

1976

Arts, Humanities, and Cultural Affairs Act (1976): Report 01

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Tues. 10 A.M. (277a)

CONFERENCE COMMITTEE PRINT

June 11, 1976

SUBSTANTIVE DIFFERENCES

**Between H.R. 12838, as Passed the House of
Representatives, and the Senate
Amendment Thereto**

—•••—

ARTS, HUMANITIES, AND CULTURAL AFFAIRS ACT OF 1976

Item	Page*	Final disposition
1 <i>State humanities program</i>	2	
✓ (a) The <i>House</i> bill authorizes the Chairman of the National Endowment for the Humanities to establish programs of grants-in-aid in each of the several States to assist activities in the humanities. The <i>Senate</i> amendment authorizes <u>a single program</u> of grants-in-aid to assist the several States in supporting such activities.	2	✓ S.
✓ (b) The <i>House</i> bill calls for the establishment of programs in the humanities. The <i>Senate</i> amendment uses the term "projects" rather than <u>"programs"</u> .	2	✓ H.
✓ (c) The <i>House</i> bill permits any person or entity desiring to receive assistance to submit an application to the Chairman. The <i>Senate</i> amendment provides that only States may submit applications, in accordance with the laws of the State involved.	2	
✓ (d) The <i>House</i> bill requires each application to be accompanied by a <u>plan</u> . The <i>Senate</i> amendment is the same, except that the <i>Senate</i> amendment specifies that such plan must be an <u>annual</u> plan.	2	
✓ (e) The <i>Senate</i> amendment requires the plan to designate one of the following entities to be the sole agency	2	
<p>*Page references after each designated item are to the Conference Committee Print of June , 1976, comparing H.R. 12838 (Arts, Humanities, and Cultural Affairs Act of 1976) with the Senate amendment thereto.</p>		

Cross

a
1

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<p>for administering the State plan: (1) an existing State agency for the arts and the humanities; (2) a State committee on the humanities or some other appropriate entity; or (3) the State humanities committee in existence on the date of the enactment of this legislation. The <i>House</i> bill does not contain any similar provision.</p>		<p>accept House entity or proceed</p>
<p>↓ (f) (1) The <i>Senate</i> amendment provides that a State committee or similar entity may be designated if the plan contains certain provisions specified in (h) of this item. The <i>House</i> bill contains provisions similar to the provisions specified in (h) of this item, but in the <i>House</i> bill these provisions apply to the plan submitted by any person or entity desiring assistance.</p>	3	<p>& specify in report</p>
<p>↓ (2) The <i>Senate</i> amendment provides that a State humanities committee in existence on the date of the enactment of this legislation may be designated if it submits assurances that (A) satisfactory grievance procedures have been established regarding the activities and plans of the State humanities committee; and (B) the provisions specified in (h) of this item are met. The <i>House</i> bill does not contain any similar provision.</p>	4	
<p>√(g) The <i>House</i> bill provides that funds paid to any grant recipient must be used for programs which carry out the</p>	2	

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<p>objectives of section 7 (c) of the National Foundation on the Arts and the Humanities Act of 1965 (hereinafter referred to as the "Act"). The <i>Senate</i> amendment provides that funds paid to a State must be used for programs which (1) are approved by the State agency or State committee administering the State plan; and (2) carry out the objectives of section 7 (c) of the Act.</p>		
<p>(h) (1) The <i>Senate</i> amendment provides that, if the plan designates a State committee or other appropriate entity to administer the plan, the plan must be submitted to the Governor of the State before it is submitted to the Chairman. The <i>House</i> bill does not contain any similar provision.</p>	3	
<p>(2) Under the <i>Senate</i> amendment, the plan must require the Governor to appoint a majority of the members of the State committee within 3 years after the date of the enactment of this legislation. The <i>House</i> bill does not contain any similar provision. (See (j) of this item.)</p>	3	
<p>√ (3) The <i>House</i> bill requires the plan to establish a membership policy which assures broad public representation with respect to programs administered by the grant</p>	3	

