Arts, Humanities, and Cultural Affairs Act (1976): Report 01

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SUBSTANTIVE DIFFERENCES
Between H.R. 12838, as Passed the House of Representatives, and the Senate Amendment Thereto

ARTS, HUMANITIES, AND CULTURAL AFFAIRS ACT OF 1976
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<td>State humanities program</td>
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(a) The House bill authorizes the Chairman of the National Endowment for the Humanities to establish programs of grants-in-aid in each of the several States to assist activities in the humanities. The Senate amendment authorizes a single program of grants-in-aid to assist the several States in supporting such activities.

(b) The House bill calls for the establishment of programs in the humanities. The Senate amendment uses the term “projects” rather than “programs”.

(c) The House bill permits any person or entity desiring to receive assistance to submit an application to the Chairman. The Senate amendment provides that only States may submit applications, in accordance with the laws of the State involved.

(d) The House bill requires each application to be accompanied by a plan. The Senate amendment is the same, except that the Senate amendment specifies that such plan must be an annual plan.

(e) The Senate amendment requires the plan to designate one of the following entities to be the sole agency.

*Page references after each designated item are to the Conference Committee Print of June 1976, comparing H.R. 12388 (Arts, Humanities, and Cultural Affairs Act of 1976) with the Senate amendment thereto.
for administering the State plan: (1) an existing State agency for the arts and the humanities; (2) a State committee on the humanities or some other appropriate entity; or (3) the State humanities committee in existence on the date of the enactment of this legislation. The *House* bill does not contain any similar provision.

(f) (1) The *Senate* amendment provides that a State committee or similar entity may be designated if the plan contains certain provisions specified in (h) of this item. The *House* bill contains provisions similar to the provisions specified in (h) of this item, but in the *House* bill these provisions apply to the plan submitted by any person or entity desiring assistance.

(2) The *Senate* amendment provides that a State humanities committee in existence on the date of the enactment of this legislation may be designated if it submits assurances that (A) satisfactory grievance procedures have been established regarding the activities and plans of the State humanities committee; and (B) the provisions specified in (h) of this item are met. The *House* bill does not contain any similar provision.

(g) The *House* bill provides that funds paid to any grant recipient must be used for programs which carry out the
objectives of section 7 (c) of the National Foundation on the Arts and the Humanities Act of 1965 (hereinafter referred to as the "Act"). The Senate amendment provides that funds paid to a State must be used for programs which (1) are approved by the State agency or State committee administering the State plan; and (2) carry out the objectives of section 7 (c) of the Act.

(h) (1) The Senate amendment provides that, if the plan designates a State committee or other appropriate entity to administer the plan, the plan must be submitted to the Governor of the State before it is submitted to the Chairman. The House bill does not contain any similar provision.

(2) Under the Senate amendment, the plan must require the Governor to appoint a majority of the members of the State committee within 3 years after the date of the enactment of this legislation. The House bill does not contain any similar provision. (See (j) of this item.)

(3) The House bill requires the plan to establish a membership policy which assures broad public representation with respect to programs administered by the grant
recipient. The Senate amendment requires the plan to provide for broad representation on the State committee.

\(\sqrt{(4)}\) The House bill calls for a nominating process which provides for the nomination of individuals from various groups within the State. The Senate amendment requires a nominating process which provides for the nomination of individuals from a variety of segments of the population of the State.

\(\sqrt{(5)}\) Both the House bill and the Senate amendment require the plan to establish reporting procedures to the Governor of the State and other appropriate State agencies. The House bill uses the term “chief executive officer”, rather than “Governor”, and uses the term “other appropriate officers and agencies”, rather than “other appropriate State agencies”. The Senate amendment provides that the reporting procedures must be “adequate”.

\(\sqrt{(i)}\) The House bill requires the grant recipient to report to the Chairman from time to time. The Senate amendment contains a similar provision, but the provision relates to the State agency, State committee, or other entity administering the State plan.
(j) The House bill requires the plan to provide that the members of the executive body of the grant recipient will be appointed by an appropriate officer or agency of the State. The Senate amendment does not contain a similar provision. (See (h) (2) of this item.)

