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94TH CONGRESS
2D SESSION

H. R. 12838

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1976

Mr. BRADEMAS (for himself, Mr. QUÉ, Mr. PERKINS, Mr. THOMPSON, Mr. BELL, Ms. MINK, Mr. MEEDS, Mr. PEYSER, Mrs. CHISHOLM, Mr. LEHMAN, Mr. JEFFORDS, Mr. CORNELL, Mr. BEARD of Rhode Island, Mr. PRESSLER, Mr. ZEFERETTI, Mr. MILLER of California, Mr. HALL, Mr. O'HARA, Mr. PHILLIP BURTON, Mr. ESCH, Mr. BIAGGI, Mr. BENITEZ, Mr. HAWKINS, Mr. RISENHOOVER, and Mr. SIMON) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, 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 *Cultural Affairs Act of 1976".*

1 **TITLE I—ARTS AND HUMANITIES**2 **STATE HUMANITIES COUNCILS**

3 **SEC. 101.** (a) Section 7 of the National Foundation on
4 the Arts and the Humanities Act of 1965 is amended by
5 adding at the end thereof the following new subsection:

6 “(f) (1) The Chairman, with the advice of the National
7 Council on the Humanities, is authorized to establish and
8 carry out programs of grants-in-aid in each of the several
9 States in order to support not more than 50 per centum of
10 the cost of existing activities which meet the standards
11 enumerated in subsection (c), and in order to develop pro-
12 grams in the humanities in such a manner as will furnish
13 adequate programs in the humanities in each of the several
14 States.

15 “(2) In order to receive assistance under this subsec-
16 tion in any fiscal year, any person or entity desiring to
17 receive such assistance shall submit an application for such
18 grants at such time as shall be specified by the Chairman and
19 accompany such applications with a plan which the Chair-
20 man finds—

21 “(A) provides that funds paid to the grant recipient
22 will be expended solely on programs which carry out the
23 objectives of subsection (c) ;

24 “(B) establishes a membership policy which is de-

1 signed to assure broad public representation with respect
2 to programs administered by such grant recipient;

3 “(C) provides a nomination process which assures
4 an opportunity for nomination to membership from
5 various groups within the State involved;

6 “(D) provides for the rotation of the membership
7 and officers of such grant recipient on a regular basis;

8 “(E) establishes reporting procedures which are
9 designed to inform the chief executive officer of the State
10 involved, and other appropriate officers and agencies, of
11 the activities of such grant recipient;

12 “(F) establishes procedures to assure public access
13 to information relating to such activities;

14 “(G) provides that such grant recipient shall make
15 reports to the Chairman from time to time, in such form
16 and containing such information as the Chairman may
17 require; and

18 “(H) provides that two members of the executive
19 body of such grant recipient shall be appointed by an
20 appropriate officer or agency of the State involved.

21 “(3) Of the sums available to carry out this subsection
22 for any fiscal year, each grant recipient which has a plan
23 approved by the Chairman shall be allotted at least \$200,-
24 000. If the sums appropriated are insufficient to make the

1 allotments under the preceding sentence in full, such sums
2 shall be allotted among such grant recipients in equal
3 amounts. In any case where the sums available to carry out
4 this subsection for any fiscal year are in excess of the amount
5 required to make the allotments under the first sentence of
6 this paragraph—

7 “(A) the amount of such excess which is no greater
8 than 25 per centum of the sums available to carry out
9 this subsection for any fiscal year shall be available to
10 the Chairman for making grants under this subsection to
11 persons and entities applying for such grants;

12 “(B) the amount of such excess, if any, which re-
13 mains after reserving in full for the Chairman the amount
14 required under subparagraph (A) shall be allotted
15 among the grant recipients which have plans approved
16 by the Chairman in equal amounts, but in no event shall
17 any grant recipient be allotted less than \$200,000.

