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6-7-1985

## National Foundation on the Arts and Humanities: Reauthorization (1985): Report 09

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## Calendar No. 274

99TH CONGRESS  
1ST SESSION**S. 1264****[Report No. 99-125]**

To amend the National Foundation on the Arts and Humanities Act of 1965, to extend the authorization of appropriations for that Act, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

JUNE 7 (legislative day, JUNE 3), 1985

Mr. QUAYLE (for himself, Mr. STAFFORD, Mr. PELL, Mr. KENNEDY, Mr. WEICKER, Mr. SIMON, Mr. WALLOP, Mr. MATSUNAGA, Mr. DODD, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

AUGUST 1 (legislative day, JULY 16), 1985

Reported by Mr. STAFFORD (for Mr. HATCH), with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To amend the National Foundation on the Arts and Humanities Act of 1965, to extend the authorization of appropriations for that Act, 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 "National Foundation on~~
- 4 ~~the Arts and Humanities Amendments of 1985".~~

1 APPLICATION APPROVAL OF NATIONAL COUNCIL ON THE  
2 ARTS

3 SEC. 2. The last sentence of section 6(f) of the National  
4 Foundation on the Arts and Humanities Act of 1965 (hereaf-  
5 ter in this Act referred to as the "Act") is amended by strik-  
6 ing out "\$17,500" and inserting in lieu thereof "\$30,000".

7 STATE HUMANITIES COUNCILS

8 SEC. 3. Section 7(f)(2)(B)(i) of the Act is amended—  
9 (1) by striking out "four" and inserting in lieu  
10 thereof "six"; and  
11 (2) by striking out "20 per centum" and inserting  
12 in lieu thereof "25 per centum".

13 NATIONAL COUNCIL ON THE HUMANITIES

14 SEC. 4. The second sentence of section 8(b) of the Act is  
15 amended by inserting after "selected" the following: "from  
16 citizens of the United States who are recognized for their  
17 broad knowledge of, or expertise in, the humanities and".

18 AUTHORIZATION OF APPROPRIATIONS

19 SEC. 5. (a)(1)(A) The first sentence of section  
20 11(a)(1)(A) of the Act is amended to read as follows: "For  
21 the purpose of carrying out section 5(e), there are authorized  
22 to be appropriated to the National Endowment for the Arts  
23 \$118,678,000 for fiscal year 1986, \$123,425,120 for fiscal  
24 year 1987, \$128,362,125 for fiscal year 1988, and such  
25 sums as may be necessary for each of the fiscal years 1989  
26 and 1990."

1       (B) The first sentence of section 11(a)(2)(B) of the Act is  
2 amended to read as follows: "For the purpose of carrying out  
3 section 7(c), there are authorized to be appropriated to the  
4 National Endowment for the Humanities \$95,207,000 for  
5 fiscal year 1986, \$99,015,280 for fiscal year 1987,  
6 \$102,975,891 for fiscal year 1988, and such sums as may be  
7 necessary for each of the fiscal years 1989 and 1990."

8       (2)(A)(i) The matter preceding clause (i) of section  
9 11(a)(2)(A) of the Act is amended by striking out "1985" and  
10 inserting in lieu thereof "1990".

11       (ii) The exception at the end of section 11(a)(2)(A) of the  
12 Act is amended to read as follows:

13 "except that the amounts so appropriated to the National  
14 Endowment for the Arts shall not exceed \$8,820,000 for  
15 fiscal year 1986, \$9,172,800 for fiscal year 1987,  
16 \$9,539,712 for fiscal year 1988, and such sums as may be  
17 necessary for each of the fiscal years 1989 and 1990."

18       (B)(i) The matter preceding clause (i) of section  
19 11(a)(2)(B) of the Act is amended by striking out "1985" and  
20 inserting in lieu thereof "1990".

21       (ii) Clause (ii) of section 11(a)(2)(B) of the Act is amend-  
22 ed by inserting "and subgrantees" after "grantees" each  
23 time it appears in such clause.

