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ARTS, HUMANITIES, AND CULTURAL AFFAIRS ACT OF 1976

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12838), an act to amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Arts, Humanities, and Cultural Affairs Act of 1976".

TITLE I—ARTS AND HUMANITIES

SCOPE OF PROGRAMS CARRIED OUT BY CHAIRMAN OF NATIONAL ENDOWMENT FOR THE ARTS

Sec. 101. Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by striking out "in the United States".

ALLOTMENTS FOR PROJECTS AND PRODUCTIONS RELATING TO THE ARTS

Sec. 102. Section 5(g)(4)(A) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting immediately after "(4)(A)" the following new sentence: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State, which has a plan approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1).".
APPOINTMENT OF MEMBERS OF NATIONAL COUNCIL ON ARTS AND NATIONAL COUNCIL ON HUMANITIES.

Sec. 104. (a) The first sentence of section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting "by and with the advice and consent of the Senate," immediately after "President".

(b) The first sentence of section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting "by and with the advice and consent of the Senate," immediately after "President".

STATE HUMANITIES PROGRAM

Sec. 104. (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 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 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 informa-
tion 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—

"(3) for the first fiscal year with respect to which such State
desires to make such appointments, not less than 50 percent of
that portion of the Federal financial assistance received by such grant recipient under this subsection which
exceeds $100,000;

"(4) for the second fiscal year with respect to which such State
desires to make such appointments, not less than the portion of the Federal financial assistance received by such grant recipient under this subsection which exceeds $100,000;

"(iii) with respect to each fiscal year thereafter, match, from
State funds, that portion 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 desire to 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, an amount equal to the total
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 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
percent 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) Whenever the provisions of paragraph (3)(B) of this
subsection apply in any State, 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 obligated to any entity during such
fiscal year shall be available to the National Endowment for the
Humanities for the purpose of carrying out subsection (e).
(7) Whenever the Chairman, after reasonable notice and opportu-
nity 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) Except as provided in paragraph (4), 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.
PAYMENT OF PERFORMERS AND SUPPORTING PERSONNEL

Sec. 105. Section 7 of the National Foundation on the Arts and the Humanities Act of 1965, as amended by section 110(a), is further amended by adding at the end thereof the following new subsection:

(a) Not be a condition of the receipt of any grant under this section any group or individual that the State or State agency receiving such grant shall furnish adequate assurance to the Secretary of Labor that in any professional performers and related or supporting professional personnel employed on projects or programs which are financed in whole or in part under this section was paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (b) no part of any project or program which is financed in whole or in part under this section shall be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees.

[Insert p. 5.]

(3) Section 11(c) of such Act is amended by inserting before the period a comma and the following:

"or any other program for which the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities is responsible".
There is hereby established, within the Department of Health, Education, and Welfare, an Institute of Museum Services. The Institute shall consist of a National Museum Services Board and a Director of the Institute.

NATIONAL MUSEUM SERVICES BOARD

Sec. 203. The Board shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate. Such members shall be broadly representative of various museums, including museums relating to science, history, technology, art, zoos, and botanical gardens, of the curatorial, educational, and cultural resources of the United States, and of the general public.

(2) A) In addition to members appointed by the President under paragraph (1), the following persons shall serve as members of the Board—

(i) the Chairman of the National Endowment for the Arts;

(ii) the Chairman of the National Endowment for the Humanities;

(iii) the Secretary of the Smithsonian Institution;

(iv) the Director of the National Science Foundation; and

(v) the Commissioner of Education.

B) The members of the Board listed in clause (i) through clause (e) of subparagraph (A) shall be nonvoting members.

(5) The term of office of the appointed members of the Board shall be five years, except that—

(1) any such member appointed to fill a vacancy shall serve only such portion of a term as shall not have been expired at the time of such appointment; and

(2) in the case of initial members, three shall serve for terms of five years, three shall serve for terms of four years, three shall serve for terms of three years, three shall serve for terms of two years, and three shall serve for terms of one year, as designated by the President at the time of nomination for appointment.