18 “(4) (A) That part of any allotment made under para-
19 graph (3) for any fiscal year—

20 “(i) which exceeds \$125,000, but

21 “(ii) which does not exceed 20 per centum of such
22 allotment,

23 shall be available, at the discretion of the Chairman, to pay
24 up to 100 per centum of the cost of programs under this sub-

1 section if such programs would otherwise be unavailable to
2 the residents of the State involved.

3 “(B) Funds made available under this subsection shall
4 not be used to supplant non-Federal funds.

5 “(5) All amounts allotted or made available under
6 paragraph (3) for a fiscal year which are not granted to
7 any person or entity during such fiscal year shall be available
8 to the National Endowment for the Humanities for the pur-
9 pose of carrying out subsection (c).

10 “(6) Whenever the Chairman, after reasonable notice
11 and opportunity for hearing, finds that—

12 “(A) a grant recipient is not complying substan-
13 tially with the provisions of this subsection;

14 “(B) a grant recipient is not complying substan-
15 tially with terms and conditions of its plan approved
16 under this subsection; or

17 “(C) any funds granted to any person or entity
18 under this subsection have been diverted from the pur-
19 poses for which they are allotted or paid,

20 the Chairman shall immediately notify the Secretary of the
21 Treasury and the grant recipient with respect to which such
22 finding was made that no further grants will be made under
23 this subsection to such grant recipient until there is no longer
24 a default or failure to comply or the diversion has been

1 corrected, or, if the compliance or correction is impossible,
2 until such grant recipient repays or arranges the repayment
3 of the Federal funds which have been improperly diverted
4 or expended.

5 “(7) The Chairman may not make grants to more
6 than one person or entity in any State.”.

7 (b) The amendment made by subsection (a) shall be
8 effective with respect to fiscal year 1977 and succeeding
9 fiscal years.

10 AUTHORIZATIONS OF APPROPRIATIONS

11 SEC. 102. (a) (1) (A) Section 11 (a) (1) (A) of the
12 National Foundation on the Arts and the Humanities Act
13 of 1965 is amended to read as follows:

14 “SEC. 11. (a) (1) (A) For the purpose of carrying out
15 section 5, there are authorized to be appropriated \$100,000,-
16 000 for fiscal year 1977, and \$113,500,000 for fiscal year
17 1978; and there are so authorized such sums as may be
18 necessary for the fiscal years 1979 and 1980. Of the
19 sums so appropriated for any fiscal year, not less than 20
20 per centum shall be for carrying out section 5 (g).”.

21 (B) Section 11 (a) (1) (B) of such Act is amended
22 by striking out all that follows “Humanities” and inserting
23 in lieu thereof the following: “\$100,000,000 for fiscal year
24 1977, and \$113,500,000 for fiscal year 1978; and there are
25 so authorized such sums as may be necessary for the fiscal

1 years 1979 and 1980. Of the sums so appropriated for any
 2 fiscal year, not less than 20 per centum shall be for carrying
 3 out section 7 (f) .”.

4 (2) Section 11 (a) (2) of such Act is amended (A) by
 5 striking out “July 1, 1976” and inserting in lieu thereof
 6 “October 1, 1980”; and (B) by striking out all that follows
 7 “not exceed” and inserting in lieu thereof “\$20,000,000 for
 8 the fiscal year ending September 30, 1977, \$25,000,000 for
 9 the fiscal year ending September 30, 1978, and such sums as
 10 may be necessary for the fiscal years ending September 30,
 11 1979, and September 30, 1980.”.

12 (b) The amendments made by subsection (a) shall be
 13 effective with respect to fiscal year 1977 and succeeding
 14 fiscal years.

15 APPOINTMENT OF MEMBERS OF NATIONAL COUNCIL ON
 16 ARTS AND NATIONAL COUNCIL ON HUMANITIES

17 SEC. 103. (a) The first sentence of section 6 (b) of the
 18 National Foundation on the Arts and the Humanities Act
 19 of 1965 is amended by inserting “, by and with the advice
 20 and consent of the Senate,” immediately after “President”.

