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96th CONGRESS
2d Session

S. 1386

[Report No. 96-__]

To amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

IN THE SENATE OF THE UNITED STATES

June 21 (legislative day, May 21), 1979

Mr. Pell introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

December , 1979

Reported by Mr. Pell, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled,

3 ~~That this Act may be cited as the "Arts, Humanities, and~~
4 ~~Museum Services Act of 1979".~~

5 State humanities councils

6 ~~Sec. 2. (a) Section 7 (f) (2) of the National Foundation~~
7 ~~on the Arts and the Humanities Act of 1965 is amended to read~~
8 ~~as follows:~~

9 ~~"(2) In order to receive assistance under this~~
10 ~~subsection in any fiscal year, a State shall submit an~~
11 ~~application for such grants at such time as shall be~~

1 specified-by-the-Chairman-and-accompany-such-applications
2 with-a-plan-which-the-Chairman-finds--

3 “(A)-designates-or-provides-for-the-establishment-of
4 a-State-agency-(hereafter-in-this-section-referred-to-as
5 the-“State-agency”)-as-the-sole-agency-for-the
6 administration-of-the-State-plan;

7 “(B)-provides-that-funds-paid-to-the-State-under
8 this-subsection-will-be-expended-solely-on-programs
9 approved-by-the-State-agency-which-carry-out-any-of-the
10 objectives-of-subsection-(c);-and

11 “(C)-provides-that-the-State-agency-will-make-such
12 reports,-in-such-form,-and-containing-such-information,
13 as-the-Chairman-may-require.”;

14 (b)-(1)-Section-7-(f)-(3)-of-each-Act-is-repealed.

15 (2)-Paragraphs-(4),-(5),-(6),-and-(7)-of-such-section-7
16 (f)-are-redesignated-as-paragraphs-(3),-(4),-(5),-and-(6),
17 respectively.

18 (3)-Paragraph-(9)-of-such-section-7(f)-is-repealed.

19 (e)-(1)-Section-7-(f)-(3)-of-such-Act-(as-redesignated-by
20 subsection-(b))-is-amended--

21 (A)-by-striking-out-“grant-recipient”-each-time-it
22 appears-and-inserting-in-lieu-thereof-“State”;

23 (B)-by-striking-out-“grant-recipients”-each-time-it
24 appears-and-inserting-in-lieu-thereof-“States”;

25 (C)-by-striking-out-“entities”-and-inserting-in
26 lieu-thereof-“States-and-regional-groups”.

27 (2)-Section-7-(f)-(4)-(B)-of-such-Act-(as-redesignated-by
28 subsection-(b))-is-amended-by-striking-out-“grant
29 recipient”-and-inserting-in-lieu-thereof-“State-agency”.

30 (3)-Section-7-(f)-(5)-of-such-Act-(as-redesignated-by
31 subsection-(b))-is-amended-by-striking-out-“any-entity”-and
32 inserting-in-lieu-thereof-“a-State”.

33 (4)-Section-7-(f)-(6)-of-such-Act-(as-redesignated-by
34 subsection-(b))-is-amended--

1 and inserting in lieu thereof "October 17, 1985".

2 (B) The second sentence of such section is amended by
3 striking out "years" and inserting in lieu thereof
4 "year", and by striking out "and 1988" and inserting in
5 lieu thereof "and for each fiscal year ending prior to
6 October 17, 1985".

7 (2) (A) The first sentence of section 44 (a) (3) (B) of
8 such Act is amended by striking out "October 17, 1988" and
9 inserting in lieu thereof "October 17, 1985".

10 (B) The second sentence of such section is amended by
11 striking out "years" and inserting in lieu thereof
12 "year", and by striking out "and 1988" and inserting in
13 lieu thereof "and for each fiscal year ending prior to
14 October 17, 1985".

15 (d) (1) Section 289 (a) of the Museum Services Act is
16 amended by striking out "fiscal years 1979 and 1988" and
17 inserting in lieu thereof "the fiscal year 1979 and for each
18 of the succeeding fiscal years ending prior to October 17,
19 1985".

20 (2) Section 289 (d) of such Act is amended by striking
21 out "1988" and inserting in lieu thereof "1985".

