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[COMMITTEE PRINT]

DECEMBER 11, 1979

Calendar No.

96TH CONGRESS
1ST 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 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 ~~Museum Services Act of 1979~~".

1 (e)(1) Section 7(f)(2) of such Act (as redesignated by sub-
2 section (b)) is amended—

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

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

7 (C) by striking out “entities” and inserting in lieu
8 thereof “States and regional groups”.

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

12 (3) Section 7(f)(5) of such Act (as redesignated by sub-
13 section (b)) is amended by striking out “any entity” and in-
14 serting in lieu thereof “a State”.

15 (4) Section 7(f)(6) of such Act (as redesignated by sub-
16 section (b)) is amended—

17 (A) by striking out “grant recipient” in clause (A)
18 and inserting in lieu thereof “group”;

19 (B) by striking out “grant recipient” in clause (B)
20 and inserting in lieu thereof “State agency”;

21 (C) by inserting “State” before “plan” in clause
22 (B);

23 (D) by striking out “grant recipient” in clause (C)
24 and inserting in lieu thereof “group or State agency”;
25 and

1 (E) by striking out "grant recipient" each time it
2 appears in the matter following clause (C) and insert-
3 ing in lieu thereof "group or State agency".

4 (5) Section 7(g) of such Act is amended by striking out
5 "entity" and inserting in lieu thereof "agency".

6 AUTHORIZATION OF APPROPRIATIONS

7 SEC. 2: (a)(1) Section 11(a)(1)(A) of the National Foun-
8 dation on the Arts and the Humanities Act of 1965 is amend-
9 ed by striking out "years" and inserting in lieu thereof
10 "year" and by striking out "and 1980" and inserting in lieu
11 thereof "and for each fiscal year ending prior to October 1,
12 1985".

13 (2) Section 11(a)(1)(B) of such Act is amended by strik-
14 ing out "years" and inserting in lieu thereof "year" and by
15 striking out "and 1980" and inserting in lieu thereof "and for
16 each fiscal year ending prior to October 1, 1985".

17 (b) Section 11(a)(2) of such Act is amended by striking
18 out "October 1, 1980" and inserting in lieu thereof "October
19 1, 1985", by striking out "years" and inserting in lieu there-
20 of "year", and by striking out "and 1980" and inserting in
21 lieu thereof "and for each fiscal year ending prior to October
22 1, 1985".

23 (c)(1)(A) The first sentence of section 11(a)(2)(A) of such
24 Act is amended by striking out "October 1, 1980" and in-
25 serting in lieu thereof "October 1, 1985".

1 (B) The second sentence of such section is amended by
2 striking out "years" and inserting in lieu thereof "year", and
3 by striking out "and 1980" and inserting in lieu thereof "and
4 for each fiscal year ending prior to October 1, 1985".

5 (2)(A) The first sentence of section 11(a)(2)(B) of such
6 Act is amended by striking out "October 1, 1980" and in-
7 serting in lieu thereof "October 1, 1985".

8 (B) The second sentence of such section is amended by
9 striking out "years" and inserting in lieu thereof "year", and
10 by striking out "and 1980" and inserting in lieu thereof "and
11 for each fiscal year ending prior to October 1, 1985".

12 (d)(1) Section 209(a) of the Museum Services Act is
13 amended by striking out "fiscal years 1979 and 1980" and
14 inserting in lieu thereof "the fiscal year 1979 and for each of
15 the succeeding fiscal years ending prior to October 1, 1985".

16 (2) Section 209(d) of such Act is amended by striking
17 out "1980" and inserting in lieu thereof "1985".

18 ARTS AT THE LOCAL LEVEL

19 SEC. 4. (a) Section 5(e) of the National Foundation on
20 the Arts and Humanities Act of 1965 is amended by redesignig-
21 nating clause (5) as clause (6) and by inserting after clause
22 (4) the following new clause:

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

24 (b) Section 5(e) of such Act is further amended by strik-
25 ing out "clause (5)" and inserting in lieu thereof "clause (6)".

