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101ST CONGRESS  
2D SESSION

# S. 2724

To extend and improve arts and humanities programs, museum services, and arts and artifacts indemnification, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 12 (legislative day, JUNE 11), 1990

Mr. PELL (for himself, Mr. KENNEDY, Mr. METZENBAUM, Mr. DODD, Mr. SIMON, Mr. JEFFORDS, Mr. DURENBERGER, Mr. CHAFEE, and Mr. DANFORTH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

To extend and improve arts and humanities programs, museum services, and arts and artifacts indemnification, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Arts, Humanities, and  
5 Museums Amendments of 1990".

1 **TITLE I—NATIONAL FOUNDATION**  
2 **ON THE ARTS AND THE HU-**  
3 **MANITIES**

4 **SEC. 101. DEFINITIONS.**

5 Section 3 of the National Foundation on the Arts and  
6 the Humanities Act of 1965 (hereafter in this title referred to  
7 as the "Act") (20 U.S.C. 952) is amended—

8 (1) in subsection (b), by inserting "the traditional  
9 arts practiced by the diverse peoples of the United  
10 States," after "major art forms,";

11 (2) in subsection (d), by inserting "the widest"  
12 after "develop and enhance"; and

13 (3) in subsection (d)(2), by inserting ", 7(c)(10),"  
14 after "section 5(l)".

15 **SEC. 102. ESTABLISHMENT OF THE NATIONAL ENDOWMENT**  
16 **FOR THE ARTS.**

17 Section 5 of the Act (20 U.S.C. 954) is amended—

18 (1) in subsection (c)—

19 (A) in paragraph (2), by inserting "or tradi-  
20 tion" after "authenticity";

21 (B) in paragraph (5), by inserting "educa-  
22 tion," after "knowledge,";

23 (C) by striking "and" at the end of para-  
24 graph (7);

1           (D) by redesignating paragraph (8) as para-  
2           graph (10);

3           (E) by inserting after paragraph (7) the fol-  
4           lowing new paragraphs:

5           “(8) projects that enhance managerial and organi-  
6           zational skills and capabilities;

7           “(9) international projects and productions in the  
8           arts; and”; and

9           (F) in the second sentence, by striking  
10          “clause (8)” and inserting “paragraph (10)”;

11          (2) in subsection (g)(2)(E)—

12          (A) in clause (i), by striking “the previous 2  
13          years” and inserting “the most recent year for  
14          which information is available”; and

15          (B) by amending clause (ii) to read as  
16          follows:

17                  “(ii) for the most recent year for which  
18                  information is available, a description of the  
19                  extent to which projects and productions re-  
20                  ceiving financial assistance from the State  
21                  arts agency are available to all people and  
22                  communities in the State; and”;

23          (3) in subsection (l)(1)—

24          (A) by striking “and” at the end of subpara-  
25          graph (E);

1 (B) by striking the period at the end of sub-  
2 paragraph (F) and inserting “; and”; and

3 (C) by adding at the end the following new  
4 subparagraph:

5 “(G) stimulating artistic activity and aware-  
6 ness that are in keeping with the varied cultural  
7 traditions of the United States.”; and

8 (4) in subsection (m)—

9 (A) in the first sentence, by striking “devel-  
10 op” and inserting “employ”;

11 (B) by striking the fourth sentence; and

12 (C) in the last sentence, by striking “not  
13 later than October 1, 1988, and biennially there-  
14 after” and inserting “not later than October 1,  
15 1992, and quadrennially thereafter”.

16 **SEC. 103. ESTABLISHMENT OF THE NATIONAL ENDOWMENT**  
17 **FOR THE HUMANITIES.**

18 Section 7 of the Act (20 U.S.C. 956) is amended—

19 (1) in subsection (a), by striking “a National” and  
20 inserting “the National”;

21 (2) in subsection (c)—

22 (A) by inserting “enter into arrangements,  
23 including contracts, grants, loans, and other forms  
24 of assistance, to” after “is authorized to”;

1 (B) in paragraph (2), by striking “(including  
2 contracts, grants, loans, and other forms of assist-  
3 ance)”;

