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COMPARISON OF THE HOUSE AND SENATE
BILLS, H.R. 7153, S. 1386, S. 1429
TO AMEND THE NATIONAL FOUNDATION ON THE ARTS AND
THE HUMANITIES ACT OF 1965 AND
THE MUSEUM SERVICES ACT

May 8, 1980

NEA - concerned about
Home language
operating "rehabilitation"
authorities under the law
→ they want to be more
flexible in construction
- managed - matching funds
type of contract for
construction

Sec. 1 SHORT TITLE

Strike out "National Foundation
on the Arts and the Humanities
Act of 1965"
Insert "Arts and Humanities Act of 1980"

SAME

Technical language

Sec. 3 DEFINITIONSSec. 3(a)

Strike out "theory and practice"
Insert "and theory"

SAME

Deletes from the definition of
"humanities" language to reduce
confusion between the missions of
the NEA and NEH

Sec. 3(d)(1)

Insert "or the National Council
on the Humanities"
after "Arts"

No mention

Gives NEH authority to use funds
to renovate facilities-previously
restricted to NEA

Sec. 3(g)

Insert "the Northern Mariana Islands"
after "American Samoa" *NMA*

No mention

Adds the Northern Mariana Islands
to the list of territories eligible
for NEA and NEH funding

Sec. 5 ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTSSec. 5(c)

Insert "or loans"
after "grants-in-aid" *NMA*

No mention

Gives NEA authority to loan money,
a provision NEH already enjoys.
The Senate bill strikes out the
NEH provision in Sec. 7(c)(2).

Add at end "Any loans made by the
of Sec.5(c)Chairman under this subsection
shall be made in accordance with
terms and conditions approved by
the Secretary of the Treasury"

No mention

House

Senate

Explanation

Sec. 5(c)(1)

Insert "and cultural diversity"

SAME

Encourages the Endowment to use resources familiar with non-Western approaches to art

No mention

Redesignate clause (5) as clause (6)
Insert after clause (4) new clause (5)

Technical language

Sec. (5)(c)(5)

No mention

Insert a new clause
"programs for the arts at the local level; and"

NEA has report long.

Gives NEA authority to use Program money to fund programs at the community level. The House bill does not specifically authorize Program money to fund programs at the community level. It does authorize NEA to use Challenge money to fund programs at the community level (Sec. 5(1)(1))

Strike out "clause (5)"
Insert "clause (6)"

SAME

Technical language

Strike out "Labor & Public Welfare"
Insert "Labor & Human Resources"

SAME

Technical language

Sec. 5(g)(2)(A)

Strike out from "except that" through end
Insert a semicolon

SAME

Technical language

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
<u>Sec. 5(g)(3)</u>		
Strike out "of the"	No mention	Technical language regarding new subparagraph (E). See below.
Insert "Except as provided in paragraph (4)(E) of the"		
<u>Sec. 5(g)(3)(B)</u>		
Insert "except as provided in paragraph (4)(E)"	No mention	Technical language regarding new subparagraph (E). See below.
after "amounts but"		
<u>Sec. 5(g)(4)(A)</u>		
Strike out "project"	No mention	Technical language
Insert "projects"		
<u>Sec. 5(g)(4)</u>		
Add at end new subparagraph (E) "(E) If any jurisdiction specified in section 3(g), other than the several States of the Union, has a population of less than 200,000 (according to the most recent decennial census), then such jurisdiction shall not be entitled to an allotment of at least \$200,000 under paragraph (3). The Chairman may allot to any such jurisdiction under par.(3) such amounts as the Chairman considers appropriate in order to carry out the purposes of this Act, except that any such amount shall be less than \$200,000."	Add at end new subparagraph (E) "(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."	House and Senate language is slightly different, but effect is identical. Only states and jurisdictions of more than 200,000 people are eligible to receive allotments in excess of \$200,000.

NEW

House

Senate

Explanation

Sec. 5(k)

Amend by adding at the end:

Amend by adding at the end:

House and Senate language is slightly different. Intent is identical.

"The Chairman may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or non-reimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities."

"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."

Sec. 5(1)(1)

No mention

Insert "strengthening quality by" after "for the purpose of"

Put in to emphasize that the basic purpose of challenge grants is to strengthen the quality of the work of the applicants.