22 Arts at the local level

23 Sec. 4. (a) Section 5 (e) of the National Foundation on
24 the Arts and Humanities Act of 1965 is amended by
25 redesignating clause (5) as clause (6) and by inserting after
26 clause (4) the following new clause:

27 " (5) programs for the arts at the local level,
28 and "

29 (b) Section 5 (e) of such Act is further amended by
30 striking out "clause (5)" and inserting in lieu thereof
31 "clause (6)".

32 That this Act may be cited as the "Arts and Humanities Act
33 of 1980".

34 DEFINITION OF HUMANITIES

1 Sec. 2. Section 3 (a) of the National Foundation on the
2 Arts and the Humanities Act of 1965 (hereinafter referred to
3 as the "Act"), is amended by striking out "theory, and
4 practice" and inserting in lieu thereof "and theory".

5 PURPOSES OF ARTS GRANTS

6 Sec. 3. (a) Section 5 (c) (1) of the Act is amended by
7 inserting "and cultural diversity" after "American
8 creativity".

9 (b)(1) Section 5 (c) of the Act is amended by
10 redesignating clause (5) as clause (6) and by inserting after
11 clause (4) the following new clause:

12 "(5) programs for the arts at the local level;
13 and".

14 (2) The last sentence of section 5 (c) of such Act is
15 amended--

16 (A) by striking out "clause (5)" and inserting in
17 lieu thereof "clause (6)"; and

18 (B) by striking out "Labor and Public Welfare" and
19 inserting in lieu thereof "Labor and Human Resources".

20 STATE ARTS GRANTS

21 Sec. 4. Section 5 (g) of the Act is amended--

22 (1) by striking out all that follows "State plan"
23 in the text of paragraph (2) (A) and inserting in lieu
24 thereof a semicolon; and

25 (2) by adding at the end of paragraph (4) the
26 following new subparagraph:

27 "(E) For the purpose of paragraph (3) (B) of this
28 subsection, the term "State" includes, in addition to the
29 several States of the Union, only the special jurisdictions
30 listed in section 3 (g) of this Act having a population of
31 200,000 or more, according to the latest decennial census.".

32 INTERAGENCY AGREEMENTS

33 Sec. 5. Section 5 (k) of the Act is amended by adding at
34 the end thereof the following: "The Chairman may enter into

1 interagency agreements to promote or assist with the arts-
 2 related activities of other Federal Government agencies, on a
 3 reimbursable or nonreimbursable basis, and may use funds
 4 authorized for the purposes of section 5 (c) of this Act for
 5 the costs of such activities.''.

6 CHALLENGE GRANTS

7 Sec. 6. The matter preceding paragraph (1) of section 5
 8 (1) of the Act is amended by inserting ``strengthening
 9 quality by'' after ``for the purpose of''.

10 REPEALER

11 Sec. 7. Section 5 of the Act is amended by repealing
 12 subsection (m).

13 NATIONAL COUNCIL ON THE ARTS

14 Sec. 8. Section 6 of the Act is amended by inserting
 15 after the first sentence of subsection (c) thereof the
 16 following: ``The term of office of all Council members shall
 17 expire on the third day of September in the year of
 18 expiration.''.

19 ACTIVITIES OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

20 Sec. 9. (a) Section 7 (c) (2) of the Act is amended by
 21 striking out the word ``loans,`` in the matter in parentheses
 22 and by deleting all that follows the first semicolon.

23 (b) The last sentence of section 7 (c) of the Act is
 24 amended by striking out ``Labor and Public Welfare'' and
 25 inserting in lieu thereof ``Labor and Human Resources''.

26 STATE HUMANITIES COUNCILS

27 Sec. 10. (a) Section 7 (f) (2) of the Act is amended to
 28 read as follows:

29 ``(2) (A) Whenever a State desires to designate or to provide
 30 for the establishment of a State agency as the sole agency
 31 for the administration of the State plan, such State shall
 32 designate the humanities council, or other entity, in
 33 existence on the date of enactment of the Arts and Humanities
 34 Act of 1979, as the State agency, and shall match from State

1 funds a sum equal to 50 per centum of that portion of Federal
2 financial assistance received by such State under this
3 subsection which is described in the first sentence of
4 paragraph (4) of this subsection relating to the minimum
5 State grant, or 25 per centum of the total amount of Federal
6 financial assistance received by such State under this
7 subsection, whichever is greater, for the fiscal year
8 involved. In any State in which the State selects the option
9 described in this paragraph, the State shall submit, prior to
10 the beginning of each fiscal year, an application for grants
11 and accompany such application with a plan which the Chairman
12 finds--

