1979

National Foundation on the Arts and Humanities Act and Museum Services Act: Extensions (1979): Report 01

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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.

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

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

State-humanities-councils

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

"(2) In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be..."
Specified-by-the-Chairman-and-accompany-such-applications

Designates-or-provides-for-the-establishment-of
a-State-agency-(hereafter-in-this-section-referred-to-as
the-State-agency')-as-the-sole-agency-for-the
administration-of-the-State-plan;

Provides-that-funds-paid-to-the-State-under
this-subsection-will-be-expended-soley-on-programs
approved-by-the-State-agency-which-carry-out-any-of-the
objectives-of-subsection-(c); and

Provides-that-the-State-agency-will-make-such
reports-in-such-form-and-containing-such-information,
as-the-Chairman-may-require.

(b)-(4)-Section-7-(f) -(3) of each Act is repealed.

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

(3)-Paragraph-(9) of such section 7(f) is repealed.

(e)-(4)-Section-7-(f) -(3) of such Act -(as redesignated by
subsection-(b)) is amended --

(a)-by-striking-out-"grant-recipient"-each-time-it
appears and inserting-in-lieu-thereof-"State"

(b)-by-striking-out-"grant-recipients"-each-time-it
appears and inserting-in-lieu-thereof-"States"

(c)-by-striking-out-"entities"-and-inserting-in
lieu-thereof-"States-and-regional-groups"

(2)-Section-7-(f)-(4)-(5) of such Act -(as redesignated by
subsection-(b)) is amended by-striking-out-"grant
recipient"-and inserting-in-lieu-thereof-"State"

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

(4)-Section-7-(f)-(6) of such Act -(as redesignated by
subsection-(b)) is amended --
(a)-by-striking-out-11grant-recipient11-in-clause-(a)
and-inserting-in-lieu-thereof-11group11
(b)-by-striking-out-11grant-recipient11-in-clause-(b)
and-inserting-in-lieu-thereof-11State-agency11
(c)-by-inserting-11State11-before-11plan11-in-clause
(d);
(e)-by-striking-out-11grant-recipient11-in-clause-(e)
and-inserting-in-lieu-thereof-11group-or-State-agency11
and
(e)-by-striking-out-11grant-recipient11-each-time-it
appears-in-the-matter-following-clause-(e) and-inserting
in-lieu-thereof-11group-or-State-agency11
(5)-Section-7-(g)-of-such-Act-is-amended-by-striking-out
11entity11-and-inserting-in-lieu-thereof-11agency11
AUTHORIZATION-OF-APPROPRIATIONS
See-3r-(a)-(4)-Section-44-(a)-(4)-(A)-of-the-National
Foundation-on-the-Arts-and-the-Humanities-Act-of-1965-is
amended-by-striking-out-11years11-and-inserting-in-lieu
thereof-11year11-and-by-striking-out-11and-198011-and
inserting-in-lieu-thereof-11and-for-each-fiscal-year-ending
prior-to-October-17-198511
(2)-Section-44-(a)-(4)-(B)-of-such-Act-is-amended-by
striking-out-11years11-and-inserting-in-lieu-thereof-11year11
and-by-striking-out-11and-198011-and-inserting-in-lieu
thereof-11and-for-each-fiscal-year-ending-prior-to-October-17
198511
(b)-Section-44-(a)-(2)-of-such-Act-is-amended-by-striking
out-11October-17-198011-and-inserting-in-lieu-thereof
11October-17-198511, by-striking-out-11years11-and-inserting
in-lieu-thereof-11year11-and-by-striking-out-11and-198011
and-inserting-in-lieu-thereof-11and-for-each-fiscal-year
ending-prior-to-October-17-198511
(3)-(4)-(A)-The-first-sentence-of-section-44-(a)-(3)-(A)
of-such-Act-is-amended-by-striking-out-11October-17-198011
and inserting 'in lieu thereof' before 'October 17, 1985' (a)
The second sentence of such section is amended by striking out '11 years' and inserting 'in lieu thereof'
11 years' and by striking out '11 and 1985' and inserting 'in lieu thereof' and for each fiscal year ending prior to October 17, 1985
(2)-(1)-The first sentence of section 41-(a)-(3)-(b) of such Act is amended by striking out '11 October 17, 1985' and inserting 'in lieu thereof' before '11 October 17, 1985'
(3)-The second sentence of such section is amended by striking out '11 years' and inserting 'in lieu thereof'
11 years' and by striking out '11 and 1985' and inserting 'in lieu thereof' and for each fiscal year ending prior to October 17, 1985
(d)-(4)-Section 289-(a) of the Museum Services Act is amended by striking out '11 fiscal years-1979 and-1985' and inserting 'in lieu thereof' 11 the fiscal year 1979 and for each of the succeeding fiscal years ending prior to October 17, 1985
(2)-Section 289-(d) of such Act is amended by striking out '11 1985' and inserting 'in lieu thereof' 11 1985
Arts at the local level
See-4-(a)-Section-5-(c) of the National Foundation on the Arts and Humanities Act of 1965 is amended by redesignating clause (5) as clause (6) and by inserting after clause (4)-the following new clause
(5) programs for the arts at the local level
and
(b)-Section 5-(e) of such Act is further amended by striking out '11 clause-(5)' and inserting 'in lieu thereof'
'11 clause-(6)'
That this Act may be cited as the "Arts and Humanities Act of 1985"