Insert "on a national, state or local level" after "private non-profit organizations"

No mention

Gives NEA the authority to use challenge grant money to fund programs at the state and local level. This language reflects the Committee's action on the NASAA/NACAA State and Local Incentive Program and H.R. 5518, Weiss Federal Artists' Program.

Redesignate subparagraphs (D) & (E) as (E) & (F)

No mention

Insert after subparagraph (C) the following:

No mention

"(D) providing additional support for cooperative efforts undertaken by state arts agencies with local arts groups to promote effective arts activity at the state and local level, including support of professional artists in community-based residencies:"

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
<u>Sec. 5(m)</u>		
Sec. 5 is amended Strike subsection (m)	SAME	Technical language
<u>Sec. 6 NATIONAL COUNCIL ON THE ARTS</u>		
<u>Sec. 6(b)</u>		
Strike out "by and with the advice and consent of the Senate"	No mention	Eliminates the need for Senate confirmation hearings on NCOA appointees
<u>Sec. 6(c)</u>		
Amended by inserting after the first sentence "The term of office of all Council Members shall expire on the third day of September in the year of expiration."	SAME	Technical language
<u>Sec. 7 NATIONAL ENDOWMENT FOR THE HUMANITIES</u>		
<u>Sec. 7(c)(2)</u>		
No mention	Strike out "loans" Delete "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury."	Takes away from NEH its authority to loan money. The House not only wants to see NEH keep this authority, but they want to extend it to NEA as well.
<u>Sec. 7(c)</u>		
Last sentence Strike out "Labor & Public Welfare" Insert "Labor & Human Resources"	SAME	Technical language

House

Senate

Explanation

Sec. 7(f)(2)

Amended - Summarized below:

No mention

Sec. 7(f)(2)(A)

1) State may establish or designate a state agency as the State Humanities Council. State shall match from state funds 50% of the minimum grant (\$200,000) or 25% of the total state grant, whichever is greater. Chief executive of the state will appoint new members to the State Council as terms expire. Funds must be used for programs which are designated to bring humanities to the public and must be newly appropriated..

Offers two options regarding the formation of State Humanities Councils

Sec. 7(f)(2)(B)

2) If chief executive does not establish or designate a state agency, grant recipient shall establish a procedure which assures that four members of the Humanities Council shall be appointed by State, except in no case may these four members constitute more than 20% of the Council. Funds received by the State must be fully matched, from any source.

Sec. 7(f)(3)

No mention

Amended - Summarized below:

Whenever the option described in 7(f)(2)(B) is selected, applications must include assurances relating to uses of funds, membership policies, nomination procedures, membership rotation, reporting procedures, public access to information and reports to the Chairman of the Endowment.

List of requirements which must be met if the second option for establishing a State Humanities Council is chosen.

HouseSenateExplanationSec. 7(f)(4)

Strike out "of the"
 Insert "Except as
 provided in
 paragraph 5(E)
 of the"

Strike out subparagraphs
 (A) & (B)
 Insert the following:

"(A) 34% of the amount
 of such excess for such
 fiscal year shall be
 available to the Chairman
 for making grants under
 this subsection to entities
 applying for such grants.

"(B) 44% of the amount of such
 excess for such fiscal year
 shall be allotted in equal amounts
 among the grant recipients which
 have plans approved by the
 Chairman; and

"(C) 22% of the amount of such
 excess for such fiscal year shall
 be allotted among the grant recipients
 which have plans approved by the
 Chairman in amounts which bear
 the same ratio to such excess as the
 population of the State for which
 the plan is approved (or, in the case
 of a grant recipient other than a
 State, the population of the State in
 which such grant recipient is located)
 bears to the population of all the States."

Insert "state and" before
 "grant recipient" each time it appears
 Insert "states and"
 before "grant recipients"
 each time it appears
 Insert "state and regional
 groups and"
 before "entities"

House language offers
 NEH Chairman more flexibility
 in distribution of funds
 in excess of \$200,000 allotment
 per state.

