

1976

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Proposal Relating to State Humanities
Program

August 31, 1976

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State Humanities Program

Sec. 101. (a) Section 7 of the National Foundation on the Arts and Humanities Act of 1965 is amended by adding at the end thereof the following new subsection:

"(f)(1) The Chairman, with the advice of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of grants-in-aid in each of the several States in order to support not more than 50 percent of the cost of existing activities which meet the standards enumerated in subsection (c) of this section, and in order to develop a program in the humanities in such a manner as will furnish adequate programs in the humanities in each of the several States.

"(2) In order to receive assistance under this subsection in any fiscal year, any appropriate entity desiring to receive such assistance shall submit an application for such grants at such time as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds--

"(A) provides assurances that the grant recipient will comply with the requirements of paragraph (3) of this subsection;

"(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c) of this section;

"(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

"(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

"(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient and which complies with the provisions of paragraph (3)(C) of this subsection;

"(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

"(G) establishes procedures to assure public access to information relating to such activities; and

"(H) provides that such grant recipient shall make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require.

"(3)(A) Whenever a State desires that an appropriate officer or agency of such State appoint 50 percent of the membership of the governing body of the grant recipient involved, such State shall--

"(i) with respect to fiscal year 1977, provide, from State funds, 50 percent of that portion of the cost of activities described in paragraph (1) of this subsection which exceeds \$100,000;

"(ii) with respect to each fiscal year thereafter, provide, from State funds, 50 percent of the cost of activities described in paragraph (1) of this subsection.

"(B) In any State in which the State does not comply with the requirements of subparagraph (A) of this paragraph, the grant recipient shall--

"(i) establish a procedure which assures that two members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State; and

"(ii) provide, from any source, 50 percent of the cost of activities described in paragraph (1) of this subsection.

"(C) In any fiscal year in which a State fails to meet the matching requirement from State funds made by subparagraph (A) of this paragraph, the number of members on the governing body of the grant recipient who were appointed by the chief executive officer of such State, or an appropriate officer or agency of such State, shall be reduced so that the governing body complies with the provisions of subparagraph (B) of this paragraph.

“(4) Of the sums available to carry out this subsection for any fiscal year, each grant recipient which has a plan approved by the Chairman shall be allotted at least \$200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full, such sums shall be allotted among such grant recipients in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph---

“(A) the amount of such excess which is no greater than 25 per centum of the sums available to carry out this subsection for any fiscal year shall be available to the Chairman for making grants under this subsection to entities applying for such grants;

“(B) the amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under subparagraph (A) shall be allotted among the grant recipients which have plans approved by the Chairman in equal amounts, but in no event shall any grant recipient be allotted less than \$200,000.

"(5)(A) In the case of any State referred to in paragraph (3)(B) of this subsection, that part of any allotment made under paragraph (4) for any fiscal year--

"(i) which exceeds \$125,000, but

"(ii) which does not exceed 20 per centum of such allotment,

shall be available, at the discretion of the Chairman, to pay up to 100 per centum of the cost of programs under this subsection if such programs would otherwise be unavailable to the residents of that State.

"(B) Any amount allotted to a State under the first sentence of paragraph (4) for any fiscal year which is not obligated by the State prior to sixty days prior to the end of the fiscal year for which such sums are appropriated shall be available to the Chairman for making grants to regional groups.

"(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.

"(D) For the purposes of paragraph (4) and this paragraph, the term 'regional group' means any multistate group, whether or not representative of contiguous States.

"(6) All amounts allotted or made available under paragraph (4) for a fiscal year which are not granted to any entity during such fiscal year shall be available to the National Endowment for the Humanities for the purpose of carrying out subsection (c).

"(7) Whenever the Chairman, after reasonable notice and opportunity for hearing, finds that—

"(A) a grant recipient is not complying substantially with the provisions of this subsection;

"(B) a grant recipient is not complying substantially with terms and conditions of its plan approved under this subsection; or

"(C) any funds granted to any entity under this subsection have been diverted from the purposes for which they are allotted or paid,

the Chairman shall immediately notify the Secretary of the Treasury and the grant recipient with respect to which such finding was made that no further grants will be made under this subsection to such grant recipient until there is no longer a default or failure to comply or the diversion has been corrected, or, if the compliance or correction is impossible, until such grant recipient repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

"(8) The Chairman may not make grants to more than one entity in any State."

(b) The amendment made by subsection (a) shall be effective with respect to fiscal year 1977 and succeeding fiscal years.