National Humanities Alliance

July 10, 2026

Comments of the National Humanities Alliance
Regarding OMB Proposed Rule OMB-2026-0034
Regulation for Federal Financial Assistance
Submitted to OMB and Directed to the National Endowment for the Humanities

Addressed to:

William English
Acting Chairman
National Endowment for the Humanities

Dear Acting Chairman English:

The National Humanities Alliance (NHA) submits these comments in response to the Office of Management and Budget's proposed Regulation for Federal Financial Assistance (OMB-2026-0034). Although these comments are submitted in response to OMB's Notice of Proposed Rulemaking, they are addressed to the National Endowment for the Humanities as a cosigner of the proposed revision and because the NEH will be responsible for implementing the final rule under the National Foundation on the Arts and the Humanities Act.

NHA is a coalition of more than 250 organizations representing colleges and universities, scholarly societies, museums, libraries, archives, state and jurisdictional humanities councils, and other nonprofit cultural organizations. NHA's members have worked in partnership with the National Endowment for the Humanities (NEH) for more than fifty years to strengthen humanities research, education, preservation, and public engagement.

Our comment focuses on how the NEH will implement the proposed rule consistent with the National Foundation on the Arts and the Humanities Act, 20 U.S.C. §§ 951-960.

OMB recognizes throughout the proposed rule that agencies must administer federal financial assistance consistent with applicable law. Through the National Foundation on the Arts and Humanities Act, Congress established the NEH to implement "a broadly conceived national policy of support for the humanities and arts in the United States." 20 U.S.C. § 953. Consistent with that policy, Congress broadly defined the humanities, prescribed the NEH’s grantmaking process, assigned specific programmatic responsibilities, and established enduring institutional commitments through partnerships with state humanities councils and other institutions.

NHA is concerned that several provisions of the proposed rule could significantly modify the manner in which the National Endowment for the Humanities carries out responsibilities specifically assigned by Congress in the National Foundation on the Arts and the Humanities Act. An overbroad interpretation of those provisions could impede Congress's objective of strengthening the nation's humanities infrastructure through sustained support for scholarship, preservation, publication, education, and public engagement and substantially harm the humanities infrastructure and the institutions, scholars, and organizations Congress directed the NEH to support. 20 U.S.C. § 953.

The concerns discussed below fall into four areas: the proposed § 200.205 merit review requirements and the role of the statutorily established National Council on the Humanities; the proposed §§ 200.300 and 200.218 nondiscrimination provisions and Congress's definition of the humanities and directions to the NEH; the proposed § 200.340 termination authority and Congress's long-term investment in the nation's humanities infrastructure and scholarly independence; and the proposed §§ 200.454 and 200.461 requiring pre-approval for publication costs and scholarly exchange and Congress's direction to the NEH to support publication, dissemination, and scholarly exchange.

These comments, therefore, ask the NEH—as a signatory to the proposed rule—to explain how it interprets the proposed rule in light of the National Foundation on the Arts and the Humanities Act. Where the NEH concludes that the proposed rule can be implemented consistent with the Act, it should explain the statutory basis for that conclusion. Where implementation of the proposed rule requires the NEH to modify the manner in which it has historically carried out responsibilities assigned by Congress, it should identify the statutory authority supporting that interpretation.

I. How will the NEH interpret the proposed § 200.205 consistent with the statutory grantmaking framework Congress established?

OMB proposes to revise § 200.205 to require additional review of discretionary awards by senior appointees before awards are made. The proposed rule further provides that senior appointees should determine whether awards "demonstrably advance the President's policy priorities."

NHA is concerned that the broad discretion contemplated by proposed § 200.205 could modify both the statutory grantmaking process Congress established for the NEH and the statutory framework Congress prescribed for the exercise of that grantmaking authority. Because Congress prescribed a detailed statutory decision-making process, including the role of the National Council on the Humanities, the NEH should explain why it believes the proposed rule can be implemented without altering that framework.

Under 20 U.S.C. § 957, Congress established the National Council on the Humanities as an integral component of the NEH's grantmaking process. The Council is charged with reviewing applications for financial assistance and making recommendations to the NEH Chair before most funding decisions are made.