(k) The House bill and the Senate amendment contain identical provisions regarding allotments to carry out section 7 (f) of the Act, except that the allotments in the House bill are extended to any person or entity with an approved plan, while in the Senate amendment the allotments are extended only to States with approved plans.

(l) The Senate amendment provides that amounts allotted to a State which are not obligated by the State before the last 60 days of a fiscal year may be used by the Chairman to make grants to regional groups. The term "regional group" is defined by the Senate amendment to mean any multistate group, whether or not representative of contiguous States. The House bill does not contain any similar provisions.

(m) The House bill provides that the Chairman may not make grants to more than one person or entity in any State. The Senate amendment does not contain any similar provision.
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<td>8</td>
<td>Scope of programs carried out by Chairman of National Endowment for the Arts</td>
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<td>The House bill amends section 5 (c) of the Act to eliminate the restriction that grants must be made to support only those projects which are carried out in the United States. The Senate amendment amends section 5 (c) of the Act to provide that grants may be made to include international activities so long as the primary purpose of the grant is to support the arts in the United States.</td>
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<tr>
<td>3</td>
<td>10</td>
<td>Payment of performers and supporting personnel</td>
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<td>The House bill and the Senate amendment contain identical amendments to section 7 of the Act relating to the payment of performers and supporting personnel, except that the Senate amendment refers to grants made under section 7 to groups or individuals, while the House bill refers to groups or individuals “of exceptional talent”.</td>
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<td>4</td>
<td>11</td>
<td>Administrative provision regarding surplus property</td>
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<tr>
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<td>The Senate amendment amends section 10 (a) of the Act to give the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities the authority to receive and dispose of excess</td>
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and surplus Federal personal property without regard to the Federal Property and Administrative Services Act of 1949. The House bill does not contain any similar provision.

### 5 Authorization of appropriations to carry out Act

<table>
<thead>
<tr>
<th>Provision</th>
<th>House bill</th>
<th>Senate amendment</th>
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<tr>
<td>§ 5</td>
<td>$100,000,000 for fiscal year 1977; $113,500,000 for fiscal year 1978; such sums for fiscal years 1979 and 1980</td>
<td>$92,500,000 for fiscal year 1977; $105,000,000 for fiscal year 1978; such sums for fiscal years 1979 and 1980</td>
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<tr>
<td>§ 7(c)</td>
<td>$100,000,000 for fiscal year 1977; $113,500,000 for fiscal year 1978; such sums for fiscal years 1979 and 1980</td>
<td>$82,500,000 for fiscal year 1977; $95,000,000 for fiscal year 1978; such sums for fiscal years 1979 and 1980</td>
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<tr>
<td>Matching of donated amounts</td>
<td>$20,000,000 for fiscal year 1977; $25,000,000 for fiscal year 1978; such sums for fiscal years 1979 and 1980</td>
<td>$15,000,000 for fiscal year 1977; $20,000,000 for fiscal year 1978; such sums for fiscal years 1979 and 1980</td>
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The Senate amendment amends section 11 (c) of the Act to provide that the authorization for administration applies to any program for which the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities is responsible. The House bill does not contain any similar provision.

### 6 Museum services program

(a) **Purpose.**—The House bill provides that it is the purpose of this legislation to encourage and assist museums in their educational role, in conjunction with formal systems
of elementary, secondary, and post-secondary education and with programs of nonformal education for all age groups.

The Senate amendment provides that it is the purpose of this legislation to encourage and assist museums in their educational role so that they may better serve the communities in which they are located.

(b) Institute of Museum Services

(1) The title of the institute established by the House bill is the “Institute of Museum Services”. The title of the institute established by the Senate amendment is the “Institute for the Improvement of Museum Services”.

