

106TH CONGRESS
2D SESSION

S. 2789

AN ACT

To amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCEL-**
2 **LENCE IN ARTS EDUCATION.**

3 (a) IN GENERAL.—The Congressional Award Act (2
4 U.S.C. 801–808) is amended by adding at the end the fol-
5 lowing:

6 **“TITLE II—CONGRESSIONAL**
7 **RECOGNITION FOR EXCEL-**
8 **LENCE IN ARTS EDUCATION**

9 **“SEC. 201. SHORT TITLE.**

10 “This title may be cited as the ‘Congressional Rec-
11 ognition for Excellence in Arts Education Act’.

12 **“SEC. 202. FINDINGS.**

13 “Congress makes the following findings:

14 “(1) Arts literacy is a fundamental purpose of
15 schooling for all students.

16 “(2) Arts education stimulates, develops, and
17 refines many cognitive and creative skills, critical
18 thinking and nimbleness in judgment, creativity and
19 imagination, cooperative decisionmaking, leadership,
20 high-level literacy and communication, and the ca-
21 pacity for problem-posing and problem-solving.

22 “(3) Arts education contributes significantly to
23 the creation of flexible, adaptable, and knowledge-
24 able workers who will be needed in the 21st century
25 economy.

1 “(4) Arts education improves teaching and
2 learning.

3 “(5) Where parents and families, artists, arts
4 organizations, businesses, local civic and cultural
5 leaders, and institutions are actively engaged in in-
6 structional programs, arts education is more suc-
7 cessful.

8 “(6) Effective teachers of the arts should be en-
9 couraged to continue to learn and grow in mastery
10 of their art form as well as in their teaching com-
11 petence.

12 “(7) The 1999 study, entitled ‘Gaining the Arts
13 Advantage: Lessons from School Districts that
14 Value Arts Education’, found that the literacy, edu-
15 cation, programs, learning and growth described in
16 paragraphs (1) through (6) contribute to successful
17 districtwide arts education.

18 “(8) Despite all of the literacy, education, pro-
19 grams, learning and growth findings described in
20 paragraphs (1) through (6), the 1997 National As-
21 sessment of Educational Progress reported that stu-
22 dents lack sufficient opportunity for participatory
23 learning in the arts.

24 “(9) The Arts Education Partnership, a coali-
25 tion of national and State education, arts, business,

1 and civic groups, is an excellent example of one or-
 2 ganization that has demonstrated its effectiveness in
 3 addressing the purposes described in section 205(a)
 4 and the capacity and credibility to administer arts
 5 education programs of national significance.

6 **“SEC. 203. DEFINITIONS.**

7 “In this title:

8 “(1) ARTS EDUCATION PARTNERSHIP.—The
 9 term ‘Arts Education Partnership’ means a private,
 10 nonprofit coalition of education, arts, business, phil-
 11 anthropic, and government organizations that dem-
 12 onstrates and promotes the essential role of arts
 13 education in enabling all students to succeed in
 14 school, life, and work, and was formed in 1995.

15 “(2) BOARD.—The term ‘Board’ means the
 16 Congressional Recognition for Excellence in Arts
 17 Education Awards Board established under section
 18 204.

19 “(3) ELEMENTARY SCHOOL; SECONDARY
 20 SCHOOL.—The terms ‘elementary school’ and ‘sec-
 21 ondary school’ mean—

22 “(A) a public or private elementary school
 23 or secondary school (as the case may be), as de-
 24 fined in section 14101 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 8801); or

3 “(B) a bureau funded school as defined in
4 section 1146 of the Education Amendments of
5 1978 (25 U.S.C. 2026).

6 “(4) STATE.—The term ‘State’ means each of
7 the several States of the United States, the District
8 of Columbia, the Commonwealth of Puerto Rico,
9 Guam, American Samoa, the United States Virgin
10 Islands, the Commonwealth of the Northern Mar-
11 iana Islands, the Republic of the Marshall Islands,
12 the Federated States of Micronesia, and the Repub-
13 lic of Palau.

