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National Foundation on the Arts and Humanities Act and Museum Services Act: Extensions (1979): Report 05

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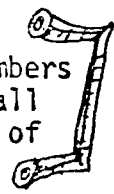
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Randolph Amendment

#1

Sec
7(f)

- (3) (A) Whenever a State desires to designate the humanities entity receiving Federal assistance under this section as an agency of the State, such State shall --
 - (i) for the first fiscal year with respect to which such State desires to make the humanities entity an agency of the State, match, from State funds, 50 percentum of the Federal financial assistance received by such grant recipient under this subsection;
 - (ii) for the second fiscal year and each fiscal year thereafter with respect to which such State desires to make the humanities entity an agency of the State, match, from state funds, 100 percentum of the Federal financial assistance received by such grant recipient under this subsection for the fiscal year involved.
- (B) In any State in which the State does not wish to comply with the requirements of subparagraph (A) of this paragraph, the grant recipient shall --
 - (i) establish a procedure which assures that four 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, an equal amount to the amount of Federal financial assistance received by such grant recipient under this subsection in the fiscal year involved.
- (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 humanities entity, in order to qualify for continued Federal assistance, shall comply with provisions outlined in Subsection (3)(B) of this Section.



Rationale:

Section 7(f)(3)(A)

This paragraph involves the provision for state agency status. The language contained in this revised paragraph is intended to:

a) provide continuity in the event that the State desires agency status for the program, in that the State would need to designate the humanities entity currently receiving assistance as the agency to handle the state program;

b) ensure that the State's commitment to the program is genuine, by requiring more than token financial support.

One of the grave threats involved in Senator Pell's bill is that there is no assurance as to how the State would either utilize the funds or the kind of agency that would be used to administer those funds. Senator Pell, however, has long supported separate arts and humanities programs in the individual states. Likewise, the Senator is interested in the public profile of the individual council and would not want to see the program assumed by some other agency of the State. This provision, therefore, should meet with his approval.

While there is no guarantee that if a State opted for this provision, the Governor would not immediately replace all members of the board of the humanities council with his own appointees, it is more probable that the Governor would choose to replace members with his own appointees as those members rotate off the council.

Section 7(f)(3)(B)

In the event that the State decides not to follow the provisions outlined in (3)(A), the Governor would still be allowed four appointments to the humanities council (double the current number).

Section 7(f)(3)(C)

This provision simply provides the basis for a continued program in a State where the State opts for (3)(A) but then in a subsequent year fails to provide the necessary matching funds.

Randolph Amendment #2

Sec 7 (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 grant-in-aid in each of the several States in order to support not more than 50 percentum of the cost of the existing activities which meet the standards enumerated in paragraphs (5) and (7), subsection (c) of this section, and in order to develop a program in the humanities in such a manner as will furnish adequate public programs in the humanities in each of the several states.

(2) In order to receive Federal financial 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 times as shall be specified by the Chairman. Each application shall be accompanied by a plan which the Chairman finds --

Comment
w/ (f)(1)

(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 objectives outlined in paragraphs (5) and (7), 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 membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

(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.

Rationale:

Section 7(f)(1)

There are two important changes in (f)(1):

a) The objectives for the state program are narrowed from the present list of 7 as found in (c)(2) to 2. Objectives 5 and 7 provide the basic goals for the state program. Eliminating the other objectives, which apply to the NEH and not state programs, would foreclose the possibility of duplication of efforts between state programs and other divisions at the NEH (Fellowships, Research, Education). This language is consistent with policy statements of the National Council on the Humanities.

b) The insertion of the word "public" again underscores the nature of the state humanities program.

These two changes will help ensure the programming effectiveness and integrity of state humanities councils and will help ensure that limited financial resources, whether administered by the State or by non-profit citizens' councils, would be spent on public efforts that do not duplicate other activities of the NEH.

Section 7(f)(2)(B)

This change provides consistency with (f)(1).