21 (b) The first sentence of section 8 (b) of the National
 22 Foundation on the Arts and the Humanities Act of 1965 is
 23 amended by inserting “, by and with the advice and consent
 24 of the Senate,” immediately after “President”.

1 TITLE II—MUSEUM SERVICES

2 SHORT TITLE

3 SEC. 201. This title may be cited as the "Museum
4 Services Act".

5 PURPOSE

6 SEC. 202. It is the purpose of this title to encourage
7 and assist museums in their educational role, in conjunction
8 with formal systems of elementary, secondary, and post-
9 secondary education and with programs of nonformal educa-
10 tion for all age groups; to assist museums in modernizing
11 their methods and facilities so that they may better be able
12 to conserve our cultural, historic, and scientific heritage;
13 and to ease the financial burden borne by museums as a
14 result of their increasing use by the public.

15 INSTITUTE OF MUSEUM SERVICES

16 SEC. 203. There is hereby established, within the De-
17 partment of Health, Education, and Welfare, an Institute
18 of Museum Services (hereinafter in this title referred to as the
19 "Institute"). The Institute shall consist of a National Museum
20 Services Board (hereinafter referred to as the "Board") and
21 a Director of the Institute (hereinafter in this title referred
22 to as the "Director").

23 NATIONAL MUSEUM SERVICES BOARD

24 SEC. 204. (a) The Board shall consist of fifteen mem-
25 bers appointed by the President, by and with the advice and

1 consent of the Senate. The members of the Board shall be
2 broadly representative of various museums, including
3 museums relating to science, history, technology, and
4 art, and including zoos and botanical gardens, of the cu-
5 ratorial, educational, and cultural resources of the United
6 States, and of the general public.

7 (b) The term of office of members of the Board shall be
8 five years, except that—

9 (1) any such member appointed to fill a vacancy
10 shall serve only such portion of a term as shall not have
11 been expired at the time of such appointment; and

12 (2) in the case of initial members, three shall serve
13 for terms of four years, three shall serve terms of three
14 years, three shall serve terms of two years, and three
15 shall serve terms of one year, as designated by the Presi-
16 dent at the time of nomination for appointment.

17 Any member who has been a member of the Board for more
18 than seven consecutive years shall thereafter be ineligible for
19 reappointment to the Board during the three-year period
20 following the expiration of the last such consecutive year.

21 (c) The Chairman of the Board shall be designated by
22 the President from among the members of the Board. Eight
23 members of the Board shall constitute a quorum.

24 (d) The Board shall meet at the call of the Chairman,
25 except that—

1 (1) it shall meet not less than four times each year;

2 (2) in cases where the Director determines that a
3 meeting of the Board is necessary, it shall meet when-
4 ever one-third of the total number of members request
5 a meeting in writing, in which event one-half of the total
6 number of members shall constitute a quorum; and

7 (3) whenever one-third of the members request a
8 meeting in writing, it shall meet, in which event one-
9 third of the members shall constitute a quorum.

10 (e) Members of the Board who are not in the regular
11 full-time employ of the United States shall receive, while en-
12 gaged in the business of the Board, compensation for service
13 at a rate to be fixed by the President, except that such rate
14 shall not exceed the rate specified at the time of such service
15 for grade GS-18 set forth in section 5332 of title 5, United
16 States Code, including traveltime, and, while so serving away
17 from their homes or regular places of business, they may be
18 allowed travel expenses, including per diem in lieu of sub-
19 sistence, as authorized by section 5703 of title 5, United
20 States Code, for persons employed in Government service.

21 (f) The Board shall have the responsibility for the gen-
22 eral policies with respect to the powers, duties, and authori-
23 ties vested in the Institute under this title. The Director
24 shall make available to the Board such information and

1 assistance as may be necessary to enable the Board to carry
2 out its functions.