1 *That this Act may be cited as the "Arts and Humanities Act*
 2 *of 1979".*

3 *DEFINITION OF HUMANITIES*

4 *SEC. 2. Section 3(a) of the National Foundation on the*
 5 *Arts and the Humanities Act of 1965 (hereinafter referred to*
 6 *as the "Act"), is amended by striking out "theory, and prac-*
 7 *tice" and inserting in lieu thereof "and theory".*

8 *PURPOSES OF ARTS GRANTS*

9 *SEC. 3. (a) Section 5(c)(1) of the Act is amended by*
 10 *inserting "and cultural diversity" after "American creatio-*
 11 *ity".*

12 *(b)(1) Section 5(c) of the Act is amended by redesignat-*
 13 *ing clause (5) as clause (6) and by inserting after clause (4)*
 14 *the following new clause:*

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

16 *(2) The last sentence of section 5(c) of such Act is*
 17 *amended—*

18 *(A) by striking out "clause (5)" and inserting in*
 19 *lieu thereof "clause (6)"; and*

20 *(B) by striking out "Labor and Public Welfare"*
 21 *and inserting in lieu thereof "Labor and Human Re-*
 22 *sources".*

23 *STATE ARTS GRANTS*

24 *SEC. 4. Section 5(g) of the Act is amended—*

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

4 (2) by adding at the end of paragraph (4) the fol-
 5 lowing new subparagraph:

6 “(E) For the purpose of paragraph (3)(B) of this sub-
 7 section, the term ‘State’ includes, in addition to the several
 8 States of the Union, only the special jurisdictions listed in
 9 section 3(g) of this Act having a population of 200,000 or
 10 more, according to the latest decennial census.”.

11 **INTERAGENCY AGREEMENTS**

12 **SEC. 5.** Section 5(k) of the Act is amended by adding
 13 at the end thereof the following: “The Chairman may enter
 14 into interagency agreements to promote or assist with the
 15 arts-related activities of other Federal Government agencies,
 16 on a reimbursable or nonreimbursable basis, and may use
 17 funds authorized for the purposes of section 5(c) of this Act
 18 for the costs of such activities.”.

19 **CHALLENGE GRANTS**

20 **SEC. 6.** The matter preceding paragraph (1) of section
 21 5(l) of the Act is amended by inserting “strengthening qual-
 22 ity by” after “for the purpose of”.

23 **REPEALER**

24 **SEC. 7.** (a) Section 5 of the Act is amended by repeal-
 25 ing subsection (m).

1 **(b) Section 11(a)(4) of the Act is repealed.**

2 **NATIONAL COUNCIL ON THE ARTS**

3 **SEC. 8. Section 6 of the Act is amended by inserting**
4 *after the first sentence of subsection (c) thereof the following:*
5 *“The term of office of all Council members shall expire on*
6 *the third day of September in the year of expiration.”.*

7 **ACTIVITIES OF THE NATIONAL ENDOWMENT ON THE**
8 **HUMANITIES**

9 **SEC. 9. (a) Section 7(c)(2) of the Act is amended by**
10 *striking out the word “loans,” in the matter in parentheses*
11 *and by deleting all that follows the first semicolon.*

12 **(b) The last sentence of section 7(c) of the Act is amend-**
13 *ed by striking out “Labor and Public Welfare” and inserting*
14 *in lieu thereof “Labor and Human Resources”.*

15 **STATE HUMANITIES COUNCILS**

16 **SEC. 10. (a) Section 7(f)(2) of the Act is amended to**
17 *read as follows:*

18 **“(2)(A) Whenever a State desires to designate or to pro-**
19 *vide for the establishment of a State agency as the sole agen-*
20 *cy for the administration of the State plan, such State shall*
21 *designate the humanities council, or other entity, in existence*
22 *on the date of enactment of the Arts and Humanities Act of*
23 *1979, as the State agency, and shall match from State funds*
24 *a sum equal to 50 per centum of that portion of Federal*
25 *financial assistance received by such State under this subsec-*

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

10 “(i) designates or provides for the establishment of
11 a State agency (hereafter in this section referred to as
12 the ‘State agency’) as the sole agency for the adminis-
13 tration of the State plan;

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

21 “(iii) provides, from State funds, an amount
22 equal to 50 per centum of that portion of Federal fi-
23 nancial assistance received by such State under this
24 subsection which is described in the first sentence of
25 paragraph (4) of this subsection relating to the mini-

1 *mum State grant, or 25 per centum of the total amount*
2 *of Federal financial assistance received by such State*
3 *under this subsection, whichever is greater, for the fis-*
4 *cal year involved;*

5 *“(v) provides that funds paid to the State under*
6 *this subsection will be expended solely on programs ap-*
7 *proved by the State agency which carry out the objec-*
8 *tives of subsection (c) and which are designed to bring*
9 *the humanities to the public;*

10 *“(v) provides assurances that State funds will be*
11 *newly appropriated for the purpose of meeting the re-*
12 *quirements of this subparagraph; and*

13 *“(vi) provides that the State agency will make*
14 *such reports, in such form, and containing such infor-*
15 *mation, as the Chairman may require.*