Congress prescribed both the responsibilities and the composition of the National Council to ensure that grant decisions would benefit from informed and independent humanities expertise. Council members must be “selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities” and “who have established records of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States.” Congress further directed that in making appointments, “the President shall give due regard to the equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.” 20 U.S.C. § 957(b)

By prescribing both the Council's responsibilities and its composition, Congress demonstrated that the Council's recommendations were intended to provide informed, independent humanities expertise as an integral component of the NEH's statutory decision-making process.

The additional review required by proposed § 200.205, therefore, raises questions not only concerning the relationship between senior agency review and the role of the National Council, but also concerning the substantive considerations that may appropriately inform post-merit-review decision-making. Congress did not leave those substantive considerations governing NEH grantmaking entirely to administrative discretion. Through the National Foundation on the Arts and the Humanities Act, it assigned the NEH specific responsibilities concerning the humanities it is to support. The administrative record should explain how the NEH interprets the requirement that awards "demonstrably advance the President's policy priorities" consistent with those statutory responsibilities. Those responsibilities include Congress's definition of the humanities, its directions concerning the purposes for which financial assistance may be awarded, and its instructions regarding the categories of scholars, institutions, and communities the NEH is to support.

Accordingly, NHA requests that the NEH address the following questions:

- Does the NEH interpret proposed § 200.205 as supplementing, rather than modifying, the review process established by 20 U.S.C. § 957(f)?
- How does the NEH interpret proposed § 200.205, including the requirement that senior agency officials determine whether awards “demonstrably advance the President’s policy priorities,” consistent with Congress's directions concerning the types of humanities activities, scholars, institutions, and communities Congress directed the NEH to support, and the statutory grantmaking framework established in the National Foundation on the Arts and the Humanities Act?
- Will implementation of the proposed rule require any changes to the role of peer review or the National Council, and if so, what provisions of the National Foundation on the Arts and the Humanities Act does the NEH believe authorize those changes?
- If the pre-issuance review contemplated by the proposed rule reaches a different conclusion than peer reviewers or the National Council on the Humanities, how will NEH reconcile those recommendations?

II. How will the NEH interpret the proposed §§ 200.300 and 200.218 consistent with Congress's definition of the humanities?

Through amendments to §§ 200.300 and 200.218, the proposed rule establishes new government-wide restrictions concerning diversity, equity, and inclusion; gender ideology; and theories of disparate-impact liability. The proposal states that agencies should implement these provisions to the maximum extent permitted by law.

NHA is concerned that the broad standards established by proposed §§ 200.300 and 200.218 could be interpreted in a manner that narrows the range of scholarship, public humanities programming, and grant recipients Congress expressly directed the National Endowment for the Humanities to support. Because these provisions necessarily require agency interpretation, the NEH should explain how it intends to implement them consistent with the National Foundation on the Arts and the Humanities Act.

The National Foundation on the Arts and the Humanities Act defines the humanities broadly and directs the NEH to support programs reflecting "our diverse heritage, traditions, and history." 20 U.S.C. § 952. Congress's definition of the humanities, together with the programmatic responsibilities assigned to the NEH, makes clear that the NEH's statutory mission encompasses scholarship concerning particular communities, cultures, languages, traditions, and historical periods. Congress further directed the NEH to support programs and research that "reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community"; "insure the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons;" "foster programs and projects that provide access to and preserve materials important to research, education, and public understanding of the humanities"; and, in selecting recipients of financial assistance, to give particular regard to scholars and institutions "that have traditionally been underrepresented." 20 U.S.C. § 956(c).

Taken together, these provisions define the breadth of the humanities Congress directed the NEH to support, identify categories of scholarship, preservation, and public humanities programming that Congress regarded as central to the NEH's mission, and establish specific statutory directions governing the selection of recipients of financial assistance. Because proposed §§ 200.300 and 200.218 employ broad terms that will necessarily require agency interpretation, the administrative record should explain how the NEH will implement those provisions consistent with the responsibilities Congress assigned in the National Foundation on the Arts and the Humanities Act.

- How does the NEH interpret proposed §§ 200.300 and 200.218 consistent with Congress's definition of the humanities in 20 U.S.C. § 952?
- How does the NEH interpret those provisions consistent with Congress's direction to support programs that "reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community" under 20 U.S.C. § 956(c)(4)?

