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STATE HUMANITIES COUNCILS

Sec. 402. 101. (a) (1) Section 7 of the National Foundation on the Arts and the 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 to establish and carry out a program of grants-in-aid to assist in each of the several States in supporting in order to support not more than 50 per centum of the cost of existing activities which meet the standards enumerated in subsection (c), and in developing programs 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 person or entity desiring to receive such assistance shall submit an application for such grants at such time as shall be specified by the Chairman and accompany such applications with a plan which the Chairman finds—

"(A) designates or provides for the establishment of a State agency (hereafter in this section referred to as the State agency) as the sole agency for the administration of the State plan;"
"(B) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out one or more of the objectives of subsection (c); and

"(C) provides that the State agency will make such reports, in such form, and containing such information, as the Chairman may, from time to time, require.

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

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

"(C) provides a nomination process which assures an opportunity for nomination to membership from various groups within the State involved;

"(D) provides for the rotation of the membership and officers of such grant recipient on a regular basis;

"(E) 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;

"(F) establishes procedures to assure public access to information relating to such activities;
“(G) provides that such grant recipient shall make reports to the Chairman from time to time, in such form and containing such information as the Chairman may require; and

“(H) provides that two members of the executive body of such grant recipient shall be appointed by an appropriate officer or agency of the State involved.

“(3) Of the sums available to carry out this subsection for any fiscal year, each State grant recipient which has a plan approved by the Chairman shall be allotted at least $400,000 less $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 States 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 States and persons and entities applying for such grants, including regional groups; and
“(B) the amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under clause (A) shall be allotted among the States grant recipients which have plans approved by the Chairman in equal amounts, but in no event shall any State grant recipient be allotted less than $100,000 $200,000.

“(4) (A) That part of any allotment made under paragraph (3) for any fiscal year—

“(i) which exceeds $62,500 $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 the State involved.

“(B) Any amount allotted to a State grant recipient under the first sentence of paragraph (3) for any fiscal year which is not obligated by the State grant recipient 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 (3) and this paragraph, the term ‘regional group’ means any multi-State group, whether or not representative of contiguous States.

"(5) All amounts allotted or made available under paragraph (3) for a fiscal year which are not granted to a State any person or entity during such year shall be available to the National Endowment for the Humanities for the purpose of carrying out section 1(c).

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

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

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

"(C) any funds granted to a group or State agency any person or entity under this section 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 group or State Agency grant recipient with respect to which such finding was made that no further grants will be made under this section to such group or agency 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 group or agency repays or arranges the
repayment of the Federal funds which have been improperly
diverted or expended."

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

(b) The amendment made by subsection (a) shall be
effective with respect to fiscal year 1978 and succeeding
fiscal years.