

2016

Reauthorization: S. 2724 (1990): Report 01

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"Reauthorization: S. 2724 (1990): Report 01" (2016). *Reauthorization: S. 2724 (1990)*. Paper 11.
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S.2724 - Discussion Draft

"(g)(1) The Chairperson of the National Endowment for the Arts shall establish sanctions, as specified in paragraph (2), for groups or individuals who receive funds pursuant to the provisions of section 5 who produce or support a project or production which is found to be obscene, as determined by a final criminal court decision after appeal in the State of States in which the project or production was produced or in the State or States described in the grant award as the site or sites of the project or production.

"(2) Except as provided in paragraphs (3) and (4), the sanctions described in paragraph (1) shall include--

"(A) repayment by the individual or organization which created or produced the project or production found to be obscene pursuant to paragraph (1) of the portion of such funds received under section 5 which were used to support the project or production found to be obscene pursuant to paragraph (1), in accordance with the provisions of paragraph (3); and

"(B) ineligibility of the individual and/or organization which used funds received under section 5 to produce the project or production found to be obscene pursuant to paragraph (1) and which was a defendant convicted in said action described in 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 repayment of the funds pursuant to the provisions of subparagraph (A), whichever is longer.

"3(A) Except as provided in paragraph (4), funds required to be repaid pursuant to the provisions of this subsection shall be repaid within 90 days from the date such project or production is found to be obscene pursuant to paragraph (1).

(B) If a state, local, or regional agency or arts group received funds directly from the Chairperson under section 5, and regranted a portion of such funds to an individual or organization which used said funds to ~~an~~ create or produce a project or production found to be obscene pursuant to paragraph (1) and if said individual or organization does not repay such funds within 90 days, then said state, local, or regional agency or arts group will be required to make repayment of such funds as specified in paragraph (2)(A) within 30 days after the expiration of the 90 day period.

"(C) If such funds are not repaid within 90 days, the individual or organization required to repay funds pursuant to subparagraph (A) of paragraph (2) shall be ineligible to receive funds under this Act, until such funds are repaid.

*as provided in
paragraph (2)(A)*

"(D) If the state, local or regional arts group required to repay funds pursuant to subparagraph (A) of paragraph (2) and subparagraph (B) of this paragraph fails to make such repayment within the specified 30 day period said agency shall be ineligible to receive funds under this Act until such funds are repaid.

"(4) The Chairperson of the National Endowment for the Arts may waive the provisions of paragraph (4)(A) for a period not to exceed 2 years.

"(5) The Chairperson of the National Endowment for the Arts shall ensure that all recipients of funds under section 5 are subject to the sanctions described in paragraph (1).

"(6) The general information and guidance form provided to recipients of funds under section 5 shall include on such form the following:

'REPAYMENT OF FUNDS AND DEBARMENT. -- In accordance with a Congressional directive, recipients of funds under section 5 of the National Foundation of the Arts and the Humanities Act of 1965 are requested to note the sanctions described in section 10(g) of such Act regarding repayment of funds and debarment.'

"(7) The Chairperson shall develop regulations to implement the sanctions described in this subsection."