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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”.

J. 55–028–0——1
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 with a plan which the Chairman finds—

"(A) 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;

"(B) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out any of the objectives of subsection (e); and

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

(b)(1) Section 7(f)(3) of each Act is repealed.

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

(3) Paragraph (8) of such section 7(f) is repealed.
(c)(1) Section 7(6)(b) 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(6)(B) of such Act (as redesignated by subsection (b)) is amended by striking out "grant recipient" and inserting in lieu thereof "State agency".

(3) Section 7(6)(D) 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(6)(E) of such Act (as redesignated by subsection (b)) is amended—

(A) by striking out "grant recipient" in clause (A) and inserting in lieu thereof "group";

(B) by striking out "grant recipient" in clause (B) and inserting in lieu thereof "State agency";

(C) by inserting "State" before "plan" in clause (B);

(D) by striking out "grant recipient" in clause (C) and inserting in lieu thereof "group or State agency"; and
(E) by striking out "grant recipient" each time it appears in the matter following clause (C) and inserting in lieu thereof "group or State agency".

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

AUTHORIZATION OF APPROPRIATIONS

Sec. 3. (a)(1) Section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by striking out "years" and inserting in lieu thereof "year" and by striking out "and 1980" and inserting in lieu thereof "and for each fiscal year ending prior to October 1, 1985".

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

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

(e)(1)(A) The first sentence of section 11(a)(3)(A) of such Act is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1985".
(B) The second sentence of such section is amended by striking out "years" and inserting in lieu thereof "year", and by striking out "and 1980" and inserting in lieu thereof "and for each fiscal year ending prior to October 1, 1985".

(2)(A) The first sentence of section 11(a)(3)(B) of such Act is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1985".

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

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

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

ARTS AT THE LOCAL LEVEL

Sec. 4. (a) Section 5(e) 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 "clause (5)" and inserting in lieu thereof "clause (6)".
That this Act may be cited as the "Arts and Humanities Act of 1979".

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—

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

(B) 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 (4) the following new subparagraph:

"(E) For the purpose of paragraph (3)(B) of this subsection, the term ‘State’ includes, in addition to the several States of the Union, only the special jurisdictions listed in section 3(g) 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(l) of the Act is amended by inserting “strengthening quality by” after “for the purpose of”.

REPEALER

Sec. 7. (a) Section 5 of the Act is amended by repealing subsection (m).
Section 11(a)(4) of the Act is repealed.

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 ON 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)(A) 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 1979, as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsec-
tion 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 finds—

"(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 50 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 mini-
mum 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 certify under subparagraph (A) to the Chairman that the State will comply with the option provided by subparagraph (A) of this paragraph, the grant recipient in that State shall—

“(i) 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 20 per centum of the total membership of such governing body; and

“(ii) 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 subparagraph (2)(B), 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—

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

“(B) 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)(A) 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" 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 or 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".

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

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

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

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

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

(C) 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 matter following clause (C).

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

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

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

“(E) For the purpose of paragraph (4)(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(g) of this Act having a population of two hundred thousand or more, according to the latest decennial census.”.

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

“(i) 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 RECOMMENDATIONS

SEC. 11. Section 8(f) of the Act is amended by striking
out “$17,500” and inserting in lieu thereof “$30,000”.

ADMINISTRATIVE PROVISIONS

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

(b)(1) Section 10(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) Section 11(a)(1)(A) 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 $175,000,000 for the fiscal year 1981,
$201,000,000 for the fiscal year 1982, $231,000,000 for the
fiscal year 1983, $266,000,000 for the fiscal year 1984, and
$306,000,000 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 $170,000,000 for the fiscal year 1981, $196,000,000 for the fiscal year 1982, $226,000,000 for the fiscal year 1983, $260,000,000 for the fiscal year 1984, and $299,000,000 for the fiscal year 1985.”.

(b) 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 and to the National Endowment for the Humanities an amount equal to the total amounts received by each Endowment under section 10(a)(2) and by the grantees of each Endowment for the purposes of section 10(a)(2).

“(B) There are authorized to be appropriated to the National Endowment for the Arts for each fiscal year ending prior to October 1, 1985, an amount equal to the total amounts received by such Endowment and by the grantees of such Endowment for the purposes described in section 5(l)(1) pursuant to section 10(a)(2).

“(C) There are authorized to be appropriated to the National Endowment for the Humanities for each fiscal year
ending prior to October 1, 1985, an amount equal to the total amounts received by such Endowment and by the grantees of such Endowment for the purposes described in section 7(h)(1) pursuant to section 10(a)(2).

"(D) 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 this paragraph which are consistent with the requirements of sections 5(e), 7(f), 5(l)(2), and 7(h)(2), as the case may be."

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

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

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

(B) The second sentence of such section is amended by striking out “years” and inserting in lieu thereof “year”, and by striking out “and 1980” and inserting in lieu thereof “and for each fiscal year ending prior to October 1, 1985”.
(d) Section 11(c) of the Act is amended by inserting after the word “Act” a comma and the following: “including not to exceed $35,000 in any fiscal year for official reception and representation expenses for each Endowment,”.
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