4 (C) in paragraph (3), by striking “award”  
5 and all that follows through “humanities.” and in-  
6 serting “initiate and support training and work-  
7 shops in the humanities by making arrangements  
8 with institutions or individuals.”;

9 (D) in paragraph (7), by striking “, through  
10 grants or other arrangements with groups,”;

11 (E) by striking “and” at the end of para-  
12 graph (8);

13 (F) by striking the period at the end of para-  
14 graph (9) and inserting “; and”; and

15 (G) by adding at the end the following new  
16 paragraph:

17 “(10) foster programs and projects that provide  
18 access to and preserve materials important to re-  
19 search, education, and public understanding of the  
20 humanities.”;

21 (3) in subsection (d), by striking “correlate” and  
22 inserting “coordinate”;

23 (4) in subsection (f)—

24 (A) in paragraph (2)(A) by striking “the hu-  
25 manities council in existence on the date of the

1 enactment of the Arts, Humanities, and Museums  
2 Amendments of 1985, as the State agency” and  
3 inserting “as the State agency the humanities  
4 council in existence on the date of designation”;

5 (B) in paragraph (2)(A)(viii)(I), by striking  
6 “previous two years” and inserting “most recent  
7 year for which information is available”;

8 (C) in paragraph (2)(A)(viii)(II), by inserting  
9 “for the most recent year for which information is  
10 available,” after “(II)”;

11 (D) in paragraph (3)(J)(i), by striking “previ-  
12 ous two years” and inserting “most recent year  
13 for which information is available”; and

14 (E) in paragraph (3)(J)(ii), by inserting “for  
15 the most recent year for which information is  
16 available,” after “(ii)”;

17 (5) in the third sentence of subsection (g), by  
18 striking “not later than” and all that follows through  
19 “1985”;

20 (6) in the second sentence of subsection (h)(2)(B),  
21 by striking “Endowment on” and inserting “Endow-  
22 ment for”;

23 (7) in subsection (k)—

24 (A) in the first sentence, by striking “devel-  
25 op” and inserting “employ”;

1 (B) by striking the third sentence; and

2 (C) in the last sentence, by striking  
3 “October 1, 1988, and biennially thereafter” and  
4 inserting “October 1, 1992, and quadrennially  
5 thereafter”;

6 (8) by amending subsection (l) to read as follows:

7 “(l) A group shall be eligible for financial assistance  
8 under this section only if—

9 “(1) no part of the net earnings of the group  
10 inures to the benefit of any private stockholder or indi-  
11 vidual; and

12 “(2) donations to the group are allowable as a  
13 charitable contribution under section 170(c) of the In-  
14 ternal Revenue Code of 1986.”; and

15 (9) by adding at the end the following new sub-  
16 section:

17 “(m) The Chairperson of the National Endowment for  
18 the Humanities, with the advice of the National Council on  
19 the Humanities, is authorized to make the following annual  
20 awards:

21 “(1) The Jefferson Lecture in the Humanities  
22 Award to honor an individual for distinguished intellec-  
23 tual achievement in the humanities. The annual award  
24 shall not exceed \$10,000.



1           “(2) The Charles Frankel Prize to honor persons  
2           who have made outstanding contributions to the public  
3           understanding of the humanities. Up to five persons  
4           may receive the award each year. No award shall  
5           exceed \$5,000.”.

6 **SEC. 104. ESTABLISHMENT OF THE FEDERAL COUNCIL ON**  
7           **THE ARTS AND HUMANITIES.**

8           Section 9 of the Act (20 U.S.C. 958) is amended by  
9           striking subsection (d).

10 **SEC. 105. ADMINISTRATIVE PROVISIONS.**

11           Section 10 of the Act (20 U.S.C. 959) is amended—

12                   (1) in subsection (a)(6), by striking “529” and in-  
13                   serting “3324”;

14                   (2) by striking subsections (e) and (f);

15                   (3) by redesignating subsections (b), (c), and (d) as  
16                   subsections (e), (f), and (g), respectively;

17                   (4) by designating the second through the fifth  
18                   sentences of the existing subsection (a) as subsection  
19                   (b);

20                   (5) by designating the sixth through the eighth  
21                   sentences of the existing subsection (a) as subsection  
22                   (c);

23                   (6) by designating the ninth through the eleventh  
24                   sentences of the existing subsection (a) as subsection  
25                   (d);

1           (7) in subsection (c) (as designated by paragraph  
2           (5)), by striking “clause (4)” and inserting “subsection  
3           (a)(4)”; and

4           (8) in subsection (g)(3) (as redesignated by para-  
5           graph (3)), by striking “the last sentence of subsection  
6           (a)” and inserting “subsection (d)”.

