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NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506

MEMORANDUM

Date: March 16, 1981
To: Chairs of State Humanities Councils
From: Don Gibson, Acting Director, Division of State Programs
Subject: Implications for State Programs of the 1980 NEH Reauthorization

At its meeting February 19-20, 1981, the National Council on the Humanities reviewed the major features of the 1980 amendments to the Endowment's authorizing legislation as they affect state programs and the steps necessary to implement the changes. What follows is a summary of their conclusions, which have also been reviewed and approved by the Chairman of the Endowment.

The 1980 amendments expand upon the mechanisms first presented in 1976, which allowed a governor to convert the existing state humanities council to a state agency. According to the 1980 amendments, if a State wishes to establish a state agency for the humanities:

- it would designate as the state agency the existing state humanities council;
- as the terms of the present members expire, the governor would appoint their replacements;
- the State would appropriate new funds matching 50% of the minimal grant (normally, 50% of \$200,000) or 25 percent of the total Federal grant, whichever is greater; and
- all funds would have to be used for programs "designed to bring the humanities to the public."

In the 50 states, the District of Columbia, and Puerto Rico a humanities council was in existence on the date of the enactment of the legislation. Therefore, in those jurisdictions no other institution may become the agency of the state government.

The amendments do not describe the procedures for establishing a state agency. The Endowment will use a three step process which must be completed before NEH will consider the council as a state agency: (1) submission by the governor, for NEH approval, of a plan showing compliance with the statute, (2) submission by the governor, for NEH approval, of an application for funds (a "proposal"), and (3) appropriation by the state legislature of the necessary funds. Unless and until these steps are completed, NEH will consider the group a private citizens' council.

All state programs, including state agencies and private councils, are required to meet the current 50% cost-sharing requirement. The state-appropriated funds will contribute toward meeting this requirement.

If a state does not convert the existing council to state agency status, the legislation permits the governor to appoint up to four members of the citizens' council provided that these do not constitute more than 20% of the total membership. Consistent with Congressional intent, state councils must develop and plan for increased gubernatorial representation. Councils with a membership of 20 or more may either maintain present council size or expand council membership, as a total of four appointments can be made either way. Councils with memberships of fewer than 20 persons should expand or adjust their membership, as necessary, to accommodate at least one additional appointment beyond the present two.

The 1980 amendments continue, with few changes, the 1976 requirement that each council submit to NEH a plan showing compliance with the accountability requirements in the law. Compliance plans for private councils will be expected to address the issue of gubernatorial appointees. Since Congress continues to express concern about the rotation policies for council membership, this should be addressed. The Endowment suggests that the maximum term for membership on private councils should be four years, with at least one year between terms of any individual, but the NEH will accept, as the maximum allowable time of service, three years with opportunity for a single additional three-year term resulting in a period of service of six years. Councils with longer terms must justify this. The councils must describe their specific procedures for public announcement, recruitment, and selection of members. Councils should also develop policies on conflict of interest and public access to council meetings.

All citizens' councils and state agencies will be required to submit an updated compliance plan each year in order to be eligible to apply for funds from the fiscal year beginning on October 1. Guidance for compliance with the 1980 accountability requirements and the complete text of the amended statute is included in this section of the Procedures Manual.

The amendments alter the formula for the allocation of funds to state councils. Each state found by the NEH Chairman to have an "adequate" program will receive the total of \$200,000, plus (after all \$200,000 awards have been made) an equal share of 44% of the excess and a share pro-rated on the basis of population of 22% of the excess. This minimum is referred to as the "base" grant. The award which a council receives may be increased by the addition of funds from the remaining 34% of the excess. These funds, to be distributed at the discretion of the Chairman, may also be used by NEH for special contracts and other activities designed to assist the program nationally. If insufficient funds are available to award \$200,000 to all adequate programs, then all available funds will be divided equally among them.

Given the legislative changes, G&M funds will not be used to match directly appropriated State funds. G&M offers, however, will be made to both state agencies and private councils to continue to encourage private giving and so as not to discourage governors from participating.

DG/jmj

cc: Executive Director