- How does the NEH interpret proposed §§ 200.300 and 200.218 consistent with Congress's direction that, in selecting recipients of financial assistance, it "give particular regard to scholars and educational and cultural institutions, that have traditionally been underrepresented" under 20 U.S.C. § 956(c)?
- What interpretive principles and guidance will the NEH apply in implementing proposed §§ 200.300 and 200.218 to ensure that projects falling within Congress's statutory definition of the humanities are not excluded through an overbroad interpretation of those provisions?
- If implementation of the proposed rule results in changes to existing NEH practice, what provisions of the National Foundation on the Arts and the Humanities Act does the Endowment believe authorize those changes?

III. How will the NEH interpret proposed § 200.340 consistent with its statutory responsibilities under the National Foundation on the Arts and the Humanities Act?

OMB proposes to revise § 200.340 to clarify agency authority to suspend or terminate federal awards, including discretionary terminations when an award no longer advances program goals, agency priorities, or the national interest. OMB emphasizes that this authority must be exercised consistent with applicable law.

NHA is concerned that an expansive interpretation of the discretionary termination authority contemplated by the proposed § 200.340 risks displacing responsibilities Congress specifically assigned to the National Endowment for the Humanities under the National Foundation on the Arts and the Humanities Act. Because Congress assigned the NEH specific long-term responsibilities through the National Foundation on the Arts and the Humanities Act, the administrative record should explain how the NEH interprets proposed § 200.340 consistent with those responsibilities.

Congress declared that the federal government should help create and sustain both "a climate encouraging freedom of thought, imagination, and inquiry" and "the material conditions facilitating the release of this creative talent." 20 U.S.C. § 951. Congress further described the National Foundation on the Arts and the Humanities as implementing "a broadly conceived national policy of support for the humanities and arts in the United States." 20 U.S.C. § 953(b).

Congress implemented that policy by assigning the NEH specific statutory responsibilities, including supporting programs and research reflecting the diversity and richness of American cultural heritage; fostering international programs and exchanges; preserving materials important to research, education, and public understanding; supporting publication and dissemination of humanities scholarship; and maintaining the permanent Federal-State Partnership through state humanities councils.

These statutory programs are not merely illustrative examples of activities the NEH may choose to support. They embody Congress's judgment concerning the functions the NEH exists to

perform and provide the framework within which the NEH must exercise the discretionary authority contemplated by proposed § 200.340.

The reliance interests created by NEH awards are a direct consequence of Congress's statutory design. NEH awards frequently support activities that require commitments extending well beyond a single grant period. Institutions hire staff, enter into contracts, undertake multi-phase preservation projects, launch documentary editing initiatives, build digital collections, establish research centers, and raise substantial matching funds in reliance upon federal awards. Even one-year research fellowships create significant reliance interests because recipients frequently leave salaried positions, relocate temporarily, enroll their children in new schools, and have their spouses take periods of leave from work or find new jobs.

Congress deliberately reinforced those reliance interests through programs such as Challenge Grants and the Federal-State Partnership. Challenge Grants leverage substantial private philanthropy by encouraging long-term institutional investment, while state humanities councils constitute a permanent nationwide infrastructure rather than a series of unrelated discretionary grants. Congress has also repeatedly appropriated funds for statutory programs, including Preservation and Access, the Federal-State Partnership, Digital Humanities, and Challenge Grants. Those continuing appropriations reinforce Congress's continuing judgment that these statutory programs remain enduring components of the NEH's mission and provide important context for interpreting the scope of discretionary termination authority under proposed § 200.340.

OMB recognizes in proposed § 200.340 that discretionary terminations may implicate reliance interests, including termination costs and reimbursement for allowable costs incurred before termination. For the NEH, however, those reliance interests extend beyond ordinary grant administration. They are integral to the statutory programs Congress established to foster long-term humanities scholarship, preservation, and public engagement. Congress recognized these long-term commitments when it directed the federal government to create and sustain the "material conditions facilitating the release" of scholarly and creative talent. 20 U.S.C. § 951.