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

PURPOSES OF ARTS GRANTS

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

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

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

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

(1) by striking out "clause (5)" and inserting in
lieu thereof "clause (6)"; and

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

STATE ARTS GRANTS

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

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

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

"(b) For the purpose of paragraph (2) (a) of this
subsection, the term "State" includes, in addition to the
several States of the Union, only the special jurisdictions
listed in section 3 (a) of this Act having a population of
200,000 or more, according to the latest decennial census."

INTERAGENCY AGREEMENTS

Sec. 5. Section 5 (k) of the Act is amended by adding at
the end thereof the following: "The Chairman may enter into
interagency agreements to promote or assist with the arts-
related activities of other federal government agencies, on a
reimbursable or nonreimbursable basis, and may use funds
authorized for the purposes of section 5 (c) of this Act for
the costs of such activities.''.

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

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

NATIONAL COUNCIL ON THE ARTS
Sec. 8. Section 6 of the Act is amended by inserting
after the first sentence of subsection (c) thereof the
following: ' 'The term of office of all Council members shall
expire on the third day of September in the year of
expiration.''.

ACTIVITIES OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES
Sec. 9. (a) Section 7 (c) (2) of the Act is amended by
striking out the word ' 'loans' ' in the matter in parentheses
and by deleting all that follows the first semicolon.
(b) The last sentence of section 7 (c) of the Act is
amended by striking out ' 'Labor and Public Welfare' ' and
inserting in lieu thereof ' 'Labor and Human Resources' '.

STATE HUMANITIES COUNCILS
Sec. 10. (a) Section 7 (f) (2) of the Act is amended to
read as follows:
' '(2) (1) Whenever a State desires to designate or to provide
for the establishment of a State agency as the sole agency
for the administration of the State plan, such State shall
designate the humanities council, or other entity, in
existence on the date of enactment of the Arts and Humanities
Act of 1975, as the State agency, and shall match from State
funds a sum equal to 52 per centum of that portion of Federal
financial assistance received by such State under this
subsection which is described in the first sentence of
paragraph (4) of this subsection relating to the minimum
State grant, or 25 per centum of the total amount of Federal
financial assistance received by such State under this
subsection, whichever is greater, for the fiscal year
involved. In any State in which the State selects the option
described in this paragraph, the State shall submit, prior to
the beginning of each fiscal year, an application for grants
and accompany such application with a plan which the chairman
funds—

"(i) designates or provides for the establishment of
a State agency (hereafter in this section referred to as
the 'State agency') as the sole agency for the
administration of the State plan;

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

"(iii) provides, from State funds, an amount equal
to 52 per centum of that portion of Federal financial
assistance received by such State under this subsection
which is described in the first sentence of paragraph (4)
of this subsection relating to the minimum State grant,
or 25 per centum of the total amount of Federal financial
assistance received by such State under this subsection,
whichever is greater, for the fiscal year involved;

"(iv) provides that funds paid to the State under
this subsection will be expended solely on programs
approved by the State agency which carry out the
objectives of subsection (c) and which are designed to
bring the humanities to the public;

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

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

''(b) In any State in which the chief executive officer
of the State fails to file an application under subparagraph
(1), the grant recipient in that State shall—

''(1) establish a procedure which assures that four
members of the governing body of such grant recipient
shall be appointed by an appropriate officer or agency of
such State except that in no event may the number of such
members exceed 22 per centum of the total membership of
such governing body; and

''(2) provide, from any source, an amount equal to
the amount of Federal financial assistance received by
such grant recipient under this subsection in the fiscal
year involved.''

