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Purpose: To strengthen the bill, to make technical corrections, and for other purposes.


S.2724

To extend and improve arts and humanities programs, museum services, and arts and artifacts indemnification, and for other purposes.

Referred to the Committee on __________________

and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. Pell, Hatch for himself and Mrs. Kassebaum

Viz: Mr. Kennedy, Mr. Pell and Mrs.

1 Strike all after the enacting clause and insert the following:

2 Section I. Short Title.

3 This Act may be cited as the "Arts, Humanities, and

4 Museums Amendments of 1990'.'
TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SEC. 101. DEFINITIONS.

Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (hereafter in this title referred to as the "Act") (20 U.S.C. 952) is amended—

(1) in subsection (b), by inserting "the traditional arts practiced by the diverse peoples of the United States," after "major art forms,";

(2) in subsection (d), by inserting "the widest" after "develop and enhance";

(3) in subsection (d)(2), by inserting "section 5(1)" after "section 5(1)"; and

(4) by inserting at the end thereof the following new subsection:

"(h) The term 'local arts agency' means a community organization or an agency of local government which primarily provides financial support, services, or other programs for a variety of arts organizations or individual artists."

SEC. 102. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS.

Section 5 of the Act (20 U.S.C. 954) is amended—

(1) in subsection (c)—
(A) in paragraph (2), by inserting "or tradition" after "authenticity";
(B) in paragraph (5), by inserting "education," after "knowledge,";
(C) by striking "and" at the end of paragraph (7);
(D) by redesignating paragraph (8) as paragraph (10);
(E) by inserting after paragraph (7) the following new paragraphs:
"(8) projects that enhance managerial and organizational skills and capabilities;
(9) international projects and productions in the arts; and"; and
(F) in the second sentence, by striking "clause (8)" and inserting "paragraph (10)";
(2) in clause (i) of subsection (g)(2)(D) by inserting "including local arts agencies," after "organizations,".
(3) in subsection (g)(2)(E)—
(A) in clause (i) by—
(i) striking "the previous 2 years"
and inserting "the most recent year for which information is available"; and
(ii) inserting "local arts agencies," after "artists' organizations,''; and
  (B) by amending clause (ii) to read as follows:
  "(ii) for the most recent year for which information is available, a description of the extent to which projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and"

(4) in subsection (l)(1)=
  (A) in clause (iii) of subparagraph (D), by inserting "including local arts agencies," after "local organizations";
  (B) by striking "and" at the end of subparagraph (E);
  (C) by striking the period at the end of subparagraph (F) and inserting "; and"; and
  (D) by adding at the end the following new subparagraph:
      "(G) stimulating artistic activity and awareness that are in keeping with the varied cultural traditions of the United States."; and

(5) in subsection (m)=
5

(A) in the first sentence, by—

(i) striking "local agencies" and inserting "local arts agencies"; and

(ii) striking "develop" and inserting "employ";

(B) by striking the fourth sentence; and

(C) in the last sentence, by striking "not later than October 1, 1988, and biennially thereafter" and inserting "not later than October 1, 1992, and quadrennially thereafter".

SEC. 103. NATIONAL COUNCIL ON THE ARTS.

Section 6(b) of the Act (20 U.S.C. 955) is amended in paragraph (2) by inserting "local arts agency leaders," after "cultural leaders,"

SEC. 104. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES.

Section 7 of the Act (20 U.S.C. 956) is amended—

(1) in subsection (a), by striking "a National" and inserting "the National";

(2) in subsection (c)—

(A) by inserting "enter into arrangements, including contracts, grants, loans, and other forms of assistance, to" after "is authorized to";
(B) in paragraph (2), by striking "(including contracts, grants, loans, and other forms of assistance)";

(C) in paragraph (3), by striking "and" and all that follows through "Fellowships," and inserting "to initiate and support training and workshops in the humanities by making arrangements with institutions or individuals; fellowships";

(D) in paragraph (7), by striking "through grants or other arrangements with groups,"

(E) by striking "and" at the end of paragraph (8);

(F) by striking the period at the end of paragraph (9) and inserting "; and"; and

(G) by adding at the end the following new paragraph:

"(10) foster programs and projects that provide access to and preserve materials important to research, education, and public understanding of the humanities."