3 DIRECTOR OF THE INSTITUTE

4 SEC. 205. (a) The Director of the Institute shall be
5 appointed by the President, by and with the advice and con-
6 sent of the Senate, and shall serve at the pleasure of the
7 President. The Director shall perform such duties and exer-
8 cise such powers as the Board may prescribe.

9 (b) There shall be a Deputy Director of the Institute
10 who shall be appointed by the President and shall serve at
11 the pleasure of the President. The Deputy Director shall
12 exercise such powers as the Director may prescribe, and the
13 Deputy Director shall serve as Director during the absence
14 or disability of the Director, or in the event of a vacancy in
15 the office of Director.

16 ACTIVITIES OF THE INSTITUTE

17 SEC. 206. (a) The Director, subject to the advice of the
18 Board, is authorized to make grants to museums to increase
19 and improve museum services, through such activities as—

20 (1) programs to enable museums to construct or in-
21 stall displays, interpretations, and exhibitions in order
22 to improve their services to the public;

23 (2) assisting them in developing and maintaining

1 professionally-trained or otherwise experienced staff to
2 meet their needs;

3 (3) assisting them to meet their administrative
4 costs in preserving and maintaining their collections,
5 exhibiting them to the public, and providing educa-
6 tional programs to the public through the use of their
7 collections;

8 (4) assisting museums in cooperation with each
9 other in the development of traveling exhibitions, meet-
10 ing transportation costs, and identifying and locating
11 collections available for loan;

12 (5) assisting them in conservation of artifacts and
13 art objects; and

14 (6) developing and carrying out specialized
15 programs for specific segments of the public such as
16 programs for urban neighborhoods, rural areas, Indian
17 reservations, and penal and other State institutions.

18 (b) Grants under this section may not exceed 75 per
19 centum of the cost of the program for which the grant is
20 made.

21 CONTRIBUTIONS

22 SEC. 207. The Institute shall have authority to accept
23 in the name of the United States, grants, gifts, or bequests
24 of money for immediate disbursement in furtherance of the
25 functions of the Institute. Such grants, gifts, or bequests, after

1 acceptance by the Institute, shall be paid by the donor or
2 his representative to the Treasurer of the United States
3 whose receipt shall be their acquittance. The Treasurer of
4 the United States shall enter them in a special account to the
5 credit of the Institute for the purposes in each case specified.

6 FUNCTIONS OF FEDERAL COUNCIL ON THE

7 ARTS AND THE HUMANITIES

8 SEC. 208. Section 9 (c) of the National Foundation on
9 the Arts and the Humanities Act of 1965 is amended—

10 (1) by redesignating paragraph (2) through para-
11 graph (4) as paragraph (3) through paragraph (5),
12 respectively, and by inserting immediately after para-
13 graph (1) the following new paragraph:

14 “(2) advise and consult with the National Museum
15 Services Board and with the Director of the Institute
16 of Museum Services on major problems arising in carry-
17 ing out the purposes of such Institute;”;

18 (2) in paragraph (3) thereof, as so redesignated
19 by paragraph (1), by striking out “and” immediately
20 after “Arts” and inserting in lieu thereof a comma,
21 and by inserting “and the Institute of Museum Services,”
22 immediately after “Humanities,”; and

23 (3) in paragraph (4) thereof, as so redesignated
24 by paragraph (1), by inserting “and the Institute of
25 Museum Services” immediately after “Foundation”.

1 **AUTHORIZATION OF APPROPRIATIONS**

2 **SEC. 209.** (a) For the purpose of making grants under
3 section 206 (a), there are hereby authorized to be appro-
4 priated \$15,000,000 for fiscal year 1977, \$25,000,000 for
5 fiscal year 1978, and such sums as may be necessary for
6 fiscal years 1979 and 1980.

7 (b) For the purpose of enabling the Institute to carry
8 out its functions under this title, during the period beginning
9 on the date of enactment of this Act and ending October 1,
10 1978, there is authorized to be appropriated an amount
11 equal to the amount contributed during such period to the
12 Institute under section 207.