13 “(i) designates or provides for the establishment of
14 a State agency (hereafter in this section referred to as
15 the ‘State agency’) as the sole agency for the
16 administration of the State plan;

17 “(ii) provides that the chief executive of the State
18 will appoint new members to the State humanities council,
19 or other entity, designated under the provisions of this
20 subparagraph, as vacancies occur as a result of the
21 expiration of the terms of members of such council or
22 entity, until the chief executive has appointed all of
23 the members of the council or entity;

24 “(iii) provides, from State funds, an amount equal
25 to 50 per centum of that portion of Federal financial
26 assistance received by such State under this subsection
27 which is described in the first sentence of paragraph (4)
28 of this subsection relating to the minimum State grant,
29 or 25 per centum of the total amount of Federal financial
30 assistance received by such State under this subsection,
31 whichever is greater, for the fiscal year involved;

32 “(iv) provides that funds paid to the State under
33 this subsection will be expended solely on programs
34 approved by the State agency which carry out the

1 objectives of subsection (c) and which are designed to
2 bring the humanities to the public;

3 “(v) provides assurances that State funds will be
4 newly appropriated for the purpose of meeting the
5 requirements of this subparagraph; and

6 “(vi) provides that the State agency will make such
7 reports, in such form, and containing such information,
8 as the Chairman may require.

9 “(B) In any State in which the chief executive officer
10 of the State fails to file an application under subparagraph
11 (A), the grant recipient in that State shall--

12 “(i) establish a procedure which assures that four
13 members of the governing body of such grant recipient
14 shall be appointed by an appropriate officer or agency of
15 such State except that in no event may the number of such
16 members exceed 20 per centum of the total membership of
17 such governing body; and

18 “(ii) provide, from any source, an amount equal to
19 the amount of Federal financial assistance received by
20 such grant recipient under this subsection in the fiscal
21 year involved.”.

22 (b) Section 7 (f) (3) of the Act is amended to read as
23 follows:

24 “(3) Whenever a State selects to receive Federal
25 financial assistance under this subsection in any fiscal year
26 under paragraph (2) (B), any appropriate entity desiring to
27 receive such assistance shall submit an application for such
28 grants at such time as shall be specified by the Chairman.
29 Each such application shall be accompanied by a plan which
30 the Chairman finds--

31 “(A) provides assurances that the grant recipient
32 will comply with the requirements of paragraph (2) (B) of
33 this subsection;

34 “(B) provides that funds paid to the grant recipient

1 will be expended solely on programs which carry out the
2 objectives of subsection (c) of this section;

3 "(C) establishes a membership policy which is
4 designed to assure broad public representation with
5 respect to programs administered by such grant recipient;

6 "(D) provides a nomination process which assures
7 opportunities for nomination to membership from various
8 groups within the State involved and from a variety of
9 segments of the population of such State, and including
10 individuals who by reason of their achievement,
11 scholarship, or creativity in the humanities, are
12 especially qualified to serve;

13 "(E) provides for a membership rotation process
14 which assures the regular rotation of the membership and
15 officers of such grant recipient;

16 "(F) establishes reporting procedures which are
17 designed to inform the chief executive officer of the
18 State involved, and other appropriate officers and
19 agencies, of the activities of such grant recipient;

20 "(G) establishes procedures to assure public access
21 to information relating to such activities; and

22 "(H) provides that such grant recipient will make
23 reports to the Chairman, in such form, at such times, and
24 containing such information, as the Chairman may
25 require."

26 (c) (1) Section 7 (f) (4) of the Act is amended--

27 (A) by inserting "State and" immediately before
28 "grant recipient" each time it appears;

29 (B) by inserting "States and" immediately before
30 "grant recipients" each time it appears; and

31 (C) by inserting before "entities" the following:
32 "States and regional groups and".

33 (2) Section 7 (f) (5) (A) of the Act is amended by
34 striking out "Whenever the provisions of paragraph (3) (B)

1 of this subsection apply in any State, that part of any'' and
2 inserting in lieu thereof the following: ''The amount of each
3 allotment to a State for any fiscal year under this
4 subsection shall be available to each State or grant
5 recipient, which has a plan or application approved by the
6 Chairman in effect on the first day of such fiscal year, to
7 pay not more than 5% per centum of the total cost of any
8 project or production described in paragraph (1). The amount
9 of any''.

