

1976

Endowment Advisory Panels (1976): Report 04

Follow this and additional works at: http://digitalcommons.uri.edu/pell_neh_II_37

Recommended Citation

"Endowment Advisory Panels (1976): Report 04" (1976). *Endowment Advisory Panels (1976)*. Paper 1.
http://digitalcommons.uri.edu/pell_neh_II_37/1http://digitalcommons.uri.edu/pell_neh_II_37/1

This Report is brought to you for free and open access by the Education: National Endowment for the Arts and Humanities, Subject Files II (1962-1996) at DigitalCommons@URI. It has been accepted for inclusion in Endowment Advisory Panels (1976) by an authorized administrator of DigitalCommons@URI. For more information, please contact digitalcommons@etal.uri.edu.

94TH CONGRESS
2D SESSION

H. R. 12838

IN THE SENATE OF THE UNITED STATES

APRIL 27, 1976

Read twice and referred to the Committee on Labor and Public Welfare

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Arts, Humanities, and
4 Cultural Affairs Act of 1976".

5 TITLE I—ARTS AND HUMANITIES

6 STATE HUMANITIES COUNCILS

7 SEC. 101. (a) Section 7 of the National Foundation on
8 the Arts and the Humanities Act of 1965 is amended by
9 adding at the end thereof the following new subsection:

1 “(f) (1) The Chairman, with the advice of the Na-
2 tional Council on the Humanities, is authorized to establish
3 and carry out programs of grants-in-aid in each of the sev-
4 eral States in order to support not more than 50 per centum
5 of the cost of existing activities which meet the standards
6 enumerated in subsection (c), and in order to develop pro-
7 grams in the humanities in such a manner as will furnish
8 adequate programs in the humanities in each of the several
9 States.

10 “(2) In order to receive assistance under this subsec-
11 tion in any fiscal year, any person or entity desiring to
12 receive such assistance shall submit an application for such
13 grants at such time as shall be specified by the Chairman
14 and accompany such applications with a plan which the
15 Chairman finds—

16 “(A) provides that funds paid to the grant recip-
17 ient will be expended solely on programs which carry
18 out the objectives of subsection (c);

19 “(B) establishes a membership policy which is de-
20 signed to assure broad public representation with respect
21 to programs administered by such grant recipient;

22 “(C) provides a nomination process which assures
23 an opportunity for nomination to membership from var-
24 ious groups within the State involved;

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

3 “(E) establishes reporting procedures which are
4 designed to inform the chief executive officer of the State
5 involved, and other appropriate officers and agencies, of
6 the activities of such grant recipient;

7 “(F) establishes procedures to assure public access
8 to information relating to such activities;

9 “(G) provides that such grant recipient shall make
10 reports to the Chairman from time to time, in such form
11 and containing such information as the Chairman may
12 require; and

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

16 “(3) Of the sums available to carry out this subsection
17 for any fiscal year, each grant recipient which has a plan
18 approved by the Chairman shall be allotted at least \$200,-
19 000. If the sums appropriated are insufficient to make the
20 allotments under the preceding sentence in full, such sums
21 shall be allotted among such grant recipients in equal
22 amounts. In any case where the sums available to carry out
23 this subsection for any fiscal year are in excess of the amount

1 required to make the allotments under the first sentence of
2 this paragraph—

3 “(A) the amount of such excess which is no greater
4 than 25 per centum of the sums available to carry out
5 this subsection for any fiscal year shall be available to
6 the Chairman for making grants under this subsection to
7 persons and entities applying for such grants;

8 “(B) the amount of such excess, if any, which re-
9 mains after reserving in full for the Chairman the
10 amount required under subparagraph (A) shall be al-
11 lotted among the grant recipients which have plans
12 approved by the Chairman in equal amounts, but in no
13 event shall any grant recipient be allotted less than
14 \$200,000.

15 “(4) (A) That part of any allotment made under para-
16 graph (3) for any fiscal year—

17 “(i) which exceeds \$125,000; but

18 “(ii) which does not exceed 20 per centum of such
19 allotment,

20 shall be available, at the discretion of the Chairman, to pay
21 up to 100 per centum of the cost of programs under this
22 subsection if such programs would otherwise be unavailable
23 to the residents of the State involved.