13 **DEFINITION**

14 **SEC. 210.** For purposes of this title, the term "museum"
15 means a public or private nonprofit agency or institution
16 organized on a permanent basis for essentially educational
17 or aesthetic purposes, which, utilizing a professional staff,
18 owns or utilizes tangible objects, cares for them, and exhibits
19 them to the public on a regular basis.

20 **TITLE III—CHALLENGE GRANT PROGRAM**21 **ESTABLISHMENT OF PROGRAM**

22 **SEC. 301.** Section 5 of the National Foundation on the
23 Arts and the Humanities Act of 1965 is amended by adding
24 at the end thereof the following new subsection:

25 “(1) (1) The Chairman, with the advice of the National

1 Council on the Arts, is authorized, in accordance with the
2 provisions of this subsection, to establish and carry out a
3 program of contracts with, or grants-in-aid to, public agencies
4 and private nonprofit organizations for the purpose of—

5 “(A) enabling cultural organizations and institu-
6 tions to increase the levels of continuing support and
7 to increase the range of contributors to the program of
8 such organizations or institutions;

9 “(B) providing administrative and management
10 improvements for cultural organizations and institutions,
11 particularly in the field of long-range financial planning;

12 “(C) enabling cultural organizations and institutions
13 to increase audience participation in, and appreciation of,
14 programs sponsored by such organizations and institu-
15 tions;

16 “(D) stimulating greater cooperation among cul-
17 tural organizations and institutions especially designed to
18 serve better the communities in which such organizations
19 or institutions are located; and

20 “(E) fostering greater citizen involvement in plan-
21 ning the cultural development of a community.

22 “(2) The total amount of any payment made under this
23 subsection for a program or project may not exceed 50 per
24 centum of the cost of such program or project.

25 “(3) In carrying out the program authorized by this

1 subsection the Chairman shall have the same authority as is
2 established in section 10.”.

3 **AUTHORIZATION OF APPROPRIATIONS**

4 **SEC. 302.** Section 11 (a) of the National Foundation on
5 the Arts and the Humanities Act of 1965 is amended by
6 adding at the end thereof the following new paragraph:

7 “(3) (A) There are authorized to be appropriated for
8 each fiscal year ending before October 1, 1981, to the
9 National Endowment for the Arts an amount equal to the
10 total amounts received by such Endowment for the purposes
11 set forth in section 5 (1) (1) pursuant to the authority of
12 section 10 (a) (2), except that the amount so appropriated
13 for any fiscal year shall not exceed the following limitations:
14 \$15,000,000 for fiscal year 1977, \$20,000,000 for fiscal year
15 1978, and such sums as may be necessary for fiscal years
16 1979 and 1980.

17 “(B) Sums appropriated pursuant to subparagraph (A)
18 for any fiscal year shall remain available for obligation and
19 expenditure until expended.”.

94TH CONGRESS
2D SESSION

H. R. 12838

A BILL

To amend and extend the National Foundation on the Arts and Humanities Act of 1965, to provide for the improvement of museum services, to establish a challenge grant program, and for other purposes.

By Mr. BRADEMAS, Mr. QUIE, Mr. PERKINS, Mr. THOMPSON, Mr. BELL, Ms. MINK, Mr. MEEDS, Mr. PEYSER, Mrs. CHISHOLM, Mr. LEHMAN, Mr. JEFFORDS, Mr. CORNELL, Mr. BEARD of Rhode Island, Mr. PRESSLER, Mr. ZEFERETTI, Mr. MILLER of California, Mr. HALL, Mr. O'HARA, Mr. PHILLIP BURTON, Mr. ESCH, Mr. BIAGGI, Mr. BENITEZ, Mr. HAWKINS, Mr. RISENHOVER, and Mr. SIMON

MARCH 29, 1976

Referred to the Committee on Education and Labor