7   **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

8           Section 11 of the Act (20 U.S.C. 960) is amended—

9           (1) in subsection (a)—

10                   (A) in the first sentence of paragraph (1)(A),  
11                   by striking “\$121,678,000” and all that follows  
12                   through “section 5(g)” and inserting  
13                   “\$125,800,000 for fiscal year 1991 and such  
14                   sums as may be necessary for each of the fiscal  
15                   years 1992 through 1995”;

16                   (B) in the first sentence of paragraph (1)(B),  
17                   by striking “95,207,000” and all that follows  
18                   through “section 7(f)” and inserting  
19                   “\$119,900,000 for fiscal year 1991 and such  
20                   sums as may be necessary for each of the fiscal  
21                   years 1992 through 1995”;

22                   (C) in paragraph (1), by striking subpara-  
23                   graph (C);

24                   (D) in paragraph (2)(A)—

1 (i) by striking "1990" and inserting  
2 "1995";

3 (ii) by striking "paragraph (8)" and in-  
4 serting "paragraph (10)"; and

5 (iii) by striking "\$8,820,000" and all  
6 that follows through "1989 and 1990" and  
7 inserting "\$13,000,000 for fiscal year 1991  
8 and such sums as may be necessary for each  
9 of the fiscal years 1992 through 1995";

10 (E) in paragraph (2)(B)—

11 (i) by striking "1990" and inserting  
12 "1995"; and

13 (ii) by striking "\$10,780,000" and all  
14 that follows through "1989 and 1990" and  
15 inserting "\$12,000,000 for fiscal year 1991  
16 and such sums as may be necessary for each  
17 of the fiscal years 1992 through 1995";

18 (F) in paragraph (3)(A)—

19 (i) by striking "1990" and inserting  
20 "1995"; and

21 (ii) by striking "\$20,580,000" and all  
22 that follows through "1989 and 1990" and  
23 inserting "\$15,000,000 for fiscal year 1991  
24 and such sums as may be necessary for each  
25 of the fiscal years 1992 through 1995";

1 (G) in paragraph (3)(B)—

2 (i) by striking “1990” and inserting  
3 “1995”; and

4 (ii) by striking “\$19,600,000” and all  
5 that follows through “1989 and 1990” and  
6 inserting “\$15,150,000 for fiscal year 1991  
7 and such sums as may be necessary for each  
8 fiscal year 1992 through 1995”; and

9 (H) in paragraph (3), by striking subpara-  
10 graph (C) and redesignating subparagraph (D) as  
11 subparagraph (C);

12 (2) in subsection (c)—

13 (A) in the first sentence of paragraph (1), by  
14 striking “\$15,982,000” and all that follows  
15 through “fiscal years 1989 and 1990” and insert-  
16 ing “\$21,200,000 for fiscal year 1991 and such  
17 sums as may be necessary for each of the fiscal  
18 years 1992 through 1995”; and

19 (B) in paragraph (2)—

20 (i) in the first sentence, by striking  
21 “\$14,291,000” and all that follows through  
22 “fiscal years 1989 and 1990” and inserting  
23 “\$17,950,000 for fiscal year 1991 and such  
24 sums as may be necessary for each of the  
25 fiscal years 1992 through 1995”; and

1 (ii) in the second sentence, by striking  
2 “or any other source of funds”; and

3 (3) by amending subsection (d) to read as follows:

4 “(d)(1) The total amount of appropriations to carry out  
5 the activities of the National Endowment for the Arts shall  
6 be \$175,000,000 for fiscal year 1991 and such sums as may  
7 be necessary for each of the fiscal years 1992 through 1995.

8 “(2) The total amount of appropriations to carry out the  
9 activities of the National Endowment for the Humanities  
10 shall be \$165,000,000 for fiscal year 1991 and such sums as  
11 may be necessary for each of the fiscal years 1992 through  
12 1995.”.