24       (iii) The exception at the end of section 11(a)(2)(B) of  
25 the Act is amended to read as follows:

1 "except that the amounts so appropriated to the National  
2 Endowment for the Humanities shall not exceed  
3 \$10,780,000 for fiscal year 1986, \$11,211,200 for fiscal year  
4 1987, \$11,659,648 for fiscal year 1988, and such sums as  
5 may be necessary for each of the fiscal years 1989 and  
6 1990."

7 (3)(A) The matter preceding clause (i) of section  
8 11(a)(3)(A) of the Act is amended by striking out "1985" and  
9 inserting in lieu thereof "1990".

10 (ii) The exception at the end of section 11(a)(3)(A) of the  
11 Act is amended to read as follows:

12 "except that the amounts so appropriated to such Endow-  
13 ment shall not exceed \$20,580,000 for fiscal year 1986,  
14 \$21,403,200 for fiscal year 1987, \$22,259,328 for fiscal year  
15 1988, and such sums as may be necessary for each of the  
16 fiscal years 1989 and 1990."

17 (B) The matter preceding clause (i) of section 11(a)(3)(B)  
18 of the Act is amended by striking out "1985" and inserting  
19 in lieu thereof "1990".

20 (ii) The exception at the end of section 11(a)(3)(B) of the  
21 Act is amended to read as follows:

22 "except that the amounts so appropriated to such Endow-  
23 ment shall not exceed \$19,600,000 for fiscal year 1986,  
24 \$20,384,000 for fiscal year 1987, \$21,199,360 for fiscal year

1 1988, and such sums as may be necessary for each of the  
2 fiscal years 1989 and 1990.”

3 (b)(1) The first sentence of section 11(e)(1) of the Act is  
4 amended to read as follows: “There are authorized to be ap-  
5 propriated to the National Endowment for the Arts  
6 \$15,582,000 for fiscal year 1986, \$16,205,280 for fiscal year  
7 1987, \$16,853,491 for fiscal year 1988, and such sums as  
8 may be necessary for each of the fiscal years 1989 and 1990,  
9 to administer the provisions of this Act, or any other program  
10 for which the Chairman of the National Endowment for the  
11 Arts is responsible.”

12 (2) The first sentence of section 11(e)(2) of the Act is  
13 amended to read as follows: “There are authorized to be ap-  
14 propriated to the National Endowment for the Humanities  
15 \$13,891,000 for fiscal year 1986, \$14,446,640 for fiscal year  
16 1987, \$15,024,506 for fiscal year 1988, and such sums as  
17 may be necessary for each of the fiscal years 1989 and 1990,  
18 to administer the provisions of this Act, or any other program  
19 for which the Chairman of the National Endowment for the  
20 Humanities is responsible.”

21 (c) Section 11 of the Act is amended—

22 (A) by redesignating subsection (d) as subsection  
23 (e) and by inserting after subsection (e) the following  
24 new subsection:



1 ARTS AND ARTIFACTS INDEMNITY PROGRAM AMENDMENTS

2       SEC. 8. (a) Section 2(b) of the Arts and Artifacts Indem-  
3 nity Act is amended—

4           (1) by inserting “(1) after the subsection designa-  
5 tion; and

6           (2) by adding at the end thereof the following new  
7 paragraph:

8       “(2) For purposes of this Act, the Secretary of the  
9 Smithsonian Institution, the Director of the National Gallery  
10 of Art, the member designated by the Chairman of the  
11 Senate Commission of Art and Antiquities and the member  
12 designated by the Speaker of the House shall not serve as  
13 members of the Council.”.

14       (b) Section 5(b) of the Arts and Artifacts Indemnity Act  
15 is amended by striking out “\$400,000,000” and inserting in  
16 lieu thereof “\$650,000,000”.

17       (c)(1) Section 7 of the Arts and Artifacts Indemnity Act  
18 is amended—

19           (A) by inserting “(a)” after the section designa-  
20 tion; and

21           (B) by adding at the end thereof the following  
22 new subsection:

23       “(b) There are appropriated such amounts, but not more  
24 than \$1,000,000 in any fiscal year, as may be necessary for



1 the payment of any claim certified pursuant to section 6(b) of  
2 this Act which is equal to or less than \$100,000.”.