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<p>recipient. The <i>Senate</i> amendment requires the plan to provide for broad representation on the State committee.</p>		
<p>✓ (4) The <i>House</i> bill calls for a nominating process which provides for the nomination of individuals from various groups within the State. The <i>Senate</i> amendment requires a nominating process which provides for the nomination of individuals from a variety of segments of the population of the State.</p>	3	
<p>✓ (5) Both the <i>House</i> bill and the <i>Senate</i> amendment require the plan to establish reporting procedures to the Governor of the State and other appropriate State agencies. The <i>House</i> bill uses the term "chief executive officer", rather than "Governor", and uses the term "other appropriate officers and agencies", rather than "other appropriate State agencies". The <i>Senate</i> amendment provides that the reporting procedures must be "adequate".</p>	4	
<p>✓ (i) The <i>House</i> bill requires the grant recipient to report to the Chairman from time to time. The <i>Senate</i> amendment contains a similar provision, but the provision relates to the State agency, State committee, or other entity administering the State plan.</p>	4	

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<p>(j) The <i>House</i> bill requires the plan to provide that 2 members of the executive body of the grant recipient will be appointed by an appropriate officer or agency of the State. The <i>Senate</i> amendment does not contain a similar provision. (See (h) (2) of this item.)</p>	4	<p>- Not included</p>
<p>✓ (k) The <i>House</i> bill and the <i>Senate</i> amendment contain identical provisions regarding allotments to carry out section 7 (f) of the Act, except that the allotments in the <i>House</i> bill are extended to any person or entity with an approved plan, while in the <i>Senate</i> amendment the allotments are extended only to States with approved plans.</p>	5	
<p>✓ (l) The <i>Senate</i> amendment provides that amounts allotted to a State which are not obligated by the State before the last 60 days of a fiscal year may be used by the Chairman to make grants to regional groups. The term "regional group" is defined by the <i>Senate</i> amendment to mean any multistate group, whether or not representative of contiguous States. The <i>House</i> bill does not contain any similar provisions.</p>	6	
<p>(m) The <i>House</i> bill provides that the Chairman may not make grants to more than one person or entity in any State. The <i>Senate</i> amendment does not contain any similar provision.</p>	8	

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<p>2 <i>Scope of programs carried out by Chairman of National Endowment for the Arts</i></p> <p>The <i>House</i> bill amends section 5 (c) of the Act to eliminate the restriction that grants must be made to support only those projects which are carried out in the United States. The <i>Senate</i> amendment amends section 5 (c) of the Act to provide that grants may be made to include international activities so long as the primary purpose of the grant is to support the arts in the United States.</p>	8	<p><u>Hatch</u></p> <p><u>Rept. Language</u></p>
<p>3 <i>Payment of performers and supporting personnel</i></p> <p>The <i>House</i> bill and the <i>Senate</i> amendment contain identical amendments to section 7 of the Act relating to the payment of performers and supporting personnel, except that the <i>Senate</i> amendment refers to grants made under section 7 to groups or individuals, while the <i>House</i> bill refers to groups or individuals "of exceptional talent".</p>	10	<p><u>House record</u></p>
<p>4 <i>Administrative provision regarding surplus property</i></p> <p>The <i>Senate</i> amendment amends section 10 (a) of the Act to give the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities the authority to receive and dispose of excess</p>	11	<p><u>More data</u></p>

(c)

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and surplus Federal personal property without regard to the Federal Property and Administrative Services Act of 1949. The <i>House</i> bill does not contain any similar provision.																		
5 <i>Authorization of appropriations to carry out Act</i>	11																	
<table border="0"> <thead> <tr> <th data-bbox="199 919 311 957"><i>Provision</i></th> <th data-bbox="526 919 646 957"><i>House bill</i></th> <th data-bbox="829 919 1029 957"><i>Senate amendment</i></th> <th data-bbox="1133 957 1173 995"></th> </tr> </thead> <tbody> <tr> <td data-bbox="223 957 271 995">§ 5</td> <td data-bbox="422 957 750 1096">\$100,000,000 for fiscal year 1977; \$113,500,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980</td> <td data-bbox="774 957 1093 1096">\$92,500,000 for fiscal year 1977; \$105,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980</td> <td data-bbox="1133 957 1173 995">11</td> </tr> <tr> <td data-bbox="223 1096 311 1146">§ 7(c)</td> <td data-bbox="422 1096 750 1247">\$100,000,000 for fiscal year 1977; \$113,500,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980</td> <td data-bbox="774 1096 1093 1247">\$82,500,000 for fiscal year 1977; \$95,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980</td> <td data-bbox="1133 1096 1173 1134">11</td> </tr> <tr> <td data-bbox="223 1247 391 1348">Matching of donated amounts</td> <td data-bbox="422 1247 750 1398">\$20,000,000 for fiscal year 1977; \$25,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980</td> <td data-bbox="774 1247 1093 1398">\$15,000,000 for fiscal year 1977; \$20,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980</td> <td data-bbox="1133 1247 1173 1285">12</td> </tr> </tbody> </table>	<i>Provision</i>	<i>House bill</i>	<i>Senate amendment</i>		§ 5	\$100,000,000 for fiscal year 1977; \$113,500,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980	\$92,500,000 for fiscal year 1977; \$105,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980	11	§ 7(c)	\$100,000,000 for fiscal year 1977; \$113,500,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980	\$82,500,000 for fiscal year 1977; \$95,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980	11	Matching of donated amounts	\$20,000,000 for fiscal year 1977; \$25,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980	\$15,000,000 for fiscal year 1977; \$20,000,000 for fiscal year 1978; such sums for fiscal year 1979 and fiscal year 1980	12		
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The <i>Senate</i> amendment amends section 11 (c) of the Act to provide that the authorization for administration applies to any program for which the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities is responsible. The <i>House</i> bill does not contain any similar provision.	12																	
6 <i>Museum services program</i>	13																	
(a) <i>Purpose.</i> —The <i>House</i> bill provides that it is the purpose of this legislation to encourage and assist museums in their educational role, in conjunction with formal systems	13																	