Any appointed member who has been a member of the Board for more than seven consecutive years shall thereafter be ineligible for reappointment to the Board during the three-year period following the expiration of the last such consecutive year.

(c) The Chairman of the Board shall be designated by the President from among the appointed members of the Board. Eight appointed members of the Board shall constitute a quorum.

(d) The Board shall meet at the call of the Chairman, except that—

(1) it shall meet not less than four times each year;

(2) in cases where the Director determines that a meeting of the Board is necessary, it shall meet whenever one-third of the total number of appointed members request a meeting in writing, in which event one-half of the total number of appointed members shall constitute a quorum; and

(3) whenever one-third of the appointed members request a meeting in writing, it shall meet, in which event one-third of the appointed members shall constitute a quorum.

(e) Members of the Board who are not in the regular full-time employ of the United States shall receive, while engaged in the business of the Board, compensation for service at a rate to be fixed by the President, except that such rate shall not exceed the rate specified at the time of such service for grade GS-18 set forth in section 5332 of title 5, United States Code, including traveltime, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed in Government service.

(f) The Board shall have the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this title. The Director shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.
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(g) The Board shall, with the advice of the Director, take steps to assure that the policies and purposes of the Institute are well coordinated with other activities of the Federal Government.

DIRECTOR OF THE INSTITUTE

Sec. 205. (a) (1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. The Director shall be compensated at the rate provided for level V of the Executive Schedule (5 U.S.C. 5312), and shall perform such duties and exercise such powers as the Board may prescribe.

(2) The Director shall report to the Secretary of Health, Education, and Welfare with respect to the activities of the Institute. The Director shall not delegate any of his functions to any other officer who is not directly responsible to the Director.

(b) The Director shall advise the Board regarding policies of the Institute to assure coordination of the Institute's activities with other agencies and organizations of the Federal Government having interest and responsibilities for the improvement of museums. Such Government agencies shall include the National Endowment for the Arts, National Endowment for the Humanities, the National Science Foundation, the Department of Health, Education, and Welfare, the Library of Congress, and the Smithsonian Institution and related organizations.

ACTIVITIES OF THE INSTITUTE

Sec. 206. (a) The Director, subject to the policy direction of the Board, is authorized to make grants to museums to increase and improve museum services, through such activities as—

(1) programs to enable museums to construct or install displays, interpretations, and exhibitions in order to improve their services to the public;

(2) assisting them in developing and maintaining professionally-trained or otherwise experienced staff to meet their needs;

(3) assisting them in meeting their administrative costs in preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public through the use of their collections;

(4) assisting museums in cooperation with each other in the development of traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

(5) assisting them in conservation of artifacts and art objects; and

(6) developing and carrying out specialized programs for specific segments of the public such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

(b) Grants under this section for any fiscal year may not exceed 50 per centum of the cost of the program for which the grant is made, except that not more than 20 per centum of the funds available under this section for any fiscal year may be available for grants in such fiscal year without regard to such limitation.

CONTRIBUTIONS

Sec. 207. The Institute shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Institute. Such grants, gifts, or bequests after acceptance by the Institute, shall be paid by the donor. Any notification to the Treasurer of the United States whose receipt shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Institute for the purposes of each case specified.
functions of federal council on the arts and the humanities

sec. 208. section 9(c) of the national foundation on the arts and the humanities act of 1965 is amended—

(1) by redesignating paragraph (2) through paragraph (4) as paragraph (3) through paragraph (5), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

"(2) advise and consult with the national museum services board and with the director of the institute of museum services on major problems arising in carrying out the purposes of such institute;"

(2) in paragraph (3) thereof, as so redesignated by paragraph (1), by striking out "and" immediately after "arts" and inserting in lieu thereof a comma, and by inserting "and the institute of museum services," immediately after "humanities;" and

(3) in paragraph (4) thereof, as so redesignated by paragraph (1),

(4) by inserting "and the institute of museum services" immediately after "foundation".

authorization of appropriations

sec. 208. (a) for the purpose of making grants under section 206(a), there are authorized to be appropriated $15,000,000 for the fiscal year 1977, $25,000,000 for the fiscal year 1978, and such sums as may be necessary for each of the fiscal years 1979 and 1980.

