

1979

## National Foundation on the Arts and Humanities: S. 1386 (1979): Report 05

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A BILL

To amend the National Foundation on the Arts and the  
Humanities Act of 1965, as amended.

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 Arts and Humanities  
Act of 1979".

SECTION 2

Section 3(d) of the National Foundation on the Arts and the  
Humanities Act of 1965, as amended (hereinafter referred to  
as "the Act"), is amended by striking out all of the second  
sentence including paragraphs (1) and (2), and inserting in  
lieu thereof the following: "Such term also includes the  
renovation of facilities if (1) the amount of the expenditure  
of Federal funds for such purpose in the case of any project  
does not exceed \$250,000, or (2) two-thirds of the members  
of the National Council on the Arts or the National Council

on the Humanities (who are present and voting) approve of the grant or contract involving an expenditure for such purpose."

SECTION 3

Section 3(g) of the Act is amended by inserting ", the Northern Mariana Islands" after "American Samoa".

SECTION 4

Section 5(c) of the Act is amended by inserting in paragraph (1) thereof "and cultural diversity" after "American creativity".

SECTION 5

The last sentence of section 5(c) of the Act is amended (a) by striking out "clause (5)" and inserting in lieu thereof "paragraph (5)"; and

(b) by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

SECTION 6

Section 5(g) of the Act is amended (a) by striking out all that follows "State plan" in the text of paragraph (2)(A) and inserting in lieu thereof a semicolon;

(b) by striking out all of the third sentence of paragraph (3) thereof including subparagraphs (A) and (B), and inserting in lieu thereof the following:

"(A) 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, the amount of such excess which is no greater than 30 per centum of the sums available to carry out this

subsection through Fiscal Year 1981 shall be available only to the Chairman for making grants under this subsection to States and regional groups. This amount shall not exceed 35 per centum during Fiscal Year 1982, shall not exceed 40 per centum during Fiscal Year 1983, shall not exceed 45 per centum during Fiscal Year 1984, and shall not exceed 50 per centum during succeeding Fiscal Years. In making such grants, the Chairman may consider such factors as (i) standards of artistic excellence; (ii) levels of State appropriations for such purposes; and (iii) State population.

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

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

(c) by inserting the letter "s" at the end of the word "project" in paragraph (4)(A); and

(d) by adding a new subparagraph (E) to paragraph (4) as follows:

"(E) For the purpose of paragraph (3)(B) of this subsection, the term 'State' shall include, in addition to the several States of the Union, only those special jurisdictions listed in section 3(g) of this Act having a population of 200,000 or more, according to the latest decennial census."

#### SECTION 7

Section 5(k) of the Act is amended by adding at the end

thereof, the following: "The Chairman may enter into inter-

agency agreements to promote or assist with the arts-related activities of other Federal government agencies, on either a reimbursable or non-reimbursable basis, and may use funds authorized for the purposes of section 5(c) of the Act for the costs of such activities."

SECTION 8

Paragraph (1) of section 5(1) of the Act is amended by inserting "strengthening artistic quality by" after "for the purpose of".

SECTION 9

Section 5 of the Act is amended by repealing subsection (m).

SECTION 10

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."

SECTION 11

Section 7(c)(2) of the Act is amended by striking out the word "loans" and the subsequent comma from the parenthetical expression and by deleting everything following the first semicolon.

SECTION 12

The last sentence of section 7(c) of the Act is amended (a) by striking out "clause (6)" and inserting in lieu thereof "paragraph (6)"; and



(b) by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

SECTION 13

Paragraph (4) of section 7(f) of the Act is amended to read as follows:

"(4) Of the sums available to carry out this subsection for any fiscal year, each grant recipient located in a populous State (a State as defined in section 3(g) of this Act with a population exceeding 200,000 persons according to the most recent decennial census) which has a plan approved by the Chairman shall be allotted at least \$200,000. Grant recipients located in States with populations of 200,000 or less are eligible for awards of \$200,000 or less, as determined by the Chairman after receiving the advice

of the National Council on the Humanities. If the sums appropriated are insufficient to make the allotments under the preceding sentences in full, such sums shall be allotted among grant recipients located in populous States in equal amounts. Grant recipients located in States with populations of 200,000 or less are eligible for awards in amounts which do not exceed in any case the awards made to grant recipients located in populous States, the amounts to be determined by the Chairman after receiving the advice of the National Council on the Humanities.