No resolution

Necessary adm. costs

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<p>of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups. The <i>Senate</i> amendment provides that it is the purpose of this legislation to encourage and assist museums in their educational role so that they may better serve the communities in which they are located.</p>		
<p>(b) <i>Institute of Museum Services</i></p>	13	
<p>(1) The title of the institute established by the <i>House</i> bill is the "<u>Institute of Museum Services</u>". The title of the institute established by the <i>Senate</i> amendment is the "Institute for the Improvement of Museum Services".</p>	13	
<p>(2) The <i>House</i> bill establishes the Institute within the Department of Health, Education, and Welfare. The <i>Senate</i> amendment establishes the Institute within the National Foundation on the Arts and the Humanities.</p>	13	
<p>(c) <i>National Museum Services Board</i></p>	14	
<p>(1) (A) Under the <i>House</i> bill, the Board consists of 15 members. Under the <i>Senate</i> amendment, the Board consists of 9 members.</p>	14	
<p>(B) The <i>Senate</i> amendment provides that the Chairman of the National Council on the Arts, and 2 members of such Council selected by the Chairman, shall be members of</p>	14	

Sen. record

?

Rept. Language to avoid Duplication

15 members

Chairman designate 4 membs with advice of the Council

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the Board. The <i>House</i> bill does not contain any similar provision.		
(C) The <i>Senate</i> amendment provides that the Chairman of the National Council on the Humanities, and 2 members of such Council selected by the Chairman, shall be members of the Board. The <i>House</i> bill does not contain any similar provision.	14	<p>who are not members of NCA or NCH</p> <p><u>9 more members</u></p> <p><u>Pell</u></p>
(D) The <i>House</i> bill provides that all members of the Board will be appointed by the President, by and with the advice and consent of the Senate. The <i>Senate</i> amendment provides that 3 members of the Board will be appointed by the President, by and with the advice and consent of the Senate.	14	
(E) The <i>House</i> bill provides that the members of the Board shall be broadly representative of (i) various museums, including zoos, botanical gardens, and other specified museums; (ii) the curatorial, educational, and cultural resources of the United States; and (iii) the general public. The <i>Senate</i> amendment provides that the appointed members of the Board shall be broadly representative of (i) curatorial, education, and cultural resources of the United States; and (ii) the general public.	14	

AAAM
Def.

HARRISON A. WILLIAMS, JR.

CHAIRMAN

United States Senate

COMMITTEE ON
LABOR AND PUBLIC WELFARE

Room:

3100

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<p>(2) The <i>House</i> bill provides that, in the case of initial members, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 3 shall serve for terms of one year. The <i>Senate</i> amendment provides that, in the case of initial appointed members, one shall serve for a term of 5 years, one shall serve for a term of 3 years, and one shall serve for a term of one year.</p>	14	<p><u>Final agreed.</u></p>
<p>(3) The <i>Senate</i> amendment specifies that the President shall designate the Chairman of the Board from among members who are not members of the National Council on the Arts or the National Council on the Humanities. The <i>House</i> bill does not contain any similar provision.</p>	15	
<p>(4) The <i>House</i> bill provides that 8 members shall constitute a quorum. The <i>Senate</i> amendment provides that 5 members shall constitute a quorum.</p>	15	
<p>(5) The <i>House</i> bill provides that the Board must meet whenever one-third of the members request a meeting, in which event one-third of the members shall constitute a quorum. The <i>Senate</i> amendment provides that the Board must meet whenever 5 members request a meeting, in which event 5 members shall constitute a quorum.</p>	15	