(3) in subsection (d), by striking "correlate" and inserting "coordinate";

(4) in subsection (f)—
(A) in paragraph (2)(A) by striking "the humanities council in existence on the date of the enactment of the Arts, Humanities, and Museums Amendments of 1985, as the State agency" and inserting "as the State agency the humanities council in existence on the date of designation";

(B) in paragraph (2)(A)(viii)(I), by striking "previous two years" and inserting "most recent year for which information is available";

(C) in paragraph (2)(A)(viii)(II), by inserting "for the most recent year for which information is available," after "(II)";

(D) in paragraph (3)(J)(i), by striking "previous two years" and inserting "most recent year for which information is available";

(E) in paragraph (3)(J)(ii), by inserting "for the most recent year for which information is available," after "(ii)"; and

(F) in paragraph (4)—

(i) in subparagraph (A) by striking "34" and inserting "25"; and

(ii) in subparagraph (B) by striking "44" and inserting "53";
(5) in the third sentence of subsection (g), by striking "not later than" and all that follows through "1985";

(6) in the second sentence of subsection (h)(2)(B), by striking "Endowment on" and inserting "Endowment for";

(7) in subsection (k)—

(A) in the first sentence by—

(i) inserting "ongoing" before "consultation";

(ii) striking "agencies, develop" and inserting "agencies, continue to develop and employ"; and

(iii) inserting "and public dissemination of such information and data" after "data collection";

(B) by striking the third sentence; and

(C) in the last sentence, by striking "October 1, 1988, and biennially thereafter" and inserting "October 1, 1992, and quadrennially thereafter";

(8) by amending subsection (l) to read as follows:

"(l) A group shall be eligible for financial assistance under this section only if—"
“(1) no part of the net earnings of the group inures to the benefit of any private stockholder or individual; and

“(2) donations to the group are allowable as a charitable contribution under section 170(c) of the Internal Revenue Code of 1986.’’; and

(9) by adding at the end the following new subsections:

“(m) The Chairperson of the National Endowment for the Humanities, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

“(1) The Jefferson Lecture in the Humanities Award to honor an individual for distinguished intellectual achievement in the humanities. The annual award shall not exceed $10,000.

“(2) The Charles Frankel Prize to honor persons who have made outstanding contributions to the public understanding of the humanities. Up to five persons may receive the award each year. No award shall exceed $5,000.

“(n) Any group receiving a grant pursuant to subsection (c) may use such grant to award a grant to carry out the purposes for which the grant was received in accordance with the provisions of this Act.’’.
SEC. 105. ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE

ARTS AND HUMANITIES.

Section 9 of the Act (20 U.S.C. 958) is amended—

(1) in subsection (b) by—

(A) striking "the Commissioner on

Aging,'';

(B) striking "a member designated by the

Director of the United States Information

Agency" and inserting "the Director of the

United States Information Agency";

(C) striking "and a member designated by

the Secretary of the Interior" and inserting "the

Director of the National Park Service"; and

(D) striking "the Chairman of the Senate

Commission on Art and Antiquities" and inserting "the President Pro Tempore of the Senate";

and

(2) by amending subsection (d) to read as fol-

lows:

"(d) The Federal Council shall conduct a study to
determine the nature and level of public support for the
arts in the United States at the Federal, State, and local
levels, including an examination of the changing roles and
impacts of each level within 1 year of the date of enact-
ment of this subsection."
SEC. 106. ARTS EDUCATION.

(a) In General.—The Act (20 U.S.C. 951 et seq.) is amended by—

(1) redesignating sections 10 and 11, as sections 11 and 12, respectively; and

(2) inserting after section 9 the following new section:

"ARTS EDUCATION

"Sec. 10. (a) It is the purpose of this section to—

"(1) encourage and develop quality arts education at all levels, in conjunction with formal systems of early childhood, elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups from early childhood through adulthood;

"(2) develop and stimulate research to teach quality art education; and

"(3) encourage and facilitate the work of other Federal and State agencies in the area of arts education.

"(b)(1) The Chairperson of the National Endowment for the Arts is authorized to pay the Federal share of awarding grants to and entering into contracts or cooperative agreements with schools, groups and, in appropriate cases, individuals of exceptional talent engaged in or con-
cerned with arts in education to support the activities described in subsection (c).

"(2) The Federal share of grants, contracts, and cooperative agreements awarded pursuant to the provisions of this section for any fiscal year may not exceed 50 percent of the cost of the activities for which the grant is made or the contract or cooperative agreement is entered into.