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

''(3) Whenever a State selects to receive Federal
financial assistance under this subsection in any fiscal year
under paragraph (2) (e), 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—

''(1) provides assurances that the grant recipient
will comply with the requirements of paragraph (2) (e) of
this subsection;

''(2) 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;
"(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 information relating to such activities; and
"(h) provides that such grant recipient will make
reports to the Chairman, in such form, at such times, and
containing such information, as the Chairman may
require."
(c) (1) Section 7 (f) (4) of the Act is amended—
(A) by inserting "State and" immediately before
"grant recipient" each time it appears;
(B) by inserting "States and" immediately before
"grant recipients" each time it appears; and
(C) by inserting before "entities" the following:
"States and regional groups and"
(2) Section 7 (f) (5) (b) of the Act is amended by
striking out "Whenever the provisions of paragraph (3) (b)
of this subsection apply in any State, that part of any section and inserting in lieu thereof the following: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan of application 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). The amount of any:

(a) Section 7 (f) (5) (a) of the Act is amended by inserting "State agency or" before "grant recipient."

(b) Section 7 (f) (6) of the Act is amended by inserting "a State or" before "any entity."

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

(1) by inserting "group or" before "grant recipient" in clause (A);

(2) by inserting "State agency or" before "grant recipient" in clause (B);

(3) by striking out "plan" in clause (B) and inserting in lieu thereof "State plan or grant recipient application."

(d) by inserting "group or State agency or" before "grant recipient" in clause (C); and

(e) by inserting "group, State agency or" before "grant recipient" each time it appears in the following clause (C).

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

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

(h) Section 7 (f) (9) of the Act is further amended by adding at the end thereof the following new paragraph:
For the purpose of paragraph (a) (b) of this subsection, the term 'State' and the term 'grant recipient' include, in addition to the several States of the Union, only the special jurisdictions listed in section 3 (a) of this Act having a population of 250,000 or more, according to the latest decennial census.

Section 7 of the Act is further amended by inserting immediately after subsection (b) the following new subsection:

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

APPLICATION SUBJECT TO NATIONAL COUNCIL ON THE HUMANITIES

Sec. 11. Section 8 (a) of the Act is amended by striking out "$17,500" and inserting in lieu thereof "$30,000".

Sec. 12. (a) Section 10 (a) (1) of the Act is amended by inserting "and culturally diverse" after the words "geographic".

(b) (1) Section 12 (b) of the Act is amended by striking out "January" and inserting in lieu thereof "April".

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

Authorization of Appropriations

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

"(A) For the purpose of carrying out section 5 (c), there are authorized to be appropriated to the National Endowment for the Arts $111,000,000 for the fiscal year 1981, $127,000,000 for the fiscal year 1982, $147,000,000 for the
fiscal year 1983, $169,000,000 for the fiscal year 1984, and
$194,500,000 for the fiscal year 1985."

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

"(b) For the purpose of carrying out section 7 (c).

there are authorized to be appropriated to the National
Endowment for the Humanities $115,000,000 for the fiscal year
1981, $132,500,000 for the fiscal year 1982, $152,000,000 for
the fiscal year 1983, $175,000,000 for the fiscal year 1984,
and $201,000,000 for the fiscal year 1985."

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

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

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

(c) (1) Section 11 (a) (3) (A) of the Act is amended to
read as follows:
(a) There is authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the total amounts received by such Endowment and by the grantees of such Endowment for the purposes set forth in section 5 (1) (1) pursuant to the authority of section 10 (a) (2), except that the amount so appropriated to such Endowment shall not exceed $30,000,000 for fiscal year 1981, $34,500,000 for fiscal year 1982, $39,500,000 for fiscal year 1983, $45,500,000 for fiscal year 1984, and $52,500,000 for fiscal year 1985.

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

(3) There is authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the total amounts received by such Endowment and by the grantees of such Endowment for the purposes set forth in section 7 (b) (1), pursuant to the authority of section 10 (a) (2), except that the amount so appropriated to such Endowment shall not exceed $34,500,000 for fiscal year 1981, $38,500,000 for fiscal year 1982, $40,000,000 for fiscal year 1983, $46,500,000 for fiscal year 1984, and $53,000,000 for fiscal year 1985.

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

The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraphs (2) and (3) of this subsection which are consistent with the requirements of sections 5 (e), 7 (f), 5 (1) (2), and 7 (b) (2), as the case may be.

(e) Section 11 (c) of the Act is amended to read as follows:
(c) (1) There are authorized to be appropriated to the
National Endowment for the Arts $13,000,000 for fiscal year
1981, $15,000,000 for fiscal year 1982, $17,000,000 for
fiscal year 1983, $19,753,000 for fiscal year 1984, and
$22,757,000 for fiscal year 1985 to administer the provisions
of this Act, including not to exceed $35,000 in any fiscal
year for official reception and representation expenses, or
any other program for which the Chairman of the National
Endowment for the Arts is responsible.

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