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DISCUSSION DRAFT
June 28, 1990

AMENDMENT NO. _____
Calendar No. _____

Purpose: To strengthen the bill, 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

AMENDMENTS intended to be proposed by Mr. PELL

Viz:
1 On page 2, at the end of line 12, strike "and".

2 On page 2, line 14, strike the period and insert a semi-
3 colon and "and".

4 On page 2, between lines 14 and 15, insert the follow-
5 ing:
6 (4) by inserting at the end thereof the following
7 new subsection at the end thereof:
“(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. NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

Subsection (c) of section 4 of the Act is amended by inserting “arts or humanities council in the State,” after “organization,”.

On page 2, line 15, strike “102” and insert “103”.

On page 3, between lines 10 and 11, insert the following:

(2) in clause (i) of subsection (g)(2)(D) by inserting “including local arts agencies,” after “organizations,”.

On page 3, strike lines 11 through 14 and insert the following:

(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;"

On page 3, line 23, strike "3" and insert "4".

On page 3, between lines 23 and 24, insert the following:

(A) in clause (iii) of subparagraph (D), by inserting "including local arts agencies," after "local organizations;"

On page 3, line 24, strike "A" and insert "B".

On page 4, line 1, strike "B" and insert "C".

On page 4, line 3, strike "C" and insert "D".

On page 4, strike lines 8 through 10, and insert the following:

(5) in subsection (m)—

(A) in the first sentence, by—
1. (i) striking "local agencies" and inserting "local arts agencies"; and
2. (ii) striking "develop" and inserting "employ";
3. On page 4, between lines 15 and 16, insert the following:
4. SEC. 104. NATIONAL COUNCIL ON THE ARTS.
5. Section 6 of the Act (20 U.S.C. 955) is amended in
6. subsection (b)(2) by inserting "local arts agency leaders," after "cultural leaders,"
7. On page 4, line 16, strike "103" and insert "105".
8. On page 5, line 4, strike "award" and insert "and".
9. On page 5, line 5, strike "humanities" and insert
10. "Fellowships".
11. On page 5, line 8, strike out the period and insert "; fellowships".
12. On page 6, line 13, strike "and".
On page 6, line 16, insert "and" after the semicolon.

On page 6, between lines 16 and 17, insert the following:

(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”;

On page 6, strike lines 23 through 25, and insert the following:

(A) in the first sentence of subsection (k) 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";

On page 7, lines 15 and 16, strike "subsection" and insert "subsections".
On page 8, line 5, strike the end quotation marks and the second period.

On page 8, between lines 5 and 6, insert the following:

(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.

On page 8, line 6, strike "104" and insert "106".

On page 8, between lines 9 and 10, insert the following:

SEC. 107. ARTS EDUCATION.

(a) 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. 9. (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 elementary, secondary, and postsecondary educa-
tion and with programs of nonformal education for
all age groups;
“(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 educa-
tion.
“(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 coopera-
tive 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 de-
scribed in subsection (c).
“(2) The Federal share of grants, contracts, and coop-
erative 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
courage public knowledge, understanding, and apprecia-
tion 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) improve evaluation and assessment of arts education programs and instruction;

“(4) support and encourage residencies of artists at all educational levels;

“(5) support the use of technology and improved facilities and resources in arts education programs at all levels; and

“(6) 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 arts education field, including—
“(i) artists, and educators from elementary, secondary, and postsecondary schools;
(ii) professionals from national, State, and local organizations, corporations, and foundations; and
(iii) 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 such 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,
(V) and 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) Members of the Board who are not in the regular full-time employ of the United States shall receive, while engaged in the business of the Board, compensation for service at a rate to be fixed by the President, except that such rate shall not exceed the rate specified at the time of such service for grade GS–18 set forth in section 5332 of title 5, including travel time, and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons employed in Government service.

“(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 elementary, secondary, and postsecondary education and with programs of non-formal education for all age groups;

“(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) 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".

On page 8, line 10, strike "105" and insert "108".

On page 8, line 11, strike "10" and insert "11".

On page 8, line 11, insert "(as redesignated in section
107)" before "is".

On page 8, after line 25, insert the following:

(7) in subsection (b) (as redesignated in para-
graph (4)) by inserting " , including local arts repre-
sentatives" after "represent cultural diversity";

On page 9, line 1, strike "7" and insert "8".

On page 9, line 4, strike "8" and insert "9".
1 On page 9, line 7, strike "106" and insert "109".

2 On page 9, line 8, strike "11" and insert "12".

3 On page 9, line 8, insert "(as redesignated in section 107)" before "is".

4 On page 10, line 12, strike "and".

5 On page 10, between lines 12 and 13, insert the following:

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

6 On page 10, line 13, strike "(ii)" and insert "(iii)".

7 On page 12, line 2, strike "and".

8 On page 12, line 12, strike the second period and insert a semicolon and "and".

9 On page 12, between lines 12 and 13, insert the following:
(4) by inserting at the end thereof the following new subsection:

"(f)(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, and 1994 of which

(A) $5,000,000 shall be available, for the purpose of making grants under subsection (b) of section 10, and
(B) $5,000,000 shall be available for the arts education activities pursuant to section 5(c).

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

On page 13, strike lines 11 through 17, and insert the following:

(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";

On page 13, strike lines 20 through 22, and insert the following:
(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."

On page 14, line 16, strike "3,000,000,000" and insert "5,000,000,000".
On page 14, line 18, strike "300,000,000" and insert "500,000,000".

On page 15, line 3, strike "200,000,000" and insert "300,000,000".

On page 15, line 7, strike "200,000,000" and insert "300,000,000".