"(c) Funds awarded under this section may be used to encourage public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation’s artists, through activities that—

"(1) develop partnerships between local and State arts and education agencies, businesses, colleges, and universities;

"(2) assist artists and arts teachers in career development;

"(3) support the development and promotion of improved curriculum materials in the arts;

"(4) improve evaluation and assessment of arts education programs and instruction;

"(5) support and encourage residencies of artists at all educational levels;
“(6) support the use of technology and improved facilities and resources in arts education programs at all levels; and

“(7) support other relevant projects, including surveys, research, planning, and publications relating to the purposes of this subsection.

“(d)(1) There is hereby established, within the National Endowment for the Arts, a National Arts Education Advisory Board (hereinafter referred to as the ‘Board’).

“(2)(A) The Board shall consist of fifteen members appointed by the Chairperson of the National Endowment for the Arts.

“(B) The Chairperson of the National Endowment for the Arts shall appoint members to the Board who are broadly representative of the fields of arts education field, including—

“(i) artists, and educators from early childhood, elementary, secondary, and postsecondary education;

“(ii) representatives of arts institutions, State arts agencies and local arts agencies;

“(iii) professionals from national, State, and local organizations, corporations, and foundations;

and

“(iv) the general public.
“(C) The Chairperson of the National Endowment for the Arts shall appoint to the Board at least 2 members of the general public who are knowledgeable in arts education and not less than 1 person who is a parent of a school-aged child involved in arts education.

“(D) The Chairperson of the National Endowment for the Arts shall appoint members to the Board who reflect the various geographical regions of the United States.

“(E) The Chairperson of the National Endowment for the Arts shall not appoint to the Board more than 3 members from any one State.

“(F) In making appointments pursuant to subparagraph (A), the Chairperson of the National Endowment for the Arts shall give consideration to the equitable representation on the Board of women, minorities, and persons with disabilities who are involved in arts education.

“(3)(A) The term of office of the members of the Board shall be 5 years, except that—

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

“(ii) in the case of initial members of the Board—
“(I) 3 members shall serve for terms of 5 years,
“(II) 3 members shall serve for terms of 4 years,
“(III) 3 members shall serve for terms of 3 years,
“(IV) 3 members shall serve for terms of 2 years, and
“(V) 3 members shall serve for terms of 1 year,
as designated by the Chairperson at the time of appointment.
“(B) Any member of the Board who has been a member of the Board for more than 7 consecutive years shall thereafter be ineligible for reappointment to the Board during the 3-year period following the expiration of the last such consecutive year.
“(C) Vacancies in the Board shall be filled in the same manner as the original appointment was made.
“(4) The Chairperson of the Board shall be designated by the Chairperson of the National Endowment for the Arts from among the appointed members of the Board.
“(5) Except as provided in paragraph (6)(B), 8 appointed members of the Board shall constitute a quorum.
“(6) The Board shall meet at the call of the Chairperson of the Board, except that the Board shall meet—

(A) not less than four times each year; and

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

“(7) The members of the Board shall be allowed travel expenses and other necessary expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

“(e) The Board, in coordination with the Chairperson of the National Endowment for the Arts, shall—

(1) initiate, expand and coordinate activities with respect to the encouragement and development of quality arts education at all levels, in conjunction with formal systems of early childhood, elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups from early childhood through adulthood;

(2) develop and stimulate research to teach quality arts education; and
“(3) encourage and facilitate the work of other Federal and State agencies in the area of arts education.”.

(b) CONFORMING AMENDMENTS.—The Act is further amended—

(1) in paragraph (3) of section 5(l) by striking “10” and insert “11”;

(2) in subsection (f) of section 6 by striking “11” and inserting “12”;

(3) in subparagraph (B) of section 7(h)(2) by striking “11” and inserting “12”;

(4) in paragraph (3) of section 7(h) by striking “10” and inserting “11”;

(5) in subsection (f) of section 8 by striking “11” and inserting “12”; and

(6) in subsection (a) of section 12 (as redesignated in paragraph (1) of subsection (a))—

(A) in paragraph (2)(A) by striking “10” and inserting “11”; 

(B) in paragraph (2)(B)(i) by striking “10” and inserting “11”; 

(C) in paragraph (3)(A)(i) by striking “10” and inserting “11”; and

(D) in paragraph (3)(B)(i) by striking “10” and inserting “11”.
SEC. 107. ADMINISTRATIVE PROVISIONS.