(2) The House bill establishes the Institute within the Department of Health, Education, and Welfare. The Senate amendment establishes the Institute within the National Foundation on the Arts and the Humanities.

(c) National Museum Services Board

(1) (A) Under the House bill, the Board consists of 15 members. Under the Senate amendment, the Board consists of 9 members.

(B) The Senate amendment provides that the Chairman of the National Council on the Arts, and 2 members of such Council selected by the Chairman, shall be members of
the Board. The *House* bill does not contain any similar provision.

(C) The *Senate* amendment provides that the Chairman of the National Council on the Humanities, and 2 members of such Council selected by the Chairman, shall be members of the Board. The *House* bill does not contain any similar provision.

(D) The *House* bill provides that all members of the Board will be appointed by the President, by and with the advice and consent of the Senate. The *Senate* amendment provides that 3 members of the Board will be appointed by the President, by and with the advice and consent of the Senate.

(E) The *House* bill provides that the members of the Board shall be broadly representative of (i) various museums, including zoos, botanical gardens, and other specified museums; (ii) the curatorial, educational, and cultural resources of the United States; and (iii) the general public. The *Senate* amendment provides that the appointed members of the Board shall be broadly representative of (i) curatorial, education, and cultural resources of the United States; and (ii) the general public.
Room: 3100
(2) The House bill provides that, in the case of initial members, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 3 shall serve for terms of one year. The Senate amendment provides that, in the case of initial appointed members, one shall serve for a term of 5 years, one shall serve for a term of 3 years, and one shall serve for a term of one year.

(3) The Senate amendment specifies that the President shall designate the Chairman of the Board from among members who are not members of the National Council on the Arts or the National Council on the Humanities. The House bill does not contain any similar provision.

(4) The House bill provides that 8 members shall constitute a quorum. The Senate amendment provides that 5 members shall constitute a quorum.

(5) The House bill provides that the Board must meet whenever one-third of the members request a meeting, in which event one-third of the members shall constitute a quorum. The Senate amendment provides that the Board must meet whenever 5 members request a meeting, in which event 5 members shall constitute a quorum.
(6) The Senate amendment requires the Board to take steps to coordinate the policies of the Institute with other activities of the Federal Government. The House bill does not contain any similar provision, but see (f) of this item for a discussion of House bill provisions relating to coordination.

(d) Director of the Institute

(1) The Senate amendment provides that the Director of the Institute will be compensated at the rate provided for level V of the Executive Schedule ($37,800). The House bill does not contain any similar provision.

(2) The House bill requires the President to appoint a Deputy Director. The Senate amendment does not contain any similar provision.

(3) The Senate amendment requires the Director to advise the Board regarding policies of the Institute to assure that the activities of the Institute are coordinated with activities of specified agencies and organizations of the Federal Government. The House bill does not contain any similar provision, but see (f) of this item for a discussion of the House bill provisions relating to coordination.

(e) Activities of the Institute

(1) The House bill provides that the Director of the Institute may make grants subject to the advice of the
Board. The Senate amendment provides that such grants may be made by the Director subject to the management of the Board.

(2) The House bill provides that one type of activity eligible for grants is any program to enable museums to construct or install displays, interpretations, and exhibitions. The Senate amendment is the same, except that the Senate amendment uses the term “project” rather than “program”.

(3) The House bill provides that a grant may not exceed 75 percent of the cost of the program involved. The Senate amendment provides that a grant may not exceed 50 percent of the cost of a program.

(4) The Senate amendment provides that the ceiling on grant amounts applies in any fiscal year. The House bill does not contain any similar provision.

(5) Functions of Federal Council on the Arts and the Humanities.—The House bill amends section 9 (c) of the Act to require the Council to (1) advise and consult with the Board and with the Director of the Institute regarding major problems arising in connection with carrying out the purposes of the Institute; (2) coordinate the operation of the Institute with the operation of the National Endowment for the Arts and the National Endowment for the Human-
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(1) The Senate amendment authorizes such sums as may be necessary to administer title II of the Senate amendment, relating to museum services program. The House bill does not contain any similar provision.

