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Arts and Humanities: Appropriations (1976): Report 11

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An Act

To amend 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 "National Foundation on the Arts and the Humanities Amendments of 1973".

National Foundation on the Arts and the Humanities Amendments of 1973.

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

87 STAT. 461
87 STAT. 462

SEC. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

79 Stat. 845.
20 USC 951
note.

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out "purchase, renovation, or construction" and inserting in lieu thereof "or purchase", and by adding at the end thereof the following new sentence: "Such term also includes—

20 USC 952.

"(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed \$250,000, or (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

"(2) the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose, and (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose."

(3) (A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

National Endowment for the Arts.

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "production" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

82 Stat. 185.
20 USC 954.

(C) Clause (2) of such subsection (c) is further amended by striking out "in many areas of the country" and inserting in lieu thereof "for geographic or economic reasons".

(D) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof "planning, and publications relating to the purposes of this subsection".

(E) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (5) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501."

82 Stat. 1243.

State allotments.
79 Stat. 847;
84 Stat. 443.
20 USC 954.
~~87 STAT. 462~~
87 STAT. 463

(4) (A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Clause (B) of paragraph (2) of such subsection (g) is amended by striking out "except that in the case of the first fiscal year in which the State is allotted funds after the enactment of this Act, a plan may provide that not to exceed \$25,000 of such funds may be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency;"

(D) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Of the sums available to carry out this subsection for any fiscal year, each State which has a plan approved by the Chairman shall be allotted at least \$200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full, such sums shall be allotted among such States in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph—

"(A) the amount of such excess which is no greater than 25 per centum of the sums available to carry out this subsection for any fiscal year shall be available only to the Chairman for making grants under this subsection to States and regional groups, and

"(B) the amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under clause (A) shall be allotted among the States which have plans approved by the Chairman in equal amounts

but in no event shall any State be allotted less than \$200,000.

"(4) (A) The amount of any allotment made under paragraph (3) for any fiscal year which exceeds \$125,000 shall be available, at the discretion of the Chairman, to pay up to 100 per centum of such cost of projects and productions if such project and productions would otherwise be unavailable to the residents of that State: *Provided*, That the total amount of any such allotment for any fiscal year which is exempted from such 50 per centum limitation shall not exceed 20 per centum of the total of such allotment for such fiscal year.

"(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not obligated by the State prior to 60 days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups.

"(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.

"(D) For the purpose of paragraph (3) and paragraph (4) of this section the term 'regional group' means any multistate group, whether or not representative of contiguous States."

(E) Paragraph (5) of such subsection (g) is amended by inserting after "allotted" the following: "or made available".

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out "\$10,000" and inserting in lieu thereof "\$17,500"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: "; *Provided*, That the terms of any

"Regional group."

National Council on the Arts, grants without recommendation.
84 Stat. 444.
20 USC 955.

such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a)."

(6) (A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;"

(C) Clause (6) of such subsection (c) is amended by striking out all that follows "the humanities" and inserting in lieu thereof a period.

(D) Such subsection (c) is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "and", and by adding after paragraph (6) the following new paragraph:

"(7) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons."

(E) Such subsection (c) is further amended by adding at the end thereof the following new sentence: "In the case of publications under clause (6) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501."

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "\$10,000" and inserting in lieu thereof "\$17,500,"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: " : *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a)."

(8) Section 9(b) of such Act is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization."

Post, p. 465.

National Endowment for the Humanities.

79 Stat. 850.

20 USC 956,

84 Stat. 445.

82 Stat. 1243.

National Council on the Humanities, grants without recommendation.

82 Stat. 185.

20 USC 957.

Post, p. 465.

Federal Council on the Arts and the Humanities, membership.

79 Stat. 851;

84 Stat. 446.

20 USC 958.

Gifts.
82 Stat. 186.
20 USC 959.

Ante, pp. 463,
464.

79 Stat. 852;
82 Stat. 186.

79 Stat. 853;
82 Stat. 187.
20 USC 960.
Ante, p. 462.

Ante, p. 462.

Ante, p. 464.

Supra.

Repeals.
79 Stat. 855.
20 USC 962,
963.

Effective date.

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: ", except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of \$15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Clause (4) of subsection (a) of section 10 is amended by deleting the semicolon at the end thereof and by inserting in lieu thereof the following: ": *Provided, however.* That any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding shall have broad geographic representation;".

(11) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"SEC. 11. (a) (1) (A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts, \$54,000,000 for the fiscal year ending June 30, 1974, \$90,000,000 for the fiscal year ending June 30, 1975, and \$113,500,000 for the fiscal year ending June 30, 1976. For the purpose of carrying out section 5(g), there are authorized to be appropriated to the National Endowment for the Arts \$11,000,000 for the fiscal year ending June 30, 1974. Not less than 20 per centum of the funds appropriated under the first sentence of this paragraph for the fiscal years ending June 30, 1975, and June 30, 1976, may be used only for the purpose of carrying out section 5(g).

"(B) For the purposes of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities \$65,000,000 for the fiscal year ending June 30, 1974, \$90,000,000 for the fiscal year ending June 30, 1975, and \$113,500,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for each fiscal year ending prior to July 1, 1976, to the National Endowment for the Arts and to the National Endowment for the Humanities, an amount equal to the total amounts received by each Endowment under section 10(a) (2), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

"(A) For the fiscal year ending June 30, 1974, \$15,000,000.

"(B) For the fiscal year ending June 30, 1975, \$20,000,000.

"(C) For the fiscal year ending June 30, 1976, \$25,000,000.

"(b) (1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

"(2) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation."

(12) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

HUMANITIES GRANTS

Sec. 3. Section 7(d) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding after the phrase "Federal programs" a comma and then the words "designated State humanities agencies".

79 Stat. 850.
20 USC 956.

AMENDMENT TO THE LIBRARY SERVICES CONSTRUCTION ACT, INCLUDING
RESEARCH LIBRARIES IN THE DEFINITION OF "PUBLIC LIBRARY"

SEC. 4. (a) Section 3(5) of the Library Services and Construction Act is amended by adding at the end thereof the following new sentence: "Such term also includes a research library, which, for the purposes of this sentence, means a library which— 70 Stat. 293.
20 USC 351a.

"(A) makes its services available to the public free of charge;

"(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

"(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

"(D) is not an integral part of an institution of higher education."

(b) The amendment made by subsection (a) shall be effective on June 30, 1973, and only with respect to appropriations for fiscal years beginning after such date. Effective date.

Approved October 19, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-255 accompanying H. R. 3926 (Comm. on Education and Labor) and 93-529 (Comm. of Conference).

SENATE REPORT No. 93-100 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 119 (1973):

May 1, 2, considered and passed Senate.

June 13, 14, considered and passed House, amended, in lieu of H. R. 3926.

Oct. 2, House agreed to conference report.

Oct. 4, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 9, No. 42(1973): Oct. 19, Presidential statement.