Section 11 of the Act (20 U.S.C. 959) (as redesignated in section 106(a)(1)) is amended—

1. in subsection (a)(6), by striking "529" and inserting "3324";
2. (2) by striking subsections (e) and (f);
3. (3) by redesignating subsections (b), (c), and (d) as subsections (e), (f), and (g), respectively;
4. (4) by designating the second through the fifth sentences of the existing subsection (a) as subsection (b);
5. (5) by designating the sixth through the eighth sentences of the existing subsection (a) as subsection (c);
6. (6) by designating the ninth through the eleventh sentences of the existing subsection (a) as subsection (d);
7. (7) in subsection (b) (as redesignated in paragraph (4)) by inserting "including local arts representatives" after "represent cultural diversity";
8. (8) in subsection (c) (as designated by paragraph (5)), by striking "clause (4)" and inserting "subsection (a)(4)";
9. (9) by striking the second sentence of subsection (c) (as redesignated in paragraph (5)):
(10) in subsection (g)(3) (as redesignated by paragraph (3)), by striking "the last sentence of subsection (a)" and inserting "subsection (d)"; and

(11) by inserting at the end thereof the following new subsections:

"(h)(1) The Chairperson of the National Endowment for the Arts shall develop procedures which—

"(A) ensure that each panel of experts established pursuant to subsection (a)(4) has a wide geographic, aesthetic, ethnic, minority representation by—

"(i) creating an agency-wide panelist bank, containing names of both qualified arts professionals and knowledgeable lay persons that have been approved by the Chairperson of the National Endowment for the Arts, or such Chairperson's designee; and

"(ii) ensuring that such panels, where feasible, have knowledgeable lay persons serving on such panels at all times;

"(B) establish, where feasible, standardized panel procedures;

"(C) require, where necessary and feasible, the increased use of site visitations to view, and issue a written report on, an applicant's work in order to
assist the panel of experts in making recommendations;

"(D) require a verbatim record of all deliberations and recommendations of each panel of experts;

"(E) require that the membership of each panel of experts change substantially from year to year, with no appointment to a panel of experts to exceed three consecutive years; and

"(F) require all meetings of the National Council on the Arts be open to the public in accordance with the provisions of section 552b of title 5, United States Code.

"(2) The Inspector General of the National Endowment for the Arts shall conduct the appropriate reviews to ensure grantee compliance with all regulations which relate to the administration of all programs and operations of the National Endowment for the Arts. This review includes, but is not limited to, grantee compliance with all accounting and financial criteria.

"(3) The procedures described in paragraph (1) shall be developed within 90 days of enactment of this subsection.

"(i)(1) The Chairperson of the National Endowment for the Arts shall establish sanctions for groups or individuals who receive funds pursuant to the provisions of sec-
tion 5 and use such funds to create, produce, or support a project or production which is found to be obscene under criminal laws or is found to be a criminal violation of child pornography laws, as determined by a court decision after final appeals in the State or States in which the group or individual produced such project or production or in the State or States described in the grant award as the site or sites of the project or production.

“(2) Except as provided in paragraphs (3) and (4), the sanctions described in paragraph (1) shall include—

“(A) repayment by the individual or organization which created or produced the project or production found to be obscene or to violate child pornography laws pursuant to the provisions of paragraph (1) to the Chairperson of the portion of the funds received under section 5 which were used to create or produce such project or production in accordance with the provisions of paragraph (3); and

“(B) ineligibility of the individual or organization which—

“(i) used funds received under section 5 to create or produce the project or production found to be obscene or to violate child pornography laws pursuant to the provisions of paragraph (1); and
“(ii) was a defendant convicted in the criminal action described in paragraph (1);

to receive funds under this Act for a period to be determined by the Chairperson of the National Endowment for the Arts, which shall not be less than 3 years from the date such project or production is found to be obscene or to violate child pornography laws pursuant to the provisions of paragraph (1) or until repayment of the funds pursuant to the provisions of subparagraph (A), whichever is longer.

“(3)(A) Except as provided in paragraph (4), funds required to be repaid pursuant to the provisions of this subsection shall be repaid within 90 days from the date such project or production is found to be obscene or to violate child pornography laws pursuant to the provisions of paragraph (1).