Senate language is technical
 language which ties funding to
 the State Humanities Councils
 proposed in Sec. 7(f)(2)

HouseSenateExplanationSec. 7(f)(5)(A)

No mention

Strike out "whenever the provisions of paragraph (3)(B) of this subsection apply to any state, that part of any"

Technical language regarding the Senate proposed State Humanities Councils

Insert:

"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"

Sec. 7(f)(5)(B)

No mention

Insert "state agency or" before "grant recipient"

Technical language regarding the Senate proposed State Humanities Councils

Sec. 7(f)(5)(E) - New amended subsection -

"(E) If any jurisdiction specified in section 3(g) other than the several States of the Union, has a population of less than 200,000 (according to the most recent decennial census), then such jurisdiction shall not be entitled to an allotment of at least \$200,000 under the first sentence of paragraph (4). The

"(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 200,000 or more, according to the latest decennial census."

The House and Senate language is slightly different, but the effect is identical. Only states and jurisdictions of more than 200,000 people are eligible to receive allotments in excess of \$200,000.

HouseSenateExplanation

Chairman may allot to any such jurisdiction under paragraph (4) such amounts as the Chairman considers appropriate in order to carry out the purposes of this Act, except that any such amount shall be less than \$200,000.

No mention

7(f)(6)

Insert "a State or"
before "any entity"

Technical language regarding implementation of the Senate proposed State Humanities Councils

7(f)(7)

Insert "group or"
before "grant recipient"

Insert "State agency or"
before "grant recipient"

Strike out "plan"

Insert "State plan or grant
recipient application"

Insert "group or State agency"
before "grant recipient"

Insert "group, State agency, or"
before "grant recipient" each time
it appears in the matter following
clause (C)

7(f)(8)

Strike out "paragraphs (4), (5), (6)"
Insert "the third sentence in paragraph (4), and paragraphs (5) and (6)"

7(g)

Insert "agency" before "entity"

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
At the end of Sec. 7 add a new subsection (i): "(i) The Chairman may enter into interagency agreements to promote or assist with the humanities related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities."	At the end of Sec. 7 add a new subsection (i): "(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 non-reimbursable basis and may use funds authorized for the purposes of section 7(c) of this Act for the costs of such activities."	House and Senate language slightly different, but intent identical

Sec. 8 NATIONAL COUNCIL ON THE HUMANITIESSec. 8(b)

Strike out "by and with the advice and consent of the Senate"	No mention	Eliminates the need for for Senate <u>hearings</u> on NCOH appointees ?
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Sec. 8(f)

Strike out "\$17,500"	SAME	To meet inflation, this language increases ceiling on grants Chairman can make without a recommendation from <i>the</i> NEH <i>Council</i>
Insert "\$30,000"		

Sec. 9 FEDERAL COUNCIL ON THE HUMANITIESSec. 9(b)

Strike out "U.S. Commissioner of Education"	No mention	Technical language
Insert "Secretary of Education"		
Add the Commissioner on Aging to those who serve on the Federal Council	No mention	Technical language

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
<u>Sec. 9(c)</u>		
Strike out "and" at end of paragraph (4)	No mention	Calls for two studies to be conducted by the Federal Council, one on employment, the second on the extension of the Arts Indemnification program to U.S. exhibits
Strike out the period at end of paragraph (5)		
Insert "; and"		
Add a new paragraph, paragraph (6):		
"(6) undertake studies and make reports which address the state of the arts and humanities particularly with respect to their economic needs and problems."		
Add at the end of Sec. 9 the following new subsection:	No mention	Summary is self-explanatory
9(d)(1) - summary follows:		
Federal Council will conduct a study of employment opportunities for professional artists in cooperation with the Secretary of Labor. The study shall examine the effectiveness of existing Federal programs in serving and enhancing the employment opportunities of professional artists and the need for new programs. Results of said study and draft legislation for any recommended changes will be reported to the President and the Congress within a year after the enactment of this bill. No federal agency or officer can require the Council to submit its report to them for approval, comments, or review before submission to the Congress.		