16 *“(B) In any State in which the chief executive officer of*
17 *the State fails to ~~certify~~ under subparagraph (A) to the*
18 *Chairman that the State will comply with the option pro-*
19 *vided by subparagraph (A) of this paragraph, the grant re-*
20 *ipient in that State shall—*

21 *“(i) establish a procedure which assures that four*
22 *members of the governing body of such grant recipient*
23 *shall be appointed by an appropriate officer or agency*
24 *of such State except that in no event may the number*

1 of such members exceed 20 per centum of the total
2 membership of such governing body; and

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

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

9 “(3) Whenever a State selects to receive Federal finan-
10 cial assistance under this subsection in any fiscal year under
11 subparagraph (2)(B), any appropriate entity desiring to re-
12 ceive such assistance shall submit an application for such
13 grants at such time as shall be specified by the Chairman.
14 Each such application shall be accompanied by a plan which
15 the Chairman finds—

16 “(A) provides assurances that the grant recipient
17 will comply with the requirements of paragraph (2)(B)
18 of this subsection;

19 “(B) provides that funds paid to the grant recipi-
20 ent will be expended solely on programs which carry
21 out the objectives of subsection (c) of this section;

22 “(C) establishes a membership policy which is de-
23 signed to assure broad public representation with re-
24 spect to programs administered by such grant recipient;

1 “(D) provides a nomination process which assures
2 opportunities for nomination to membership from var-
3 ious groups within the State involved and from a vari-
4 ety of segments of the population of such State, and
5 including individuals who by reason of their achieve-
6 ment, scholarship, or creativity in the humanities, are
7 especially qualified to serve;

8 “(E) provides for a membership rotation process
9 which assures the regular rotation of the membership
10 and officers of such grant recipient;

11 “(F) establishes reporting procedures which are
12 designed to inform the chief executive officer of the
13 State involved, and other appropriate officers and
14 agencies, of the activities of such grant recipient;

15 “(G) establishes procedures to assure public ac-
16 cess to information relating to such activities; and

17 “(H) provides that such grant recipient will make
18 reports to the Chairman, in such form, at such times,
19 and containing such information, as the Chairman
20 may require.”.

21 (c)(1) Section 7(f)(4) of the Act is amended—

22 (A) by inserting “State and” immediately before
23 “grant recipient” each time it appears;

24 (B) by inserting “States and” immediately before
25 “grant recipients” each time it appears; and

1 (C) by inserting before "entities" the following:

2 "States and regional groups and".

3 (2) Section 7(f)(5)(A) of the Act is amended by striking
4 out "Whenever the provisions of paragraph (3)(B) of this
5 subsection apply in any State, that part of any" and insert-
6 ing in lieu thereof the following: "The amount of each allot-
7 ment to a State for any fiscal year under this subsection
8 shall be available to each State or grant recipient, which has
9 a plan or application approved by the Chairman in effect on
10 the first day of such fiscal year, to pay not more than 50 per
11 centum of the total cost of any project or production described
12 in paragraph (1). The amount of any".

13 (3) Section 7(f)(5)(B) of the Act is amended by insert-
14 ing "State agency or" before "grant recipient".

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

17 (5) Section 7(f)(7) of the Act is amended—

18 (A) by inserting "group or" before "grant recipi-
19 ent";

20 (B) by inserting "State agency or" before "grant
21 recipient";

22 (C) by striking out "plan" in clause (B) and in-
23 serting in lieu thereof "State plan or grant recipient
24 application";

1 (D) by inserting "group or State agency or" be-
2 fore "grant recipient" in clause (C); and

3 (E) by inserting "group, State agency or" before
4 "grant recipient" each time it appears in the matter
5 following clause (C).

6 (6) Section 7(f)(8) of the Act is amended by striking out
7 "paragraphs (4), (5), and (6)" and inserting in lieu thereof
8 "the third sentence of paragraph (4), and paragraphs (5) and
9 (6)".

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

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

14 "(E) For the purpose of paragraph (4)(B) of this sub-
15 section, the term 'State' and the term 'grant recipient' in-
16 clude, in addition to the several States of the Union, only the
17 special jurisdictions listed in section 3(g) of this Act having a
18 population of two hundred thousand or more, according to the
19 latest decennial census."