10 (3) Section 7 (f) (5) (B) of the Act is amended by
11 inserting ''State agency or'' before ''grant recipient''.

12 (4) Section 7 (f) (6) of the Act is amended by inserting
13 ''a State or'' before ''any entity''.

14 (5) Section 7 (f) (7) of the Act is amended--

15 (A) by inserting ''group or'' before ''grant
16 recipient'' in clause (A);

17 (B) by inserting ''State agency or'' before ''grant
18 recipient'' in clause (B);

19 (C) by striking out ''plan'' in clause (B) and
20 inserting in lieu thereof ''State plan or grant recipient
21 application'';

22 (D) by inserting ''group or State agency or'' before
23 ''grant recipient'' in clause (C); and

24 (E) by inserting ''group, State agency or'' before
25 ''grant recipient'' each time it appears in the matter
26 following clause (C).

27 (6) Section 7 (f) (8) of the Act is amended by striking
28 out ''paragraphs (4), (5), and (6)'' and inserting in lieu
29 thereof ''the third sentence of paragraph (4), and paragraphs
30 (5) and (6)''.

31 (7) Section 7 (g) of the Act is amended by inserting
32 ''agency or'' before ''entity''.

33 (d) Section 7 (f) (5) of the Act is further amended by
34 adding at the end thereof the following new paragraph:

1 “(E) For the purpose of paragraph (4) (B) of this
 2 subsection, the term ‘State’ and the term ‘grant recipient’
 3 include, in addition to the several States of the Union, only
 4 the special jurisdictions listed in section 3 (g) of this Act
 5 having a population of 200,000 or more, according to the
 6 latest decennial census.”.

7 (e) Section 7 of the Act is further amended by inserting
 8 immediately after subsection (h) the following new
 9 subsection:

10 “(i) The Chairman may enter into interagency agreements
 11 to promote or assist with the humanities-related activities
 12 of other agencies of the Federal Government, on either a
 13 reimbursable or nonreimbursable basis, and may use funds
 14 authorized for the purposes of section 7 (c) of this Act for
 15 the costs of such activities.”.

16 ~~APPLICATION SUBJECT TO NATIONAL COUNCIL ON THE HUMANITIES~~

17 ~~RECOMMENDATIONS~~

GRANTS BY THE CHAIRMAN

18 Sec. 11. Section 8 (f) of the Act is amended by striking
 19 out “\$17,500” and inserting in lieu thereof “\$30,000”.

20 ADMINISTRATIVE PROVISIONS

21 Sec. 12. (a) Section 10 (a) (4) of the Act is amended by
 22 inserting “and culturally diverse” after the word
 23 “geographic”.

24 (b) (1) Section 17(b) of the Act is amended by striking
 25 out “January” and inserting in lieu thereof “April”.

26 (2) Section 10 (c) of the Act is amended by striking out
 27 “January” and inserting in lieu thereof “April”.

28 AUTHORIZATION OF APPROPRIATIONS

29 Sec. 13. (a) (1) The first sentence of section 11 (a) (1)
 30 (A) of the Act is amended to read as follows:

31 “(A) For the purpose of carrying out section 5 (c),
 32 there are authorized to be appropriated to the National
 33 Endowment for the Arts \$111,000,000 for the fiscal year 1981,
 34 \$127,500,000 for the fiscal year 1982, \$147,000,000 for the

1 fiscal year 1983, \$169,000,000 for the fiscal year 1984, and
2 \$194,500,000 for the fiscal year 1985.''

3 (2) The first sentence of section 11 (a) (1) (B) of the
4 Act is amended to read as follows:

5 ''(B) For the purpose of carrying out section 7 (c),
6 there are authorized to be appropriated to the National
7 Endowment for the Humanities \$115,000,000 for the fiscal year
8 1981, \$132,500,000 for the fiscal year 1982, \$152,000,000 for
9 the fiscal year 1983, \$175,000,000 for the fiscal year 1984,
10 and \$201,000,000 for the fiscal year 1985.''