In light of the statutory responsibilities Congress assigned to the NEH, NHA asks that the NEH address the following questions:

- What provisions of the National Foundation on the Arts and the Humanities Act govern the NEH's exercise of discretionary suspension and termination authority under proposed § 200.340?
- How will the NEH determine when responsibilities assigned by Congress in the National Foundation on the Arts and the Humanities Act constrain the exercise of discretionary termination authority under proposed § 200.340?
- If the NEH concludes that an otherwise compliant award may be terminated because agency priorities or the national interest have changed, what provisions of the National Foundation on the Arts and the Humanities Act support that interpretation?

- How does the NEH interpret § 200.340 consistent with Congress's direction in 20 U.S.C. § 951 that the federal government help create and sustain the material conditions necessary for humanities scholarship?
- How will the NEH consider the reliance interests created through challenge grants, preservation awards, documentary editing projects, digital humanities initiatives, state humanities council awards, and other long-term institutional commitments when exercising discretionary termination authority under proposed § 200.340?
- How will the NEH interpret proposed § 200.340 in light of Congress's repeated appropriations for specific statutory programs and activities? If the NEH concludes that awards supporting those activities may nevertheless be terminated because agency priorities have changed, what statutory authority supports that interpretation?
- Has the NEH evaluated whether implementation of proposed § 200.340 may have disproportionate effects on small museums, historical societies, libraries, archives, and community humanities organizations that Congress intended the NEH to support? If so, how will those considerations inform implementation of the final rule?
- If the NEH concludes that the National Foundation on the Arts and the Humanities Act constrains the exercise of discretionary authority under proposed § 200.340, how will the NEH implement the proposed rule consistent with those statutory limitations?

IV. How will the NEH interpret proposed §§ 200.454 and 200.461 consistent with Congress's direction to support publication, dissemination, and scholarly exchange?

OMB proposes to revise § 200.454 to require prior federal agency approval for memberships, subscriptions, and professional activity costs unless such costs are necessary to fulfill award requirements. OMB also proposes to revise § 200.461 to make publication costs unallowable unless publication is expressly required by statute or approved in advance by the federal agency on a case-by-case basis. In explaining these revisions, OMB states that publication costs "are not inherently necessary to carry out the core programmatic objectives of most Federal awards" and may instead serve institutional, professional, or reputational interests. 91 Fed. Reg. 32239–40.

NHA is concerned that proposed §§ 200.454 and § 200.461 cannot simply be applied to the National Endowment for the Humanities without careful consideration of the statutory responsibilities Congress assigned to the NEH. The administrative record should explain how the NEH interprets these provisions consistent with its governing statute.

Congress authorized the NEH to initiate and support programs and research of substantial scholarly and cultural significance; foster international scholarly exchange; preserve materials important to research, education, and public understanding; and support programs and projects that provide access to, publish, and disseminate humanities scholarship. 20 U.S.C. § 956(c). Congress also declared that the federal government should help create and sustain both "a climate encouraging freedom of thought, imagination, and inquiry" and "the material conditions facilitating the release of this creative talent." 20 U.S.C. § 951. In assigning these

responsibilities, Congress did not treat publication and dissemination as incidental activities. Rather, it made them central statutory responsibilities of the NEH.

Congress's objective of fostering "a climate encouraging freedom of thought, imagination, and inquiry" necessarily includes not only the creation of humanities scholarship, but also its communication and dissemination. 20 U.S.C. §§ 951, 956(c). For many NEH awards, publications, conferences, documentary editions, exhibitions, digital humanities projects, and other forms of scholarly dissemination are not optional activities undertaken after an award has achieved its objectives. They are among the principal objectives Congress directed the NEH to support. The administrative record should therefore explain how the NEH concludes that proposed § 200.461—that publication costs are generally not necessary to achieve the core objectives of federal awards can be implemented consistent with those statutory responsibilities.

The proposed prior-approval requirements also raise a distinct question concerning scholarly independence. Congress directed the federal government to help create "a climate encouraging freedom of thought, imagination, and inquiry." 20 U.S.C. § 951. For many NEH awards, decisions concerning the timing, format, venue, audience, and means of scholarly dissemination appropriately evolve during the course of research, peer review, and scholarly collaboration. The administrative record should explain how the NEH concludes that a case-by-case prior-approval requirement for publication and professional activities can be administered in a manner consistent with Congress's direction to foster independent scholarly inquiry and expression.