24 “(B) Funds made available under this subsection shall
25 not be used to supplant non-Federal funds.

26 “(5) All amounts allotted or made available under

1 paragraph (3) for a fiscal year which are not granted to
2 any person or entity during such fiscal year shall be available
3 to the National Endowment for the Humanities for the pur-
4 pose of carrying out subsection (c).

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

7 “(A) a grant recipient is not complying substan-
8 tially with the provisions of this subsection;

9 “(B) a grant recipient is not complying substan-
10 tially with terms and conditions of its plan approved under
11 this subsection; or

12 “(C) any funds granted to any person or entity under
13 this subsection have been diverted from the purposes for
14 which they are allotted or paid,

15 the Chairman shall immediately notify the Secretary of the
16 Treasury and the grant recipient with respect to which such
17 finding was made that no further grants will be made under
18 this subsection to such grant recipient until there is no longer
19 a default or failure to comply or the diversion has been
20 corrected, or, if the compliance or correction is impossible,
21 until such grant recipient repays or arranges the repayment
22 of the Federal funds which have been improperly diverted
23 or expended.

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

1 (b) The amendment made by subsection (a) shall be
2 effective with respect to fiscal year 1977 and succeeding
3 fiscal years.

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

6 SEC. 102. Section 5 (c) of the National Foundation on
7 the Arts and the Humanities Act of 1965 is amended by
8 striking out "in the United States".

9 ALLOTMENTS FOR PROJECTS AND PRODUCTIONS
10 RELATING TO THE ARTS

11 SEC. 103. Section 5 (g) (4) (A) of the National Founda-
12 tion on the Arts and the Humanities Act of 1965 is amended
13 by inserting immediately after "(4) (A)" the following
14 new sentence: "The amount of each allotment to a State
15 for any fiscal year under this subsection shall be available
16 to each State, which has a plan approved by the Chairman
17 in effect on the first day of such fiscal year, to pay not more
18 than 50 per centum of the total cost of any project or
19 production described in paragraph (1).".

20 APPOINTMENT OF MEMBERS OF NATIONAL COUNCIL ON
21 ARTS AND NATIONAL COUNCIL ON HUMANITIES

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

1 (b) The first sentence of section 8(b) of the National
2 Foundation on the Arts and the Humanities Act of 1965 is
3 amended by inserting “, by and with the advice and consent
4 of the Senate,” immediately after “President”.

5 PAYMENT OF PERFORMERS AND SUPPORTING

6 PERSONNEL

7 SEC. 105. Section 7 of the National Foundation on the
8 Arts and the Humanities Act of 1965, as amended by section
9 101 (a), is further amended by adding at the end thereof the
10 following new subsection:

11 “(g) It shall be a condition of the receipt of any grant
12 under this section that the group or individual of exceptional
13 talent or the State or State agency receiving such grant fur-
14 nish adequate assurances to the Secretary of Labor that (1)
15 all professional performers and related or supporting profes-
16 sional personnel employed on projects or productions which
17 are financed in whole or in part under this section will be
18 paid, without subsequent deduction or rebate on any account,
19 not less than the minimum compensation as determined by
20 the Secretary of Labor to be the prevailing minimum compen-
21 sation for persons employed in similar activities; and (2) no
22 part of any project or production which is financed in whole
23 or in part under this section will be performed or engaged in
24 under working conditions which are unsanitary or hazardous
25 or dangerous to the health and safety of the employees en-

1 gaged in such project or production. Compliance with the
2 safety and sanitary laws of the State in which the performance
3 or part thereof is to take place shall be prima facie evidence of
4 compliance. The Secretary of Labor shall have the authority
5 to prescribe standards, regulations, and procedures as he may
6 deem necessary or appropriate to carry out the provisions
7 of this subsection.”.

8 AUTHORIZATIONS OF APPROPRIATIONS

9 SEC. 106. (a) (1) (A) Section 11 (a) (1) (A) of the
10 National Foundation on the Arts and the Humanities Act
11 of 1965 is amended to read as follows:

12 “SEC. 11. (a) (1) (A) For the purpose of carrying out
13 section 5, there are authorized to be appropriated \$100,000,-
14 000 for fiscal year 1977, and \$113,500,000 for fiscal year
15 1978; and there are so authorized such sums as may be
16 necessary for the fiscal years 1979 and 1980. Of the sums
17 so appropriated for any fiscal year, not less than 20 per
18 centum shall be for carrying out section 5 (g).”.