“(B) If a State, local, or regional agency or arts group received funds directly from the Chairperson under section 5 and awarded all or a portion of such funds to an individual or organization which used such funds to create, produce or support a project or production found to be obscene or to violate child pornography laws pursuant to the provisions of paragraph (1), and the Chairperson determines that such individual or organization is not able to repay such funds in accordance with the provisions of
paragraph (2) and this paragraph, then such agency or group shall repay such funds to the Chairperson within 30 days of the expiration of—

(i) the 90-day period described in paragraph (3);
or

(ii) the waiver period described in paragraph (4).

"(C) Each individual or organization required to repay funds pursuant to the provisions of subparagraph (A) of paragraph (2) shall be ineligible to receive further funds under this Act until such funds are repaid.

"(D) If a State, local, or regional agency or arts group is required to repay funds pursuant to the provisions of subparagraph (A) of paragraph (2) or subparagraph (B) of this paragraph and fails to make such repayment in accordance with the provisions of this subsection, then such agency or group shall be ineligible to receive funds under this Act until such funds are repaid.

"(4) The Chairperson of the National Endowment for the Arts may waive the provisions of paragraph (3)(A) for a period not to exceed 2 years.

"(5) The Chairperson of the National Endowment for the Arts shall develop procedures to ensure compliance with the sanctions described in paragraph (1).
“(6) The general information and guidance form provided to recipients of funds under section 5 shall include on such form the following:

"Repayment of Funds and Debarment.—In accordance with a Congressional directive, recipients of funds under section 5 of the National Foundation of the Arts and the Humanities Act of 1965 are requested to note the provisions of section 10(g) of such Act regarding repayment of funds and debarment.

“(7) The Chairperson shall develop regulations to implement the sanctions described in this subsection.”.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Act (as redesignated in section 106(a)(1) (20 U.S.C. 960) is amended—

(1) in subsection (a)—

(A) in the first sentence of paragraph (1)(A), by striking "$121,678,000" and all that follows through "section 5(g)" and inserting "$125,800,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995";

(B) in the first sentence of paragraph (1)(B), by striking "$95,207,000" and all that follows through "section 7(f)" and inserting "$119,900,000 for fiscal year 1991 and such
sums as may be necessary for each of the fiscal years 1992 through 1995’’;

(C) in paragraph (1), by striking subparagraph (C);

(D) in paragraph (2)(A)—

(i) by striking ‘‘1990’’ and inserting ‘‘1995’’;

(ii) by striking ‘‘paragraph (8)’’ and inserting ‘‘paragraph (10)’’; and

(iii) by striking ‘‘$8,820,000’’ and all that follows through ‘‘1989 and 1990’’ and inserting ‘‘$13,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995’’;

(E) in paragraph (2)(B)—

(i) by striking ‘‘1990’’ and inserting ‘‘1995’’;

(ii) in clause (ii) by striking ‘‘9’’ and inserting ‘‘10’’; and

(iii) by striking ‘‘$10,780,000’’ and all that follows through ‘‘1989 and 1990’’ and inserting ‘‘$12,000,000 for fiscal year 1991 and such sums as may be necessary
for each of the fiscal years 1992 through 1995'';

(F) in paragraph (3)(A)—

(i) by striking ‘‘1990’’ and inserting ‘‘1995’’; and

(ii) by striking ‘‘$20,580,000’’ and all that follows through ‘‘1989 and 1990’’ and inserting ‘‘$15,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995’’;

(G) in paragraph (3)(B)—

(i) by striking ‘‘1990’’ and inserting ‘‘1995’’; and

(ii) by striking ‘‘$19,600,000’’ and all that follows through ‘‘1989 and 1990’’ and inserting ‘‘$15,150,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year 1992 through 1995’’; and

(H) in paragraph (3), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(2) in subsection (c)—

(A) in the first sentence of paragraph (1), by striking ‘‘$15,982,000’’ and all that follows
through "fiscal years 1989 and 1990" and inserting "$21,200,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995"; and
(B) in paragraph (2)—

(i) in the first sentence, by striking "$14,291,000" and all that follows through "fiscal years 1989 and 1990" and inserting "$17,950,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995"; and

(ii) in the second sentence, by striking "or any other source of funds";

(3) by amending subsection (d) to read as follows:

"(d)(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall be $175,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995.

