman has authority to refuse further funding to someone who has produced work that is obscene in his judgment based on a national standard

OR

standard of obscenity

Sandy Crary
648 Durksen

"(2) Except as provided in paragraph (3), the sanctions described in paragraph (1) shall include --

"(A) repayment by the recipient of the funds received under section 5 or the portion of such funds ~~which in the determination of the chairperson of the National Endowment for the Arts were~~ ^{which} used to support the project or production which is found to be obscene pursuant to paragraph (1); provided that such funds will be repaid, in the case of grants to state or local arts agencies and regional arts groups, by said agency or arts group; in the case of grants to organizations, by the said organization; and in the case of fellowships, by the recipient of such fellowships; and

"(B) ineligibility of the recipient who produced the project or production found to be obscene pursuant to paragraph (1) to receive funds under this Act for a period to be determined by the Chairperson of the National Endowment for the Arts, which shall not be less than 3 years from the date such project or production is found to be obscene pursuant to paragraph (1) or until ~~the recipient repays~~ ^{repayment} the funds required to be repaid pursuant to ~~subparagraph (A) of paragraph (2)~~, whichever is longer.

"(3) Except as provided in paragraph (4), funds repaid pursuant to the provisions of this section shall be repaid within 90 days from the date such project or production is found to be obscene pursuant to paragraph (1), and the recipient of funds under Section 5, required to repay such funds pursuant to subparagraph (A) of paragraph (2), shall be ineligible to receive funds under this Act, until such funds are repaid, if such repayment is not made within such 90 day period.

Chairman shall promulgate regulations