(b) there are authorized to be appropriated such sums as may be necessary to administer the provisions of this title.

(c) sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

(d) for the purpose of enabling the institute to carry out its functions under this title, during the period beginning on the date of enactment of this act and ending october 1, 1980, there is authorized to be appropriated an amount equal to the amount contributed during such period to the institute under section 207.

definitions

sec. 209. for the purpose of this title, the term—

(1) "board" means the national museum services board established under section 203;

(2) "director" means the director of the institute established under section 203;

(3) "institute" means the institute for the improvement of museum services established under section 203; and

(4) "museum" means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or esthetic purposes, which, utilizing a professional staff, owns or utilizes objects, cares for them, and exhibits them to the public on a regular basis.

title iii—challenge grant programs

establishment of programs

sec. 301. (a) section 5 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:

"(1)(1) the chairman of the national endowment for the arts, with the advice of the national council on the arts, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and private nonprofit organizations for the purpose of—

"(a) enabling cultural organizations and institutions to increase the levels of continuing support and to increase the range of contributors to the program of such organizations or institutions;

"(b) providing administrative and management improvements for cultural organizations and institutions, particularly in the field of long-range financial planning;

"(c) enabling cultural organizations and institutions to increase audience participation in, and appreciation of, programs sponsored, by such organizations and institutions;"
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"(D) stimulating greater cooperation among cultural organizations and institutions especially designed to serve better the communities in which such organizations or institutions are located; and

"(E) fostering greater citizen involvement in planning the cultural development of a community.

"(2) The total amount of any payment made under this section for a program or project may not exceed 50 per centum of the cost of such program or project.

"(3) In carrying out the program authorized by this subsection the Chairman of the National Endowment for the Arts shall have the same authority as is established in section 10.

(b) 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:

"(g) (1) The Chairman of the National Endowment for the Humanities, 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 contracts with, or grants-in-aid to, public agencies and private nonprofit organizations for the purpose of—

"(A) enabling cultural organizations and institutions to increase the levels of continuing support and to increase the range of contributors to the program of such organizations or institutions;

"(B) providing administrative and management improvements for cultural organizations and institutions, particularly in the field of long-range financial planning;

"(C) enabling cultural organizations and institutions to increase audience participation in, and appreciation of, programs sponsored by such organizations and institutions;

"(D) stimulating greater cooperation among cultural organizations and institutions especially designed to serve better the communities in which such organizations or institutions are located;

"(E) fostering greater citizen involvement in planning the cultural development of a community; and

"(F) for Bicentennial purposes, assessing where our society and Government stand in relation to the founding principles of the Republic, primarily focused on projects which will bring together the public and private citizen sectors in an effort to find new processes for solving problems facing our Nation in its third century.

"(2) (A) Except as provided in subparagraph (B) of this paragraph, the total amount of any payment made under this subsection for a program or project may not exceed 50 per centum of the cost of such program or project.

"(B) The Chairman, with the advice of the Council, may for not to exceed 15 per centum of the amount appropriated in any fiscal year and available to the National Endowment on the Humanities for the purpose of this subsection, waive all or part of the requirement of non-matching funds provided in subparagraph (A) of this paragraph, but only for the purposes described in clause (F) of section 7(g)(1), whenever he determines that highly meritorious proposals for grants and contracts under such clauses could not otherwise be supported from non-Federal sources or from Federal sources other than funds authorized by section 11(a)(3), unless such matching requirement is waived.

"(3) In carrying out the program authorized by this subsection the Chairman of the National Endowment for the Humanities shall have the same authority as is established in section 10.