(2) The Senate amendment provides that sums appropriated for any fiscal year shall remain available for obligation and expenditure until expended. The House bill does not contain any similar provision.

(3) The House bill authorizes to be appropriated an amount equal to amounts contributed under section 207 of the House bill during the period beginning on the date of the enactment of this legislation and ending October 1, 1978. The Senate amendment is the same, except that the cutoff date is October 1, 1980.
(h) Definitions

(1) The Senate amendment defines the terms "Board", "Director", and "Institute" in a separate section. The House bill does not set out these definitions in a separate section, but includes them at the point at which they first appear in this legislation.

(2) In defining the term "museum", the House bill provides that the term means any agency or institution which owns or utilizes tangible objects for exhibition. The Senate amendment uses the phrase "owns and utilizes".

(j) National Foundation on the Arts and the Humanities.—The Senate amendment amends section 4 (a) of the Act to provide that the Institute will be included as part of the National Foundation on the Arts and the Humanities. The House bill does not contain any similar provision.

7 Cultural challenge program

(a) Establishment of program

(1) The House bill establishes the program by amending the Act to add a new section 12. The Senate amendment establishes the program by the inclusion of a separate title
in this legislation, rather than through an amendment to the Act.

(2) The House bill authorizes the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities to act jointly in establishing and carrying out the program. The Senate amendment authorizes the Chairman of the National Endowment for the Arts to establish and carry out the program.

(3) The House bill provides that the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities shall establish the program with the advice of the National Council on the Arts and the National Council on the Humanities. The Senate amendment provides that the Chairman of the National Endowment for the Arts shall establish the program with the advice of the National Council on the Arts.

(4) The House bill provides that contracts and grants may be made with private nonprofit organizations to carry out the program. The Senate amendment contains the same provision, except that the Senate amendment does not use the term "private".

(5) In discussing the purposes of such grants and contracts, the Senate amendment provides that the grants and
contracts may be made to stimulate greater collaboration and cooperation among cultural organizations and institutions. The House bill contains the same provision, except that the House bill does not use the term “collaboration”.

(6) Both the House bill and the Senate amendment contain a matching funds provision. The Senate amendment, however, provides that the matching funds provision may be waived, with respect to not more than 20% of funds appropriated in any fiscal year, if the Chairman of the National Endowment for the Arts determines that highly meritorious proposals could not be supported without such a waiver. The waiver by the Chairman must be made with the advice of the National Council on the Arts. The House bill does not contain any similar provision.

(7) The Senate amendment provides that section 5 (i) of the Act (relating to minimum wage and safe working conditions requirements) and section 5 (j) of the Act (relating to Davis-Bacon Act requirements) shall apply to the program. The House bill does not contain any similar provision.

(b) Authorization of appropriations

(1) The authorization contained in the House bill is made both to the National Endowment for the Arts and to the National Endowment for the Humanities. The authoriza-
tion contained in the Senate amendment is made only to the National Endowment for the Arts.

(2) The House bill provides that appropriated funds may be transferred between the two Endowments upon mutual agreement. The Senate amendment does not contain any similar provision.

8 Arts education program

The Senate amendment contains a provision establishing a program to provide financial assistance to improve the quality and availability of arts education. The House bill does not contain any similar provision.

9 Bicentennial challenge grants

The Senate amendment contains a provision establishing a bicentennial challenge grant program designed to (1) maintain and strengthen democratic processes through the encouragement of citizen participation; (2) develop innovative insights regarding the resolution of social, political, and economic problems; and (3) develop new approaches for citizen involvement in the democratic system. The House bill does not contain any similar provision.
The Senate amendment contains a provision establishing a bicentennial photography and film project in order to create a photographic and film portrait of the people and communities of the United States. The House bill does not contain any similar provision.
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