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<p>(6) The <i>Senate</i> amendment requires the Board to take steps to coordinate the policies of the Institute with other activities of the Federal Government. The <i>House</i> bill does not contain any similar provision, but see (f) of this item for a discussion of <i>House</i> bill provisions relating to coordination.</p>	16	<p><u>Combine</u></p>
<p>(d) <i>Director of the Institute</i></p>	16	
<p>(1) The <i>Senate</i> amendment provides that the Director of the Institute will be compensated at the rate provided for <u>level V of the Executive Schedule (\$37,800)</u>. The <i>House</i> bill does not contain any similar provision.</p>	17	<p><u>Senate</u> <u>inmist - but...</u> <u>Aside</u></p>
<p>(2) The <i>House</i> bill requires the President to appoint a Deputy Director. The <i>Senate</i> amendment does not contain any similar provision.</p>	17	
<p>(3) The <i>Senate</i> amendment requires the Director to advise the Board regarding policies of the Institute to assure that the activities of the Institute are coordinated with activities of specified agencies and organizations of the Federal Government. The <i>House</i> bill does not contain any similar provision, but see (f) of this item for a discussion of the <i>House</i> bill provisions relating to coordination.</p>	17	<p><u>Consist of</u></p> <p>Rept. Lang. for Deputy Director.</p>
<p>(e) <i>Activities of the Institute</i></p>	17	
<p>(1) The <i>House</i> bill provides that the Director of the Institute may make grants subject to the advice of the</p>	17	<p>See page 13</p>

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<p>Board. The <i>Senate</i> amendment provides that such grants may be made by the Director subject to the (management) of the Board.</p>		
<p>(2) The <i>House</i> bill provides that one type of activity eligible for grants is any program to enable museums to construct or install displays, interpretations, and exhibitions. The <i>Senate</i> amendment is the same, except that the <i>Senate</i> amendment uses the term "project" rather than "<u>program</u>".</p>	18	Policy direction
<p>(3) The <i>House</i> bill provides that a grant may not exceed 75 percent of the cost of the program involved. The <i>Senate</i> amendment provides that a grant may not exceed 50 percent of the cost of a program.</p>	18	Recede
<p>(4) The <i>Senate</i> amendment provides that the ceiling on grant amounts applies in any fiscal year. The <i>House</i> bill does not contain any similar provision.</p>	18	ENC. to take H. position
<p>(f) <i>Functions of Federal Council on the Arts and the Humanities.</i>—The <i>House</i> bill amends section 9 (c) of the Act to require the Council to (1) advise and consult with the Board and with the Director of the Institute regarding major problems arising in connection with carrying out the purposes of the Institute; (2) coordinate the operation of the Institute with the operation of the National Endowment for the Arts and the National Endowment for the Human-</p>	19	(R)

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ities; and (3) promote coordination between the activities of the Institute and the activities of other Federal agencies. The <i>Senate</i> amendment does not contain any similar provision; but see (c) (6) and (d) (3) of this item for discussions of <i>Senate</i> amendment provisions relating to coordination.		
(g) <i>Authorization of appropriations</i>	20	
<p><i>Important</i> (1) The <i>Senate</i> amendment authorizes such sums as may be necessary to administer title II of the <i>Senate</i> amendment, relating to museum services program. The <i>House</i> bill does not contain any similar provision.</p>	20	<u>Correct</u>
(2) The <i>Senate</i> amendment provides that sums appropriated for any fiscal year shall remain available for obligation and expenditure until expended. The <i>House</i> bill does not contain any similar provision.	20	H.R.
(3) The <i>House</i> bill authorizes to be appropriated an amount equal to amounts contributed under section 207 of the <i>House</i> bill during the period beginning on the date of the enactment of this legislation and ending October 1, 1978. The <i>Senate</i> amendment is the same, except that the cutoff date is <u>October 1, 1980.</u>	20	HR H.R.