3 (2) Section 7(a) of the Arts and Artifacts Indemnity Act  
4 (as redesignated by subsection (a) of this section) is amended  
5 by inserting before the period at the end thereof the follow-  
6 ing: “for which appropriations are not made under subsection  
7 (b)”.

8 (3) The heading of section 7 of the Arts and Artifacts  
9 Indemnity Act is amended to read as follows:

10 ~~“AUTHORIZATION OF APPROPRIATIONS; PERMANENT~~  
11 ~~APPROPRIATIONS FOR SMALL CLAIMS”.~~

12 *That this Act may be cited as the “National Foundation on*  
13 *the Arts and the Humanities Amendments of 1985”.*

14 *PROJECT DEFINITION; CONSTRUCTION OF FACILITIES*

15 *SEC. 2. Section 3(d)(2) of the National Foundation on*  
16 *the Arts and the Humanities Act of 1965 (hereafter in this*  
17 *Act referred to as the “Act”) is amended by inserting “for the*  
18 *purposes of section 5(l) only,” after “(2)”.*

19 *APPLICATION APPROVAL OF NATIONAL COUNCIL ON THE*  
20 *ARTS*

21 *SEC. 3. The last sentence of section 6(f) of the Act is*  
22 *amended by striking out “\$17,500” and inserting in lieu*  
23 *thereof “\$30,000”.*

24 *STATE HUMANITIES COUNCILS*

25 *SEC. 4. Section 7(f)(2)(B)(i) of the Act is amended—*

1           (1) by striking out "four" and inserting in lieu  
2 thereof "six"; and

3           (2) by striking out "20 per centum" and inserting  
4 in lieu thereof "25 per centum".

5 PROGRAM FOR THE COMMEMORATION OF THE BICENTEN-  
6 NIAL OF THE CONSTITUTION OF THE UNITED STATES  
7 AND THE BILL OF RIGHTS

8       SEC. 5. Section 7 of the Act is amended by adding at  
9 the end thereof the following new subsection:

10       “(i)(1) The Chairman of the National Endowment for  
11 the Humanities, with the advice of the National Council on  
12 the Humanities, shall, in accordance with the provisions of  
13 this subsection, carry out a program in the humanities for the  
14 commemoration of the bicentennial of the Constitution of the  
15 United States and the Bill of Rights.

16       “(2) To commemorate the bicentennial anniversary of  
17 the Constitution of the United States and the Bill of Rights,  
18 the Chairman of the National Endowment for the Human-  
19 ities—

20           “(A) is authorized to make grants to local educa-  
21 tional agencies, private elementary and secondary  
22 schools, private organizations, individuals, and State  
23 and local public agencies in the United States for the  
24 development of instructional materials and programs  
25 on the Constitution of the United States and the Bill

1 of Rights which are designed for use by elementary or  
2 secondary school students; and

3 “(B) shall implement an annual national bicen-  
4 tennial Constitution and Bill of Rights competition  
5 based upon the programs developed and used by ele-  
6 mentary and secondary schools.

7 “(3) In carrying out the program authorized by this  
8 subsection, the Chairman of the National Endowment for the  
9 Humanities shall have the same authority as is established in  
10 section 10.”

11 NATIONAL COUNCIL ON THE HUMANITIES

12 SEC. 6. The second sentence of section 8(b) of the Act is  
13 amended by inserting after “selected” the following: “from  
14 citizens of the United States who are recognized for their  
15 knowledge of, expertise in, or commitment to the humanities  
16 and”.

17 AUTHORIZATION OF APPROPRIATIONS

18 SEC. 7. (a) EXTENSION OF AUTHORIZATIONS.—  
19 (1)(A) The first sentence of section 11(a)(1)(A) of the Act is  
20 amended to read as follows: “For the purpose of carrying out  
21 section 5(c), there are authorized to be appropriated to the  
22 National Endowment for the Arts \$118,678,000 for fiscal  
23 year 1986, \$123,425,120 for fiscal year 1987,  
24 \$128,362,125 for fiscal year 1988, and such sums as may be  
25 necessary for each of the fiscal years 1989 and 1990.”