19 (B) Section 11 (a) (1) (B) of such Act is amended
20 by striking out all that follows “Humanities” and inserting
21 in lieu thereof the following: “\$100,000,000 for fiscal year
22 1977, and \$113,500,000 for fiscal year 1978; and there are
23 so authorized such sums as may be necessary for the fiscal
24 years 1979 and 1980. Of the sums so appropriated for any

1 fiscal year, not less than 20 per centum shall be for carrying
2 out section 7 (f)."

3 (2) Section 11 (a) (2) of such Act is amended (A) by
4 striking out "July 1, 1976" and inserting in lieu thereof
5 "October 1, 1980"; and (B) by striking out all that follows
6 "not exceed" and inserting in lieu thereof "\$20,000,000 for
7 the fiscal year ending September 30, 1977, \$25,000,000 for
8 the fiscal year ending September 30, 1978, and such sums as
9 may be necessary for the fiscal years ending September 30,
10 1979, and September 30, 1980."

11 (b) The amendments made by subsection (a) shall be
12 effective with respect to fiscal year 1977 and succeeding fiscal
13 years.

14 APPOINTMENT OF MEMBERS OF NATIONAL COUNCIL ON
15 ARTS AND NATIONAL COUNCIL ON HUMANITIES

16 SEC. 103. (a) The first sentence of section 6 (b) of the
17 National Foundation on the Arts and the Humanities Act
18 of 1965 is amended by inserting ", by and with the advice
19 and consent of the Senate," immediately after "President".

20 (b) The first sentence of section 8 (b) of the National
21 Foundation on the Arts and the Humanities Act of 1965 is
22 amended by inserting ", by and with the advice and consent
23 of the Senate," immediately after "President".

1 **TITLE II—MUSEUM SERVICES**

2 **SHORT TITLE**

3 (a) SEC. 201. This title may be cited as the "Museum Serv-
4 ices Act".

5 **PURPOSE**

6 SEC. 202. It is the purpose of this title to encourage
7 and assist museums in their educational role, in conjunction
8 with formal systems of elementary, secondary, and post-
9 secondary education and with programs of nonformal educa-
10 tion for all age groups; to assist museums in modernizing
11 their methods and facilities so that they may better be able
12 to conserve our cultural, historic, and scientific heritage;
13 and to ease the financial burden borne by museums as a
14 result of their increasing use by the public.

15 **INSTITUTE OF MUSEUM SERVICES**

16 SEC. 203. There is hereby established, within the De-
17 partment of Health, Education, and Welfare, an Institute of
18 Museum Services (hereinafter in this title referred to as the
19 "Institute"). The Institute shall consist of a National Museum
20 Services Board (hereinafter in this title referred to as the
21 "Board") and a Director of the Institute (hereinafter in
22 this title referred to as the "Director").

23 **NATIONAL MUSEUM SERVICES BOARD**

24 SEC. 204. (a) The Board shall consist of fifteen mem-
25 bers appointed by the President, by and with the advice and

1 consent of the Senate. The members of the Board shall be
2 broadly representative of various museums, including
3 museums relating to science, history, technology, and
4 art, and including zoos and botanical gardens, of the cura-
5 torial, educational, and cultural resources of the United
6 States, and of the general public.

7 (b) The term of office of members of the Board shall
8 be five years, except that—

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

12 (2) in the case of initial members, three shall serve
13 for terms of four years, three shall serve for terms of
14 three years, three shall serve for terms of two years, and
15 three shall serve for terms of one year, as designated
16 by the President at the time of nomination for appoint-
17 ment.

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

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

1 (d) The Board shall meet at the call of the Chairman,

2 except that—

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

4 (2) in cases where the Director determines that a

5 meeting of the Board is necessary, it shall meet when-

6 ever one-third of the total number of members request

7 a meeting in writing, in which event one-half of the total

8 number of members shall constitute a quorum; and

9 (3) whenever one-third of the members request a

10 meeting in writing, it shall meet, in which event one-

11 third of the members shall constitute a quorum.