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(h) <i>Definitions</i>	20	
(1) The <i>Senate</i> amendment defines the terms "Board", "Director", and "Institute" in a separate section. The <i>House</i> bill does not set out these definitions in a separate section, but includes them at the point at which they first appear in this legislation.	20	
(2) In defining the term "museum", the <i>House</i> bill provides that the term means any agency or institution which <u>owns or utilizes tangible objects</u> for exhibition. The <i>Senate</i> amendment uses the phrase "owns and utilizes".	21	S.R.
(j) <i>National Foundation on the Arts and the Humanities</i> .—The <i>Senate</i> amendment amends section 4 (a) of the Act to provide that the Institute will be included as part of the National Foundation on the Arts and the Humanities. The <i>House</i> bill does not contain any similar provision.	21	
7 <i>Cultural challenge program</i>	22	
(a) <i>Establishment of program</i>	22	
(1) The <i>House</i> bill establishes the program by amending the Act to add a new section 12. The <i>Senate</i> amendment establishes the program by the inclusion of a separate title	22	

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in this legislation, rather than through an amendment to the Act.		
(2) The <i>House</i> bill authorizes the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities to act jointly in establishing and carrying out the program. The <i>Senate</i> amendment authorizes the Chairman of the National Endowment for the Arts to establish and carry out the program.	22	
(3) The <i>House</i> bill provides that the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities shall establish the program with the advice of the National Council on the Arts and the National Council on the Humanities. The <i>Senate</i> amendment provides that the Chairman of the National Endowment for the Arts shall establish the program with the advice of the National Council on the Arts.	22	
(4) The <i>House</i> bill provides that contracts and grants may be made with private nonprofit organizations to carry out the program. The <i>Senate</i> amendment contains the same provision, except that the <i>Senate</i> amendment does not use the term "private".	22	S H. R.
(5) In discussing the purposes of such grants and contracts, the <i>Senate</i> amendment provides that the grants and	23	

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<p>contracts may be made to stimulate greater collaboration and cooperation among cultural organizations and institutions. The <i>House</i> bill contains the same provision, except that the <i>House</i> bill does not use the term "collaboration".</p>		<p><u>S. Rec.</u></p>
<p>(6) Both the <i>House</i> bill and the <i>Senate</i> amendment contain a matching funds provision. The <i>Senate</i> amendment, however, provides that the matching funds provision may be waived, with respect to not more than 20 percent of funds appropriated in any fiscal year, if the Chairman of the National Endowment for the Arts determines that highly meritorious proposals could not be supported without such a waiver. The waiver by the Chairman must be made with the advice of the National Council on the Arts. The <i>House</i> bill does not contain any similar provision.</p>	23	<p><u>House finds waiver inconsistent</u></p>
<p>(7) The <i>Senate</i> amendment provides that section 5 (i) of the Act (relating to minimum wage and safe working conditions requirements) and section 5 (j) of the Act (relating to Davis-Bacon Act requirements) shall apply to the program. The <i>House</i> bill does not contain any similar provision.</p>	23	
<p>(b) <i>Authorization of appropriations</i></p>	24	
<p>(1) The authorization contained in the <i>House</i> bill is made both to the National Endowment for the Arts and to the National Endowment for the Humanities. The authoriza-</p>	24	

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tion contained in the <i>Senate</i> amendment is made only to the National Endowment for the Arts.		
(2) The <i>House</i> bill provides that appropriated funds may be transferred between the two Endowments upon mutual agreement. The <i>Senate</i> amendment does not contain any similar provision.	24	
8 <i>Arts education program</i>	25	
The <i>Senate</i> amendment contains a provision establishing a program to provide financial assistance to improve the quality and availability of arts education. The <i>House</i> bill does not contain any similar provision.		
9 <i>Bicentennial challenge grants</i>	27	
The <i>Senate</i> amendment contains a provision establishing a bicentennial challenge grant program designed to (1) maintain and strengthen democratic processes through the encouragement of citizen participation; (2) develop innovative insights regarding the resolution of social, political, and economic problems; and (3) develop new approaches for citizen involvement in the democratic system. The <i>House</i> bill does not contain any similar provision.		

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<p data-bbox="156 614 826 657">10 <i>Bicentennial photography and film project</i></p> <p data-bbox="220 687 1110 1010">The <i>Senate</i> amendment contains a provision establishing a bicentennial photography and film project in order to create a photographic and film portrait of the people and communities of the United States. The <i>House</i> bill does not contain any similar provision.</p> <p data-bbox="655 1043 683 1078">○</p>	31	

P. 26. history,

reaffirmation of principles

application of history and related

humanities areas