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
9(e)(1) - Summary -	No mention	Summary is self-explanatory
<p>Federal Council will conduct a study of the effectiveness of the Arts and Artifacts Indemnification program and the impact and feasibility of expanding the existing indemnity program to include objects loaned by lenders in the U.S. It will also examine other means to encourage sharing within the U.S. of items described in Sec. 3(a) of the Arts and Artifacts Indemnity Act. Results of the study and draft legislation for any recommendations will be submitted to the President and the Congress within a year after enactment of this bill.</p>		

Sec. 10 ADMINISTRATIVE PROVISIONS

Sec. 10(a)(4)

Insert "culturally diverse" after "geographic"	SAME	Encourages the Endowment to use resources familiar with non-Western approaches to art
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Sec. 10(b)

Strike out "January" Insert "April"	SAME	Technical language
--	------	--------------------

Sec. 10(c)

Strike out "January" Insert "April"	SAME	Technical language
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House

Senate

Explanation

Sec. 10(d)

Add a new subsection, (d),
at the end of Sec. 10:

No mention

Summary is self-explanatory

10(d)(1) - Summary

Chairman of NEA and Chairman
of NEH will each conduct a
study to assess the
effectiveness of Treasury money
(Sec. 10(a)(2)) as an incentive
to increase the level of non-
Federal support and whether the
application and use of Treasury
funds results in an undue
administrative and financial
burden upon grant recipients.
Results of these studies, and
draft legislation for any
recommendations must be submitted
by each Chairman to the President
and the Congress within two years of
enactment of this bill.

NEA

Sec. 11 AUTHORIZATION OF APPROPRIATIONS (Summary)

(By Fiscal Years, in millions)

<u>NEA</u>	<u>81</u>	<u>82-85</u>
Program	\$132.5	Such sums
Treasury	18.5	"
Challenge	35.0	"
Admin	14.0	"
	<u>\$200.0</u>	

<u>NEH</u>	<u>81</u>	<u>82-85</u>
Program	\$127.0	Such sums
Treasury	17.0	"
Challenge	33.0	"
Admin	13.0	"
	<u>\$190.0</u>	

<u>NEA</u>	<u>81</u>	<u>82</u>	<u>83</u>	<u>84</u>	<u>85</u>
Program	\$115.5	135.5	158.0	184.75	213.2
Treasury	18.5	18.5	18.5	20.0	22.5
Challenge	27.0	32.0	38.5	44.25	52.3
Admin	14.0	15.0	16.0	17.0	18.0
	<u>\$175.0</u>	<u>201.0</u>	<u>231.0</u>	<u>266.0</u>	<u>306.0</u>

<u>NEH</u>	<u>81</u>	<u>82</u>	<u>83</u>	<u>84</u>	<u>85</u>
Program	\$114.5	132.5	153.5	178.0	206.0
Treasury	12.5	14.5	17.0	19.5	22.5
Challenge	30.0	34.5	40.0	46.0	53.0
Admin	13.0	14.5	15.5	16.5	17.5
	<u>\$170.0</u>	<u>196.0</u>	<u>226.0</u>	<u>260.0</u>	<u>299.0</u>

1) NEA: for House positive

alternative - budget

2) provide increase like at 81 + 12% increase + 15% 200 mil then + 15% to 200 mil

3) split in even

\$189.5 mil

82 - 215 mil + 15% each year

House

Senate

Explanation

ec. 11(a)(4)

Amended as follows:

"(4) 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 paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 5(e), section 7(f), section 5(1)(2), and section 7(h)(2), as the case may be regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act."

Amended as follows:

"(4) 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 paragraphs (2) and (3) of this subsection which are consistent with the requirements of sections 5(e), 7(f), 5(1)(2), and 7(h)(2), as the case may be."

Slightly different language, but will accomplish identical purpose - to simplify the operation and paperwork involved in the Treasury and Challenge grant programs.

ec. 11(c)(1) and 11(c)(2)

No mention

- Summary -

Summary is self-explanatory

These sections would limit funds available from administrative appropriation which each Endowment could use in any fiscal year for official reception and representation expenses to \$35,000.

*NEA - 2 options
1. want Senate pass it
has also want from accept
(want each fiscal year)
- would be if it
from approps.
2. scratch it*

merican Arts Alliance

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
<u>INSTITUTE OF MUSEUM SERVICES</u>		
<u>Sec. 201</u>		
No mention	Strike "Museum Services Act" Insert "Museum Services Amendments of 1979"	Technical language
<u>Sec. 203</u>		
Strike out "Health, Education, and Welfare" Insert "Education"	No mention	Technical language
<u>Sec. 205</u>		
Strike out "level V" Insert "level IV" Insert "(1)" after "(b)"	No mention	House language increases the salary of the IMS Director beginning FY '81
Add a new subsection 2(b)(2) "(2) the amendment made in (1) shall take effect on October 1, 1980."		
<u>Sec. 205(a)(2)</u>		
Strike "to the Secretary of Health, Education, and Welfare" Insert "directly to the Secretary of Education"	No mention	Technical language
No mention	Sec. 205 is amended by adding at the end: "(c) The Director may appoint without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service and may compensate	Provision allows IMS to hire museum professionals without regard to Civil Service regs

HouseSenateExplanation

without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates not to exceed one-fifth of the number of full-time regular technical or professional employees of the Institute. The rate of basic compensation for such employees may not equal or exceed the rate prescribed for GS-16 of the General Schedule under section 5332 of title 5, United States Code.