12 (e) Members of the Board who are not in the regular

13 full-time employ of the United States shall receive, while en-

14 gaged in the business of the Board, compensation for service

15 at a rate to be fixed by the President, except that such rate

16 shall not exceed the rate specified at the time of such service

17 for grade GS-18 set forth in section 5332 of title 5, United

18 States Code, including traveltime, and, while so serving away

19 from their homes or regular places of business, they may be

20 allowed travel expenses, including per diem in lieu of sub-

21 sistence, as authorized by section 5703 of title 5, United

22 States Code, for persons employed in Government service.

23 (f) The Board shall have the responsibility for the gen-

24 eral policies with respect to the powers, duties, and authori-

1 ties vested in the Institute under this title. The Director
2 shall make available to the Board such information and
3 assistance as may be necessary to enable the Board to carry
4 out its functions.

5 DIRECTOR OF THE INSTITUTE

6 SEC. 205. (a) The Director of the Institute shall be
7 appointed by the President, by and with the advice and con-
8 sent of the Senate, and shall serve at the pleasure of the
9 President. The Director shall perform such duties and exer-
10 cise such powers as the Board may prescribe.

11 (b) There shall be a Deputy Director of the Institute
12 who shall be appointed by the President and shall serve at
13 the pleasure of the President. The Deputy Director shall
14 exercise such powers as the Director may prescribe, and the
15 Deputy Director shall serve as Director during the absence
16 or disability of the Director, or in the event of a vacancy in
17 the office of the Director.

18 ACTIVITIES OF THE INSTITUTE

19 SEC. 206. (a) The Director, subject to the advice of the
20 Board, is authorized to make grants to museums to increase
21 and improve museum services, through such activities as—
22 (1) programs to enable museums to construct or in-
23 stall displays, interpretations, and exhibitions in order
24 to improve their services to the public;

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

4 (3) assisting them to meet their administrative costs
5 in preserving and maintaining their collections, exhibit-
6 ing them to the public, and providing educational pro-
7 grams to the public through the use of their collections;

8 (4) assisting museums in cooperation with each
9 other in the development of traveling exhibitions, meet-
10 ing transportation costs, and identifying and locating
11 collections available for loan;

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

14 (6) developing and carrying out specialized pro-
15 grams for specific segments of the public such as pro-
16 grams for urban neighborhoods, rural areas, Indian
17 reservations, and penal and other State institutions.

18 (b) Grants under this section may not exceed 75 per
19 centum of the cost of the program for which the grant is
20 made.

21 CONTRIBUTIONS

22 SEC. 207. The Institute shall have authority to accept
23 in the name of the United States, grants, gifts, or bequests
24 of money for immediate disbursement in furtherance of the
25 functions of the Institute. Such grants, gifts, or bequests, after

1 acceptance by the Institute, shall be paid by the donor or
2 his representative to the Treasurer of the United States
3 whose receipt shall be their acquittance. The Treasurer of
4 the United States shall enter them in a special account to the
5 credit of the Institute for the purposes of each case specified.

6 FUNCTIONS OF FEDERAL COUNCIL ON THE
7 ARTS AND THE HUMANITIES

8 SEC. 208. Section 9 (c) of the National Foundation on
9 the Arts and the Humanities Act of 1965 is amended—

10 (1) by redesignating paragraph (2) through para-
11 graph (4) as paragraph (3) through paragraph (5),
12 respectively, and by inserting immediately after para-
13 graph (1) the following new paragraph:

14 “(2) advise and consult with the National Museum
15 Services Board and with the Director of the Institute
16 of Museum Services on major problems arising in carry-
17 ing out the purposes of such Institute;”;

18 (2) in paragraph (3) thereof, as so redesignated
19 by paragraph (1), by striking out “and” immediately
20 after “Arts” and inserting in lieu thereof a comma, and
21 by inserting “and the Institute of Museum Services,”
22 immediately after “Humanities,”; and

23 (3) in paragraph (4) thereof, as so redesignated
24 by paragraph (1), by inserting “and the Institute of
25 Museum Services” immediately after “Foundation”.