1       (B) The first sentence of section 11(a)(1)(B) of the Act  
2 is amended to read as follows: "For the purpose of carrying  
3 out section 7(c), there are authorized to be appropriated to the  
4 National Endowment for the Humanities \$95,207,000 for  
5 fiscal year 1986, \$99,015,280 for fiscal year 1987,  
6 \$102,975,891 for fiscal year 1988, and such sums as may be  
7 necessary for each of the fiscal years 1989 and 1990."

8       (2)(A)(i) The matter preceding clause (i) of section  
9 11(a)(2)(A) of the Act is amended by striking out "1985"  
10 and inserting in lieu thereof "1990".

11       (ii) The exception at the end of section 11(a)(2)(A) of  
12 the Act is amended to read as follows:  
13 "except that the amounts so appropriated to the National En-  
14 dowment for the Arts shall not exceed \$8,820,000 for fiscal  
15 year 1986, \$9,172,800 for fiscal year 1987, \$9,539,712 for  
16 fiscal year 1988, and such sums as may be necessary for  
17 each of the fiscal years 1989 and 1990."

18       (B)(i) The matter preceding clause (i) of section  
19 11(a)(2)(B) of the Act is amended by striking out "1985"  
20 and inserting in lieu thereof "1990".

21       (ii) Clause (ii) of section 11(a)(2)(B) of the Act is  
22 amended by inserting "and subgrantees" after "grantees"  
23 each time it appears in such clause.

24       (iii) The exception at the end of section 11(a)(2)(B) of  
25 the Act is amended to read as follows:

1 *“except that the amounts so appropriated to the National En-*  
2 *dowment for the Humanities shall not exceed \$10,780,000*  
3 *for fiscal year 1986, \$11,211,200 for fiscal year 1987,*  
4 *\$11,659,648 for fiscal year 1988, and such sums as may be*  
5 *necessary for each of the fiscal years 1989 and 1990.”*

6 (3)(A)(i) *The matter preceding clause (i) of section*  
7 *11(a)(3)(A) of the Act is amended by striking out “1985”*  
8 *and inserting in lieu thereof “1990”.*

9 (ii) *The exception at the end of section 11(a)(3)(A) of*  
10 *the Act is amended to read as follows:*

11 *“except that the amounts so appropriated to such Endowment*  
12 *shall not exceed \$20,580,000 for fiscal year 1986,*  
13 *\$21,403,200 for fiscal year 1987, \$22,259,328 for fiscal*  
14 *year 1988, and such sums as may be necessary for each of*  
15 *the fiscal years 1989 and 1990.”*

16 (B)(i) *The matter preceding clause (i) of section*  
17 *11(a)(3)(B) of the Act is amended by striking out “1985”*  
18 *and inserting in lieu thereof “1990”.*

19 (ii) *The exception at the end of section 11(a)(3)(B) of*  
20 *the Act is amended to read as follows:*

21 *“except that the amounts so appropriated to such Endowment*  
22 *shall not exceed \$19,600,000 for fiscal year 1986,*  
23 *\$20,384,000 for fiscal year 1987, \$21,199,360 for fiscal*  
24 *year 1988, and such sums as may be necessary for each of*  
25 *the fiscal years 1989 and 1990.”*

1           **(b) AUTHORIZATION FOR CONSTITUTION BICENTEN-**  
2 **NIAL PROGRAM.**—Section 11(a) of the Act is amended—

3           (1) by redesignating paragraph (4) as paragraph  
4           (5), and

5           (2) by inserting after paragraph (3) the following  
6           new paragraph:

7           “(4) Of the amounts appropriated for the fiscal year  
8 1987 and for each of the succeeding fiscal years ending prior  
9 to October 1, 1990, \$5,000,000 shall be available for the  
10 purpose of carrying out section 7(i).”