Sec. 206

Redesignate subsection (b) as (c) Insert the following after subsection (a)	SAME	House and Senate language slightly different, but intent is identical, to allow professional museum organizations to receive IMS funding given several conditions
"(b)(1) The Director, subject to the policy direction of the National Museum Services Board, is authorized to enter into contracts and cooperative agreements with professional museum organizations to provide financial assistance to such organizations in order to enable such organizations to undertake projects designed to strengthen museum services."	SAME	
"(2)(A) No financial assistance may be provided under this subsection for any project for a period in excess of one year."	"(2)(A) No financial assistance may be made under this subsection for any project for a period in excess of one year."	
"(B) No grant may be provided under this subsection to pay for the operational expenses of any professional organization."	"(B) No grant may be made under this subsection to pay for the operational expenses of any professional museum organization."	

HouseSenateExplanation

"(3) The aggregate amount of financial assistance made under this subsection to professional museum organizations shall not exceed 5 per centum of the amount appropriated under this Act for such fiscal year."

SAME

"(4) For the purposes of this subsection the term 'professional museum organization' means a private nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession."

"(4) The term 'professional museum organization' means a nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession."

Sec. 206(c)

Insert "contracts and cooperative agreements" after "Grants"

SAME

Technical language

Insert "or financial assistance or" after "grant"

Insert "financial assistance or" after "grants"

Sec. 206

Add at end subsection (d):

"(d) The Director shall establish procedures for reviewing and evaluating grants, contracts and cooperative agreements made or entered into under this section, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriation acts."

"(d) The Director shall establish procedures for reviewing and evaluating grants, contracts and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section may not be subject to any review outside of the Institute."

Both House and Senate language authorizes IMS to establish its own grant review procedures. Senate language would not allow applications to be subject to review outside IMS. House language does not disallow review by the Secretary of Education.

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
<u>Sec. 209(a)</u>		
Amended (Summary):		
For the purpose of making grants under section 206(a), there are authorized to be appropriated: FY '81 - \$25 million; FY '82-85 - such sums	Strike out "and" Insert before the period a comma and the following:	The House language provides for a 5-yr. authorization beginning with \$25 million for FY'81 and such sums for FY'82-85. Senate language provides for a 2-yr. authorization with \$21.5 million in FY'81 and \$28 million in FY'82.
	"\$21,500,000 for fiscal year 1981, and \$28,000,000 for fiscal year 1982."	
<u>Sec. 209(d)</u>		
Strike out "1980" Insert "1985"	Strike out "1980" Insert "1982"	House language authorizes funding for 5 years. Senate language authorizes funding for two years.

<u>House</u>	<u>Senate</u>	<u>Explanation</u>
<u>ARTS AND ARTIFACTS INDEMNITY ACT</u>		
<u>Sec. 5(b)</u>		
Strike out "\$250,000,000"	No mention	Raises the ceiling of coverage provided
Insert "\$400,000,000"		
<u>Sec. 302</u>		
Amended to read as follows:	No mention	Outlines a sliding deductible scale
<p>"(d) If the estimated value of the items covered by an indemnity agreement for a single exhibition is -</p> <p>"(1) \$2,000,000 or less, then coverage under this Act shall only extend to loss or damage in excess of the first \$15,000 of loss or damage to items covered;</p> <p>"(2) more than \$2,000,000 but less than \$10 million, then coverage under this Act shall only extend to loss or damage in excess of the first \$25,000 of loss or damage to items covered; or</p> <p>"(3) \$10 million or more, then coverage under this Act shall only extend to loss or damage in excess of the first \$50,000 of loss or damage to items covered."</p>		

NOTE: House bill includes an amendment to the Department of Education Organization Act prohibiting the termination of the IMS.