"(A) 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 preceding sentences of this paragraph, the amount of such excess which is no greater than 30 per centum of the sums available to

carry out this subsection through Fiscal Year 1981 shall be available only to the Chairman for making grants under this subsection to grant recipients and regional groups applying for such grants. This amount shall not exceed 35 per centum during Fiscal Year 1982, shall not exceed 40 per centum during Fiscal Year 1983, shall not exceed 45 per centum during Fiscal Year 1984, and shall not exceed 50 per centum during succeeding Fiscal Years. In making such grants, the Chairman may consider such factors as (i) the

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quality and focus of programs, (ii) levels of State

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appropriations to the grant recipient and (iii) State population.

"(B) The amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under subparagraph (A) shall be allotted among the grant recipients which have plans approved by the Chairman.

Each grant recipient located in a populous State shall receive an equal amount of such excess. Grant recipients located in States with populations of 200,000 or less whose plans have been approved by the Chairman are also eligible to receive allotments."

SECTION 14

Paragraph (5) of section 7(f) of the Act is amended (a) by striking from subparagraph (A) the phrase "in any State" and substituting the phrase "in any populous State"; and

(b) by redesignating subparagraphs (B), (C) and (D) as subparagraphs (C), (D) and (E), respectively, and by inserting immediately after subparagraph (A) the following new subparagraph:

"(B) Whenever the provisions of paragraph 3(B) of this subsection apply to any State with a population of 200,000 or less, all or any part of any allotment made under

paragraph (4) for any fiscal year which does not exceed 20 per centum of such allotment, shall be available, at the discretion of the Chairman, to pay up to 100 per centum of the cost of programs under this subsection if such programs would otherwise be unavailable to the residents of that State."

SECTION 15

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

"(i) The authority of the Chairman under this Section includes 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 Humanities (who are present and voting) approve of the grant or contract involving an expenditure for such purpose."

SECTION 16

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

"(j) The Chairman may enter into inter-agency agreements to promote or assist with the humanities-related activities of other Federal government agencies, on either a reimbursable or non-reimbursable basis, and may use funds authorized for the purposes of section 7(c) of the Act for the costs of such activities."

SECTION 17

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

SECTION 18

Section 10 of the Act is amended (a) by inserting "and culturally diverse" after the word "geographic" in subsection (a)(4); and

(b) by deleting "January" each time it appears in subsections (b) and (c) and inserting in lieu thereof "April".

SECTION 19

Section 11(a) of the Act is amended (a) by striking out all of paragraph (1) and inserting in lieu thereof, the following:

"(1)(A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts such sums as may be necessary for each of the fiscal years ending prior to October 1, 1985. Of the sums so appropriated for any fiscal year, not less than 20 per centum shall

be for carrying out section 5(g).

"(B) For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities such sums as may be necessary for each of the fiscal years ending prior to October 1, 1985. Of the sums so appropriated for any fiscal year, not less than 20 per centum shall be for carrying out section 7(f).";

(b) by striking out all of paragraph (2) and inserting in lieu thereof the following:

"(2)(A) There is authorized to be appropriated for each fiscal year ending prior to October 1, 1985, to the National Endowment for the Arts, an amount equal to the total amounts received by the Endowment under section 10(a)(2) and by Endowment grantees for the purposes of section 5(c). The Chairman shall issue guidelines to implement this provision in a manner



consistent with the requirements of section 5(e) regarding total Federal support of projects and productions carried out under authority of this Act.

"(B) There is authorized to be appropriated for each fiscal year ending prior to October 1, 1985, to the National Endowment for the Humanities, an amount equal to the total amounts received by the Endowment under section 10(a)(2) and by Endowment grantees for the purposes of section 7(c). The Chairman shall issue guidelines to implement this provision in a manner consistent with the requirements of section 7(f) regarding total Federal support of activities, programs, or projects carried out under authority of this Act.";

(c) by striking out subparagraphs (A) and (B) of paragraph (3) and inserting in lieu thereof the following:

"(3)(A) There is 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 for the purposes set forth in section 5(1)(1) by such Endowment pursuant to the authority of section 10(a)(2), and by Endowment grantees for purposes of section 5(1)(1).

The Chairman shall issue guidelines to implement this provision in a manner consistent with the requirements of section 5(1)(2) regarding total Federal support of projects and productions carried out under authority of this Act.

"(B) There is 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 for the purposes set forth in section 7(h)(1) by such Endowment pursuant to the authority of section 10(a)(2), and by Endowment grantees for purposes of section 7(h)(1). The Chairman shall issue guidelines to implement this provision in a manner consistent with the requirements of section 7(h)(2) regarding total Federal support of activities, programs, or projects carried out under authority of this Act."; and

(d) by striking out all of paragraph (4).

SECTION 20

These amendments shall be effective upon the date of enactment.