20 (e) Section 7 of the Act is further amended by inserting
21 immediately after subsection (h) the following new sub-
22 section:

23 "(i) The Chairman may enter into interagency agree-
24 ments to promote or assist with the humanities-related activi-
25 ties of other agencies of the Federal Government, on either a

1 *reimbursable or nonreimbursable basis, and may use funds*
 2 *authorized for the purposes of section 7(c) of this Act for the*
 3 *costs of such activities."*

4 *APPLICATION SUBJECT TO NATIONAL COUNCIL ON THE*
 5 *HUMANITIES RECOMMENDATIONS*

6 *SEC. 11. Section 8(f) of the Act is amended by striking*
 7 *out "\$17,500" and inserting in lieu thereof "\$30,000".*

8 *ADMINISTRATIVE PROVISIONS*

9 *SEC. 12. (a) Section 10(a)(4) of the Act is amended by*
 10 *inserting "and culturally diverse" after the word "geo-*
 11 *graphic".*

12 *(b)(1) Section 10(b) of the Act is amended by striking*
 13 *out "January" and inserting in lieu thereof "April".*

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

16 *AUTHORIZATION OF APPROPRIATIONS*

17 *SEC. 13. (a)(1) Section 11(a)(1)(A) of the Act is*
 18 *amended to read as follows:*

19 *"(A) For the purpose of carrying out section 5(c), there* ←
 20 *are authorized to be appropriated to the National Endowment*
 21 *for the Arts \$175,000,000 for the fiscal year 1981;*
 22 *\$201,000,000 for the fiscal year 1982, \$231,000,000 for the*
 23 *fiscal year 1983, \$266,000,000 for the fiscal year 1984, and*
 24 *\$306,000,000 for the fiscal year 1985."*

1 (2) *The first sentence of section 11(a)(1)(B) of the Act*
2 *is amended to read as follows: "(B) For the purpose of carry-*
3 *ing out section 7(c), there are authorized to be appropriated to*
4 *the National Endowment for the Humanities \$170,000,000*
5 *for the fiscal year 1981, \$196,000,000 for the fiscal year*
6 *1982, \$226,000,000 for the fiscal year 1983, \$260,000,000*
7 *for the fiscal year 1984, and \$299,000,000 for the fiscal*
8 *year 1985."*

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

11 "*(2)(A) There are authorized to be appropriated for each*
12 *fiscal year ending prior to October 1, 1985, to the National*
13 *Endowment for the Arts and to the National Endowment for*
14 *the Humanities an amount equal to the total amounts re-*
15 *ceived by each Endowment under section 10(a)(2) and by the*
16 *grantees of each Endowment for the purposes of section*
17 *10(a)(2).*

18 "*(B) There are authorized to be appropriated to the Na-*
19 *tional Endowment for the Arts for each fiscal year ending*
20 *prior to October 1, 1985, an amount equal to the total*
21 *amounts received by such Endowment and by the grantees of*
22 *such Endowment for the purposes described in section 5(l)(1)*
23 *pursuant to section 10(a)(2).*

24 "*(C) There are authorized to be appropriated to the Na-*
25 *tional Endowment for the Humanities for each fiscal year*

1 ending prior to October 1, 1985, an amount equal to the total
2 amounts received by such Endowment and by the grantees of
3 such Endowment for the purposes described in section
4 7(h)(1) pursuant to section 10(a)(2).

5 “(D) The Chairman of the National Endowment for the
6 Arts and the Chairman of the National Endowment for the
7 Humanities, as the case may be, shall issue guidelines to
8 implement the provisions of this paragraph which are consist-
9 ent with the requirements of sections 5(e), 7(f), 5(l)(2), and
10 7(h)(2), as the case may be.”.

11 (c)(1)(A) The first sentence of section 11(a)(3)(A) of the
12 Act is amended by striking out “October 1, 1980” and in-
13 serting in lieu thereof “October 1, 1985”.

14 (B) The second sentence of such section is amended by
15 striking out “years” and inserting in lieu thereof “year”,
16 and by striking out “and 1980” and inserting in lieu thereof
17 “and for each fiscal year ending prior to October 1, 1985”.

18 (2)(A) The first sentence of section 11(a)(3)(B) of the
19 Act is amended by striking out “October 1, 1980” and in-
20 serting in lieu thereof “October 1, 1985”.

21 (B) The second sentence of such section is amended by
22 striking out “years” and inserting in lieu thereof “year”,
23 and by striking out “and 1980” and inserting in lieu thereof
24 “and for each fiscal year ending prior to October 1, 1985”.

1 *(d) Section 11(c) of the Act is amended by inserting*
2 *after the word "Act" a comma and the following: "including*
3 *not to exceed \$35,000 in any fiscal year for official reception*
4 *and representation expenses for each Endowment,".*

Calendar No.

98TH CONGRESS
1ST SESSION

S. 1386

[Report No. 96-]

A BILL

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

JUNE 21 (legislative day, MAY 21), 1979

Read twice and referred to the Committee on Labor and Human Resources

DECEMBER , 1979

Reported with an amendment