(2) The total amount of appropriations to carry out the activities of the National Endowment for the Humanities shall be $165,000,000 for fiscal year 1991 and such
sums as may be necessary for each of the fiscal years 1992 through 1995.'; and

(4) by inserting at the end thereof the following new subsections:

"‘(f) For the purpose of carrying out the provisions of section 9(d), there are authorized to be appropriated $250,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year thereafter.

‘‘(g)(1) If the total amount appropriated to the National Endowment for the Arts pursuant to the authority of section 12 exceeds $175,000,000, there are authorized to be appropriated $10,000,000 for fiscal year 1991, and such sums as may be necessary for each of fiscal years 1992, 1993, 1994, and 1995 to carry out the provisions of section 10(b).

‘‘(2) Sums appropriated pursuant to the authority of paragraph (1) shall be available for obligation and expenditure until expended.’’.}

**TITLE II—MUSEUM SERVICES**

**SEC. 201. NATIONAL MUSEUM SERVICES BOARD.**

Section 204 of the Museum Services Act (hereafter in this title referred to as the "Act") (20 U.S.C. 963) is amended—

(1) in subsection (a)(1)(A), by inserting "‘conservational,’" after "‘curatorial,’"; and
(2) in subsection (d)(1), by striking "four" and inserting "three".

SEC. 202. DIRECTOR OF THE INSTITUTE.

Section 205(a) of the Act (20 U.S.C. 964(a)) is amended—

(1) in paragraph (1), by striking "be compensated at the rate provided for level V of the Executive Schedule (5 U.S.C. 5316), and shall"; and

(2) in paragraph (2), by striking "Chairperson's" and inserting "Director's".

SEC. 203. ACTIVITIES OF THE INSTITUTE.

Section 206 of the Act (20 U.S.C. 965) is amended—

(1) in subsection (a)(5), by striking "artifacts and art objects" and inserting "museum collections"; and

(2) in subsection (b)—

(A) in paragraph (1) by—

(i) striking "professional museum organizations" and inserting "eligible entities";

(ii) striking "such organizations" each place such term appears and inserting "such entities"; and
(iii) inserting "and to advance the well being of museum and conservation services" after "museum services";

(B) in paragraph (2)(B) by striking "professional museum organization" and inserting "eligible entity";

(C) in paragraph (2), by striking "(A)" and all that follows through "(B)";

(D) in paragraph (3) by striking "professional museum organizations" and inserting "any eligible entity"; and

(E) by amending paragraph (4) to read as follows:

"(4) For the purposes of this subsection, the term 'eligible entity' means a private, nonprofit professional museum or conservation-related organization, a research institution, a university, or a museum."

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 209 of the Act (20 U.S.C. 967) is amended—

(1) by amending subsection (a) to read as follows:

"(a) For the purpose of making awards under section 206, there are authorized to be appropriated $24,000,000
for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 through 1995;' and

(2) in subsection (d)—

(A) by striking "during the period beginning on the date of the enactment of this Act and ending October 1, 1990,''; and

(B) by inserting "for each of the fiscal years 1991 through 1995" after "to be appropriated".

**TITLE III—MISCELLANEOUS**

**SEC. 301. INDEMNITY AGREEMENT.**

Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking "$1,200,000,000" and inserting "$5,000,000,000";

(2) in subsection (c), by striking "$125,000,000" and inserting "$500,000,000"; and

(3) in subsection (d)—

(A) by striking "or" at the end of paragraph (2); and

(B) by striking paragraph (3) and inserting the following new paragraphs:

"(3) $10,000,000 but less than $125,000,000, then coverage under this Act shall extend to loss or
damage in excess of the first $50,000 of loss or damage to items covered;

"(4) $125,000,000 but less than $300,000,000, then coverage under this Act shall extend to loss or damage in excess of the first $100,000 of loss or damage to items covered; or

"(5) $300,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $200,000 of loss or damage to items covered.”.

SEC. 302. STUDY OF ALTERNATIVE FUNDING OF THE HUMANITIES. Section 401 of the Arts, Humanities and Museums Amendments of 1985 (Public Law 99-194; 99 Stat. 1345) is repealed.

SEC. 303. POSITIONS AT LEVEL IV. Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director of the Institute of Museum Services”.