11           **(c) AUTHORIZATION FOR ADMINISTRATION.**—(1) Sec-  
12 tion 11(c)(1) of the Act is amended to read as follows:

13           “(1) There are authorized to be appropriated to the Na-  
14 tional Endowment for the Arts \$15,582,000 for fiscal year  
15 1986, \$16,205,280 for fiscal year 1987, \$16,853,491 for  
16 fiscal year 1988, and such sums as may be necessary for  
17 each of the fiscal years 1989 and 1990, to administer the  
18 provisions of this Act, or any other program for which the  
19 Chairman of the National Endowment for the Arts is respon-  
20 sible.”

21           (2) Section 11(c)(2) of the Act is amended to read as  
22 follows:

23           “(2) There are authorized to be appropriated to the Na-  
24 tional Endowment for the Humanities \$13,891,000 for fiscal  
25 year 1986, \$14,446,640 for fiscal year 1987, \$15,024,506

1 for fiscal year 1988, and such sums as may be necessary for  
 2 each of the fiscal years 1989 and 1990, to administer the  
 3 provisions of this Act, or any other program for which the  
 4 Chairman of the National Endowment for the Humanities is  
 5 responsible.”.

6 (d) AUTHORIZATION MAXIMUMS.—Section 11 of the  
 7 Act is amended—

8 (1) by redesignating subsection (d) as subsection  
 9 (e), and

10 (2) by inserting after subsection (c) the following  
 11 new subsection:

12 “(d)(1) The total amount of appropriations to carry out  
 13 the activities of the National Endowment for the Arts shall  
 14 not exceed—

15 “(A) \$163,660,000 for fiscal year 1986,

16 “(B) \$170,206,400 for fiscal year 1987, and

17 “(C) \$177,014,656 for fiscal year 1988.

18 “(2) The total amount of appropriations to carry out the  
 19 activities for the National Endowment for the Humanities  
 20 shall not exceed—

21 “(A) \$139,478,000 for fiscal year 1986,

22 “(B) \$145,057,120 for fiscal year 1987, and

23 “(C) \$150,859,405 for fiscal year 1988.”.

## REPEALERS

1

2       *SEC. 8. (a) EXECUTED INDEMNITY STUDY RE-*  
 3 *PEALED.—Subsections (d) and (e) of section 9 of the Act are*  
 4 *repealed.*

5       *(b) EXECUTED PROPERTY STUDY REPEALED.—Sub-*  
 6 *section (d) of section 10 of the Act is repealed.*

7

## MUSEUM SERVICES AUTHORIZATION

8       *SEC. 9. Section 209(a) of the Museum Services Act is*  
 9 *amended to read as follows:*

10       “(a) For the purpose of making grants under section  
 11 206(a), there are authorized to be appropriated \$21,600,000  
 12 for fiscal year 1986, \$22,464,000 for fiscal year 1987,  
 13 \$23,362,560 for fiscal year 1988, and such sums as may be  
 14 necessary for each of the fiscal years 1989 and 1990.”

15

## ARTS AND ARTIFACTS INDEMNITY PROGRAM

16

## AMENDMENTS

17       *SEC. 10. (a) FEDERAL COUNCIL MEMBERSHIP.—*  
 18 *Section 2(b) of the Arts and Artifacts Indemnity Act is*  
 19 *amended—*

20             (1) by inserting “(1) after the subsection designa-  
 21 tion; and

22             (2) by adding at the end thereof the following new  
 23 paragraph:

24             “(2) For purposes of this Act, the Secretary of the  
 25 Smithsonian Institution, the Director of the National Gal-  
 26 lery of Art, the member designated by the Chairman of the



1 *Senate Commission of Art and Antiquities and the member*  
 2 *designated by the Speaker of the House of Representatives*  
 3 *shall not serve as members of the Council.”.*

4 (b) *ELIGIBILITY FOR INDEMNITY.—(1) Section*  
 5 *3(b)(1) of the Arts and Artifacts Indemnity Act is amended*  
 6 *by striking out “, or elsewhere when part of an exchange of*  
 7 *exhibitions, but in no case shall both parts of such an exhibi-*  
 8 *tion be so covered” and inserting in lieu thereof “or else-*  
 9 *where, preferably when part of an exchange of exhibitions”.*