11 (b) Section 11 (a) (2) of the Act is amended to read as
12 follows:

13 ''(2) (A) There are authorized to be appropriated for
14 each fiscal year ending prior to October 1, 1985, to the
15 National Endowment for the Arts an amount equal to the total
16 amounts received by such Endowment under section 10 (a) (2)
17 and by the grantees of such Endowment for the purposes of
18 section 5 (c), except that the amount so appropriated to the
19 National Endowment for the Arts shall not exceed \$21,000,000
20 for fiscal year 1981, \$24,000,000 for fiscal year 1982,
21 \$27,500,000 for fiscal year 1983, \$31,750,000 for fiscal year
22 1984, and \$36,500,000 for fiscal year 1985.

23 ''(B) There are authorized to be appropriated for each
24 fiscal year ending prior to October 1, 1985, to the National
25 Endowment for the Humanities an amount equal to the total
26 amounts received by such Endowment under section 10 (a) (2)
27 and by the grantees of such Endowment for the purposes of
28 section 7 (c), except that the amount so appropriated to the
29 National Endowment for the Humanities shall not exceed
30 \$12,500,000 for fiscal year 1981, \$14,500,000 for fiscal year
31 1982, \$17,000,000 for fiscal year 1983, \$19,500,000 for
32 fiscal year 1984, and \$22,500,000 for fiscal year 1985.

33 (c)(1) Section 11 (a) (3) (A) of the Act is amended to
34 read as follows:

1 “(A) There is authorized to be appropriated for each
2 fiscal year ending before October 1, 1985, to the National
3 Endowment for the Arts an amount equal to the total amounts
4 received by such Endowment and by the grantees of such
5 Endowment for the purposes set forth in section 5 (1) (1)
6 pursuant to the authority of section 10 (a) (2), except that
7 the amount so appropriated to such Endowment shall not exceed
8 \$30,000,000 for fiscal year 1981, \$34,500,000 for fiscal year
9 1982, \$39,500,000 for fiscal year 1983, \$45,500,000 for
10 fiscal year 1984, and \$52,300,000 for fiscal year 1985.”.

11 (2) Section 11 (a) (3) (B) of the Act is amended to read
12 as follows:

13 “(B) There is authorized to be appropriated for each
14 fiscal year ending before October 1, 1985, to the National
15 Endowment for the Humanities an amount equal to the total
16 amounts received by such Endowment and by the grantees of
17 such Endowment for the purposes set forth in section 7 (h)
18 (1), pursuant to the authority of section 10 (a) (2), except
19 that the amount so appropriated to such Endowment shall not
20 exceed \$30,000,000 for fiscal year 1981, \$34,500,000 for
21 fiscal year 1982, \$40,000,000 for fiscal year 1983,
22 \$46,000,000 for fiscal year 1984, and \$53,000,000 for fiscal
23 year 1985.”.

24 (d) Section 11 (a) (4) of the Act is amended to read as
25 follows:

26 “(4) The Chairman of the National Endowment for the Arts
27 and the Chairman of the National Endowment for the
28 Humanities, as the case may be, shall issue guidelines to
29 implement the provisions of paragraphs (2) and (3) of this
30 subsection which are consistent with the requirements of
31 sections 5 (e), 7 (f), 5 (1) (2), and 7 (h) (2), as the case
32 may be.”.

33 (e) Section 11 (c) of the Act is amended to read as
34 follows:

1 “(c) (1) There are authorized to be appropriated to the
2 National Endowment for the Arts \$13,000,000 for fiscal year
3 1981, \$15,000,000 for fiscal year 1982, \$17,000,000 for
4 fiscal year 1983, \$19,750,000 for fiscal year 1984, and
5 \$22,700,000 for fiscal year 1985 to administer the provisions
6 of this Act, including not to exceed \$35,000 in any fiscal
7 year for official reception and representation expenses, or
8 any other program for which the Chairman of the National
9 Endowment for the Arts is responsible.

10 “(2) There are authorized to be appropriated to the
11 National Endowment for the Humanities \$12,500,000 for fiscal
12 year 1981, \$14,500,000 for fiscal year 1982, \$17,000,000 for
13 fiscal year 1983, \$19,500,000 for fiscal year 1984, and
14 \$22,500,000 for fiscal year 1985, to administer the
15 provisions of this Act, including not to exceed \$35,000 in
16 any fiscal year for official reception and representation
17 expenses, or any other program for which the Chairman of the
18 National Endowment for the Humanities is responsible.”.