SEC. 304. AMERICAN ARTS CELEBRATION.

(a) STATEMENT OF PURPOSE.—It is the purpose of this section to provide for a series of regional celebrations through which Americans will see the wonderful interaction of art and democracy, and will participate in an unprecedented national celebration of American arts and culture.
(b) **AMERICAN ARTS CELEBRATION.**—(1) In fiscal year 1991 and each fiscal year thereafter, the National Endowment for the Arts shall sponsor for the American public a series of regional celebrations of traditional and contemporary American art.

(2) The celebrations described in paragraph (1) shall be multi-cultural, and shall pay tribute to the diversity and creativity of the American artistic genius in all its past and present forms. Each such celebration shall feature the widest spectrum of artists and artwork available in that region, including indigenous traditions as well as expressions from diverse ethnic cultures.

(3) The National Endowment for the Arts shall work in concert with appropriate entities in each region of the United States to plan and implement such regional American arts celebrations.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for fiscal year 1991 and each fiscal year thereafter $10,000,000 to carry out the provisions of this section.

**SEC. 305. PLANS FOR SIGNIFICANT AMERICAN LANDSCAPES.**

(a) **SHORT TITLE.**—This section may be cited as the "Great American Landscapes Act of 1990".

(b) **LANDSCAPE ASSESSMENTS AND PLANS.**—Section 5 of the National Foundation on the Arts and Humanities Act
of 1965 (20 U.S.C. 954) is amended by adding the following new subsection at the end thereof:

"(n)(1) In addition to the other authorities provided in this section the Chairperson of the National Endowment for the Arts shall make matching grants to States under paragraph (2) of this subsection for Statewide landscape assessments and to States, local governments, and private groups under paragraph (3) for individual comprehensive landscape plans. All grants under this subsection shall be on a competitive basis. No grant under this subsection shall cover more than 50 percent of the costs of any assessment or plan receiving assistance under this subsection.

"(2) Each Statewide landscape assessment funded under this subsection shall systematically identify, evaluate, and comparatively assess a variety of landscape values to the public, including a detailed, comparative assessment of nationally significant natural, historic, cultural, and aesthetic values. The assessment shall be carried out utilizing a task force of public and private interests representative of major landscape values and interests within the State.

"(3)(A) Each comprehensive landscape plan funded under this subsection shall develop a guide for achieving desired community recommendation for future landscape management with the area subject to the plan for one or
more specific landscape areas that are threatened. Each plan under this paragraph shall meet each of the following criteria:

"(i) The area subject to the plan must have a recognized and definable boundary that is related to significant national or regional cultural patterns, traditional land uses, or topographic features or any combination thereof.

"(ii) The area subject to the plan must contain identifiable and nationally recognized cultural, historic, aesthetic, natural, or tourism features, or a combination of these that are significant to the community and to the national citizenry.

"(iii) The landscape subject to the plan must be already managed or used in ways that reflect its value as a resource and provide a clear sense of the value of the resources of the landscape.

"(iv) A clear public benefit must be achieved from a cooperative effort.

"(v) An organization, agency, or group of agencies or organizations must be in place, or must be established to organize and facilitate the cooperative planning effort.
“(vi) There must be State and local government and public support and involvement for and in the proposal.

“(vii) There must be a demonstrated need for the assistance such as a precipitating event or imminent threat in the area.

“(B) Each comprehensive landscape plan funded under this subsection shall include a detailed, comparative assessment of historic, cultural, and aesthetic resource values. The plan shall be carried out utilizing a task force of public and private interests representative of major landscape values and interests. The plan shall include each of the following elements:

“(i) A statement of goals and policies to guide the future of the area.

“(ii) An assessment of the attitudes of landowners, and local officials toward present and future uses of the landscape area.

“(iii) An evaluation of the areas issues, concerns, and needs.

“(iv) An identification of local, State, and Federal government and private landowner responsibilities for encouraging the wise and appropriate future uses of the area and for carrying out the plan.

“(v) A public involvement plan.
“(vi) A financial strategy to identify sources of revenue and assistance to help carry out the plan.

“(4) The Chairperson shall submit a report to the Congress at the end of each 2-year period following the enactment of this subsection setting forth the progress being made in meeting the goals and objectives of this subsection.

“(5) There are authorized to be appropriated such sums as may be necessary to carry out this subsection.”