10 (2) *The amendment made by paragraph (1) shall apply*  
 11 *with respect to any exhibition which is certified under section*  
 12 *3(a) of the Arts and Artifacts Indemnity Act after the date of*  
 13 *enactment of this Act.*

14 (c) *INDEMNITY AGREEMENT LOSS LIMITATIONS.—*  
 15 *(1) Section 5(b) of the Arts and Artifacts Indemnity Act is*  
 16 *amended by striking out “\$400,000,000” and inserting in*  
 17 *lieu thereof “\$650,000,000”.*

18 (2) *Section 5(c) of the Arts and Artifacts Indemnity Act*  
 19 *is amended by striking out “\$50,000,000” and inserting in*  
 20 *lieu thereof “\$75,000,000”.*

21 *STUDY OF ALTERNATIVE FEDERAL FUNDING OF THE*  
 22 *ARTS AND THE HUMANITIES*

23 *SEC. 11. (a) STUDY REQUIRED.—(1) The Comptrol-*  
 24 *ler General of the United States shall conduct a study to*  
 25 *determine the feasibility of supplementing expenditures made*  
 26 *from the general fund of the Treasury of the United States*

1 for the National Endowment for the Arts, the National En-  
2 dowment for the Humanities, and the Institute of Museum  
3 Services through other Federal funding mechanisms. The  
4 study required by this section shall consider, but is not limit-  
5 ed to, the consideration of the following funding sources:

6 (A) A revolving fund comprised of payments made  
7 to the Federal Government through an extension of the  
8 existing Federal copyright period for artistic, dramatic,  
9 literary, and musical works.

10 (B) A revolving fund comprised of payments  
11 made to the Federal Government for the right to use or  
12 publicly perform artistic, dramatic, literary, and musi-  
13 cal works in the public domain.

14 (2) In carrying out the study required by this section,  
15 the Comptroller General shall frequently consult with and  
16 seek the advice of the Chairman of the National Endowment  
17 for the Arts, the Chairman of the National Endowment for  
18 the Humanities, the Director of the Institute of Museum  
19 Services, the Register of Copyrights, the Chairman of the  
20 Labor and Human Resources Committee of the Senate, and  
21 the Chairman of the Education and Labor Committee of the  
22 House of Representatives, concerning the scope, direction,  
23 and focus of the study.

24 (3) In conducting the study required by this section, the  
25 Comptroller General shall consider the impact which the im-

1 *plementation of each supplemental funding mechanism would*  
 2 *have on—*

3           (A) *any international copyright treaties, commit-*  
 4 *ments, and obligations to which the United States is a*  
 5 *party;*

6           (B) *public participation in the arts and the hu-*  
 7 *manities;*

8           (C) *private, corporate, and foundation support for*  
 9 *the arts and the humanities;*

10           (D) *the overall quality of arts and the humanities*  
 11 *in the United States;*

12           (E) *the creative activities of individual authors*  
 13 *and artists; and*

14           (F) *the activities and operations of private copy-*  
 15 *righting organizations.*

16           (b) *REPORT.—The Comptroller General shall prepare*  
 17 *and submit to the Congress not later than one year after the*  
 18 *date of enactment of this Act a report of the study required by*  
 19 *this section, together with such recommendations as the*  
 20 *Comptroller General deems appropriate.*

21           Amend the title so as to read: “To amend the National  
 22 Foundation on the Arts and the Humanities Act of 1965, the  
 23 Museum Services Act, and the Arts and Artifacts Indemnity

- 1 Act, to extend the authorization of appropriations for such
- 2 Acts, and for other purposes.

Calendar No. 274

99TH CONGRESS  
1ST SESSION

**S. 1264**

[Report No. 99-125]

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**A BILL**

To amend the National Foundation on the Arts and Humanities Act of 1965, to extend the authorization of appropriations for that Act, and for other purposes.

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AUGUST 1 (legislative day, JULY 16), 1985.

Reported with an amendment and an amendment to the title