1 AUTHORIZATIONS OF APPROPRIATIONS

2 SEC. 209. (a) For the purpose of making grants under
3 section 206 (a), there are hereby authorized to be appro-
4 priated \$15,000,000 for fiscal year 1977, \$25,000,000 for
5 fiscal year 1978, and such sums as may be necessary for
6 fiscal years 1979 and 1980.

7 (b) For the purpose of enabling the Institute to carry
8 out its functions under this title, during the period beginning
9 on the date of enactment of this Act and ending October 1,
10 1978, there is authorized to be appropriated an amount
11 equal to the amount contributed during such period to the
12 Institute under section 207.

13 DEFINITION

14 SEC. 210. For purposes of this title, the term "museum"
15 means a public or private nonprofit agency or institution
16 organized on a permanent basis for essentially educational
17 or aesthetic purposes, which, utilizing a professional staff,
18 owns or utilizes tangible objects, cares for them, and exhibits
19 them to the public on a regular basis.

20 TITLE III—CHALLENGE GRANT PROGRAM

21 ESTABLISHMENT OF PROGRAM

22 SEC. 301. The National Foundation on the Arts and
23 the Humanities Act of 1965 is amended by adding at the
24 end thereof the following new section:

1 "CHALLENGE GRANT PROGRAM

2 "SEC. 12. (a) The Chairman of the National Endow-
3 ment for the Arts and the Chairman of the National Endow-
4 ment for the Humanities, with the advice of the National
5 Council on the Arts and the National Council on the Human-
6 ities, are authorized, in accordance with the provisions of this
7 section, to establish and carry out a program of contracts
8 with, or grants-in-aid to, public agencies and private non-
9 profit organizations for the purpose of—

10 "(1) enabling cultural organizations and institu-
11 tions to increase the levels of continuing support and
12 to increase the range of contributors to the program of
13 such organizations or institutions;

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

17 "(3) enabling cultural organizations and institutions
18 to increase audience participation in, and appreciation
19 of, programs sponsored by such organizations and insti-
20 tutions;

21 "(4) stimulating greater cooperation among cul-
22 tural organizations and institutions especially designed to
23 serve better the communities in which such organizations
24 or institutions are located; and

1 “(5) fostering greater citizen involvement in plan-
2 ning the cultural development of a community.

3 “(b) The total amount of any payment made under this
4 section for a program or project may not exceed 50 per
5 centum of the cost of such program or project.

6 “(c) In carrying out the program authorized by this
7 section the Chairman of the National Endowment for the
8 Arts and the Chairman of the National Endowment for the
9 Humanities shall have the same authority as is established in
10 section 10.”.

11 AUTHORIZATION OF APPROPRIATIONS

12 SEC. 302. Section 11 (a) of the National Foundation on
13 the Arts and the Humanities Act of 1965 is amended by
14 adding at the end thereof the following new paragraph:

15 “(3) (A) There are authorized to be appropriated for
16 each fiscal year ending before October 1, 1981, to the
17 National Endowment for the Arts and the National Endow-
18 ment for the Humanities an amount equal to the total amounts
19 received by each such Endowment for the purposes set forth
20 in section 12 (a) pursuant to the authority of section 10 (a)
21 (2), except that the amount so appropriated to both such
22 Endowments for any fiscal year shall not exceed the follow-
23 ing limitations: \$15,000,000 for fiscal year 1977, and \$20,-
24 000,000 for fiscal year 1978. Such sums as may be necessary

1 are authorized to be appropriated for fiscal years 1979 and
2 1980.

3 “(B) Sums appropriated pursuant to subparagraph (A)
4 for any fiscal year shall remain available for obligation and
5 expenditure until expended. Sums available to either such
6 Endowment under subparagraph (A) for any fiscal year
7 may be transferred for use by the other Endowment upon
8 the mutual agreement of both such Endowments.”.

Passed the House of Representatives April 26, 1976.

Attest:

EDMUND L. HENSHAW, JR.,

Clerk.

94TH CONGRESS
2D SESSION

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.

APRIL 27, 1976

Read twice and referred to the Committee on Labor and Public Welfare