Similarly, professional meetings, scholarly conferences, workshops, engagement in learned societies, and related professional activities are frequently integral components of humanities research, preservation, education, and public engagement. The administrative record should explain how the NEH concludes that the prior-approval requirements contemplated by proposed § 200.454 can be administered without impeding these activities or otherwise discouraging the scholarly collaboration Congress expected the NEH to foster.

Taken together, these statutory responsibilities raise important questions concerning how the NEH interprets and intends to administer proposed §§ 200.454 and 200.461. NHA, therefore, requests that the NEH address the following questions:

- How does the NEH interpret proposed §§ 200.454 and 200.461 in light of Congress's direction that the NEH support publication, dissemination, preservation, and public access activities under the National Foundation on the Arts and the Humanities Act?
- How does the NEH conclude that subjecting publications, conferences, and other scholarly activities to case-by-case agency approval is consistent with Congress's direction that the federal government foster "a climate encouraging freedom of thought, imagination, and inquiry" under 20 U.S.C. § 951?
- How will the NEH determine whether conferences, scholarly publications, documentary editions, digital humanities projects, exhibitions, educational materials, and similar scholarly activities are "necessary to fulfill award requirements" under proposed § 200.454 when those activities frequently constitute principal objectives of NEH awards?

- If publication, conferences, exhibitions, documentary editions, digital humanities projects, or similar activities formed part of the project evaluated through the NEH's statutory merit-review process and approved as part of an award, under what circumstances would the Endowment nevertheless require separate prior approval under proposed §§ 200.454 and 200.461?
- Will the NEH issue implementation guidance describing how proposed §§ 200.454 and 200.461 will be administered for NEH awards whose primary purpose includes the creation, publication, dissemination, or public presentation of humanities scholarship?

Conclusion

OMB's proposed rule recognizes that federal agencies must implement the Uniform Guidance subject to applicable law. For the National Endowment for the Humanities, that law is the National Foundation on the Arts and the Humanities Act. Through that Act, Congress established the NEH's mission, defined the scope of the humanities, prescribed a statutory process for reviewing grant applications, directed the NEH to support particular categories of scholarship and public humanities programming, and established long-term institutional commitments through programs such as the Federal-State Partnership and Challenge Grants. Those statutory responsibilities continue to govern the NEH's implementation of government-wide grants regulations and provide the framework within which the NEH should interpret the provisions discussed in these comments.

NHA believes that several provisions of OMB-2026-0034 raise serious questions regarding their implementation by the National Endowment for the Humanities under the National Foundation on the Arts and the Humanities Act. Unless the NEH clearly explains how it interprets these provisions within the limits established by its governing statute, the proposed rule risks creating uncertainty for applicants, recipients, peer reviewers, and the National Council on the Humanities concerning the continued operation of programs Congress expressly authorized.

The administrative record should explain how the NEH interprets proposed §§ 200.205, 200.300, 200.218, 200.340, 200.454, and 200.461 consistent with the National Foundation on the Arts and the Humanities Act. Where the NEH concludes that implementation of the proposed rule affects the exercise of responsibilities assigned by Congress, it should identify the statutory basis for that interpretation. Where the NEH concludes that the National Foundation on the Arts and the Humanities Act limits the exercise of authority contemplated by the proposed rule, it should explain how it will implement the final regulation consistent with those statutory limitations.

Providing that explanation will strengthen the administrative record, provide meaningful guidance to applicants and recipients, promote consistent adherence to the NEH’s governing statutes, and assist Congress and the public in understanding how the NEH interprets and applies the statute Congress enacted to govern its activities. NHA therefore requests that the NEH address these questions in its comments on OMB-2026-0034, in any implementation

guidance accompanying the final rule, or in other publicly available guidance describing how the NEH will administer the revised Uniform Guidance.

NHA appreciates the opportunity to submit these comments and welcomes continued dialogue with the NEH concerning implementation of the proposed rule and the National Foundation on the Arts and the Humanities Act. Please contact me at skidd@nhalliance.org or Cecily Hill, deputy director, at chill@nhalliance.org if additional information or discussion would be helpful.

Sincerely,

Stephen Kidd
Executive Director
National Humanities Alliance