AUTHORIZATION OF APPROPRIATIONS

Sec. 302. Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding at the end thereof the following new paragraph:
"(3)(A) There is authorized to be appropriated for each fiscal year ending before October 1, 1980, to the National Endowment for the Arts an amount equal to the total amounts received by such Endowment for the purposes set forth in section 10(a)(2) pursuant to the authority of section 10(a)(2), except that the amount so appropriated to such Endowment for any fiscal year shall not exceed $12,000,000 for fiscal year 1977, and $18,000,000 for fiscal year 1978. Such sums as may be necessary are authorized to be appropriated for fiscal years 1979 and 1980.

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1980, to the National Endowment for the Humanities an amount equal to the total amounts received by such Endowment for the purposes set forth in section 7(g)(1) pursuant to the authority of section 10(a)(2), except that the amount so appropriated to such Endowment for any fiscal year shall not exceed $12,000,000 for fiscal year 1977, and $18,000,000 for fiscal year 1978. Such sums as may be necessary are authorized to be appropriated for fiscal years 1979 and 1980.

"(C) If the Chairman determines at the end of the ninth month of any fiscal year that funds which would otherwise be available under subsection (a) of this section to an Endowment cannot be used, he shall transfer such funds to the other Endowment for the purposes described in subsection (a) of this section.

"(D) Sums appropriated pursuant to subparagraph (A) for any fiscal year shall remain available for obligation and expenditure until expended.".

TITLE IV—AMERICAN BICENTENNIAL PHOTOGRAPHY AND FILM PROJECT

American Bicentennial Photography and Film Project

Sec. 401. (a) Section 5 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:

"(1) From funds appropriated and apportioned to each State pursuant to section 11(a)(3), the Endowment is authorized to provide, by grant or contract, financial assistance to the State arts agency of each State, pursuant to such regulations and guidelines as the Endowment shall establish, to permit such State agency to support one or more photography or film projects meeting the purposes of this subsection. Such assistance shall also be available for acquiring essential supplies, and for administrative or supervisory personnel, and for processing and cataloging, and for the display (and related activities) of the photographs and films produced with assistance under this subsection.

"(B) No financial assistance may be made under this subsection unless an application is made at such time, in such manner and containing or accompanied by such information, as the Endowment determines is reasonably necessary.

"(C) In providing financial assistance under this subsection, each State shall give consideration to proposals which involve promising and qualified photographers or film makers who are unemployed or underemployed.

"(D) From funds allotted to the Endowment pursuant to section 11(a)(3), the Endowment shall pay the costs of administration, provide for collection and dissemination of a representative collection of photographs and films produced pursuant to this subsection, and provide direct assistance to applicants for photography of film projects of special merit which meet the purposes of this subsection. The Endowment shall assure that representative photographs and films (including, where appropriate, negatives) produced with assistance furnished under this subsection are made available for the permanent collection of the Library of Congress."
(b) Section 11(a) of the National Foundation of the Arts and the Humanities Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(b)(A) For the purposes of carrying out section 402, there are authorized to be appropriated for the National Endowment for the Arts $4,000,000 for the fiscal year 1977 and $3,000,000 for the fiscal year 1978. Sums appropriated pursuant to this subparagraph shall remain available until expended.

"(B) Not more than 75 per centum of the amounts appropriated pursuant to subparagraph (A) shall be allocated among the States in equal amounts for the fiscal year 1977, and not more than 50 per centum of the amounts appropriated pursuant to subparagraph (A) shall be allocated among the States in equal amounts for the fiscal year 1978."

TITLE V—ARTS EDUCATION

AMENDMENT TO THE EDUCATION AMENDMENTS OF 1974

Sec. 501. Section 409 of the Education Amendments of 1974 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following.

"(b) Notwithstanding the provisions of section 402(b)(3)(G) and section 402(b)(4) of this Act, and in addition to sums reserved under that section and made available under subsection (a) of this section, there are authorized to be appropriated $2,000,000 for the fiscal year 1978." And the Senate agree to the same.