## 13 TITLE II—MUSEUM SERVICES

### 14 SEC. 201. NATIONAL MUSEUM SERVICES BOARD.

15 Section 204 of the Museum Services Act (hereafter in  
16 this title referred to as the “Act”) (20 U.S.C. 963) is  
17 amended—

18 (1) in subsection (a)(1)(A), by inserting “conserva-  
19 tional,” after “curatorial,”; and

20 (2) in subsection (d)(1), by striking “four” and in-  
21 serting “three”.

### 22 SEC. 202. DIRECTOR OF THE INSTITUTE.

23 Section 205(a) of the Act (20 U.S.C. 964(a)) is  
24 amended—

1           (1) in paragraph (1), by striking “be compensated  
2           at the rate provided for level V of the Executive  
3           Schedule (5 U.S.C. 5316), and shall”; and;

4           (2) in paragraph (2), by striking “Chairperson’s”  
5           and inserting “Director’s”.

6 **SEC. 203. ACTIVITIES OF THE INSTITUTE.**

7           Section 206 of the Act (20 U.S.C. 965) is amended—

8           (1) in subsection (a)(5), by striking “artifacts and  
9           art objects” and inserting “museum collections”; and

10          (2) in subsection (b)—

11                 (A) in paragraph (1), by striking “with pro-  
12                 fessional museum organizations”, “to such organi-  
13                 zations”, and “enable such organizations”;

14                 (B) in paragraph (2)(B), by striking—

15                         (i) “the”; and

16                         (ii) “of any professional museum organi-  
17                         zation”;

18                 (C) in paragraph (2), by striking “(A)” and  
19                 all that follows through “(B)”;

20                 (D) in paragraph (3), by striking “to profes-  
21                 sional museum organizations”; and

22                 (E) by striking paragraph (4).

23 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

24           Section 209 of the Act (20 U.S.C. 967) is amended—

25           (1) by amending subsection (a) to read as follows:

1       “(a) For the purpose of making awards under section  
2 206, there are authorized to be appropriated \$24,000,000 for  
3 fiscal year 1991 and such sums as may be necessary for each  
4 of the fiscal years 1992 through 1995.”; and

5               (2) in subsection (d)—

6               (A) by striking “during the period beginning  
7 on the date of the enactment of this Act and  
8 ending October 1, 1990,”; and

9               (B) by inserting “for each of the fiscal years  
10 1991 through 1995” after “to be appropriated”.

## 11       **TITLE III—MISCELLANEOUS**

### 12       **SEC. 301. INDEMNITY AGREEMENT.**

13       Section 5 of the Arts and Artifacts Indemnity Act (20  
14 U.S.C. 974) is amended—

15               (1) in subsection (b), by striking  
16 “\$1,200,000,000” and inserting “\$3,000,000,000”;

17               (2) in subsection (c), by striking “\$125,000,000”  
18 and inserting “\$300,000,000”; and

19               (3) in subsection (d)—

20               (A) by striking “or” at the end of paragraph

21 (2); and

22               (B) by striking paragraph (3) and inserting  
23 the following new paragraphs:

24               “(3) \$10,000,000 but less than \$125,000,000,  
25 then coverage under this Act shall extend to loss or

1 damage in excess of the first \$50,000 of loss or  
2 damage to items covered;

3 “(4) \$125,000,000 but less than \$200,000,000,  
4 then coverage under this Act shall extend to loss or  
5 damage in excess of the first \$100,000 of loss or  
6 damage to items covered; or

7 “(5) \$200,000,000 or more, then coverage under  
8 this Act shall extend only to loss or damage in excess  
9 of the first \$200,000 of loss or damage to items cov-  
10 ered.”.

11 **SEC. 302. STUDY OF ALTERNATIVE FUNDING OF THE HUMAN-**  
12 **ITIES.**

13 Section 401 of the Arts, Humanities and Museums  
14 Amendments of 1985 (Public Law 99-194; 99 Stat. 1345) is  
15 repealed.

16 **SEC. 303. POSITIONS AT LEVEL IV.**

17 Section 5315 of title 5, United States Code, is amended  
18 by adding at the end the following:

19 “Director of the Institute of Museum Services”.

○