14 **“SEC. 204. ESTABLISHMENT OF BOARD.**

15 “‘There is established within the legislative branch of
16 the Federal Government a Congressional Recognition for
17 Excellence in Arts Education Awards Board. The Board
18 shall be responsible for administering the awards program
19 described in section 205.

20 **“SEC. 205. BOARD DUTIES.**

21 “(a) AWARDS PROGRAM ESTABLISHED.—The Board
22 shall establish and administer an awards program to be
23 known as the ‘Congressional Recognition for Excellence in
24 Arts Education Awards Program’. The purpose of the pro-
25 gram shall be to—

1 “(1) celebrate the positive impact and public
2 benefits of the arts;

3 “(2) encourage all elementary schools and sec-
4 ondary schools to integrate the arts into the school
5 curriculum;

6 “(3) spotlight the most compelling evidence of
7 the relationship between the arts and student learn-
8 ing;

9 “(4) demonstrate how community involvement
10 in the creation and implementation of arts policies
11 enriches the schools;

12 “(5) recognize school administrators and faculty
13 who provide quality arts education to students;

14 “(6) acknowledge schools that provide profes-
15 sional development opportunities for their teachers;

16 “(7) create opportunities for students to experi-
17 ence the relationship between early participation in
18 the arts and developing the life skills necessary for
19 future personal and professional success;

20 “(8) increase, encourage, and ensure com-
21 prehensive, sequential arts learning for all students;
22 and

23 “(9) expand student access to arts education in
24 schools in every community.

25 “(b) DUTIES.—

1 “(1) SCHOOL AWARDS.—The Board shall—

2 “(A) make annual awards to elementary
3 schools and secondary schools in the States in
4 accordance with criteria established under sub-
5 paragraph (B), which awards—

6 “(i) shall be of such design and mate-
7 rials as the Board may determine, includ-
8 ing a well-designed certificate or a work of
9 art, designed for the awards event by an
10 appropriate artist; and

11 “(ii) shall be reflective of the dignity
12 of Congress;

13 “(B) establish criteria required for a school
14 to receive the award, and establish such proce-
15 dures as may be necessary to verify that the
16 school meets the criteria, which criteria shall in-
17 clude criteria requiring—

18 “(i) that the school—

19 “(I) provides comprehensive, se-
20 quential arts learning; and

21 “(II) integrates the arts through-
22 out the curriculum in subjects other
23 than the arts; and

24 “(ii) 3 of the following:

1 “(I) that the community serving
2 the school is actively involved in shap-
3 ing and implementing the arts policies
4 and programs of the school;

5 “(II) that the school principal
6 supports the policy of arts education
7 for all students;

8 “(III) that arts teachers in the
9 school are encouraged to learn and
10 grow in mastery of their art form as
11 well as in their teaching competence;

12 “(IV) that the school actively en-
13 courages the use of arts assessment
14 techniques for improving student,
15 teacher, and administrative perform-
16 ance; and

17 “(V) that school leaders engage
18 the total school community in arts ac-
19 tivities that create a climate of sup-
20 port for arts education; and

21 “(C) include, in the procedures necessary
22 for verification that a school meets the criteria
23 described in subparagraph (B), written evidence
24 of the specific criteria, and supporting docu-
25 mentation, that includes—

1 “(i) 3 letters of support for the school
2 from community members, which may in-
3 clude a letter from—

4 “(I) the school’s Parent Teacher
5 Association (PTA);

6 “(II) community leaders, such as
7 elected or appointed officials; and

8 “(III) arts organizations or insti-
9 tutions in the community that partner
10 with the school; and

11 “(ii) the completed application for the
12 award signed by the principal or other edu-
13 cation leader such as a school district arts
14 coordinator, school board member, or
15 school superintendent;

16 “(D) determine appropriate methods for
17 disseminating information about the program
18 and make application forms available to schools;

19 “(E) delineate such roles as the Board
20 considers to be appropriate for the Director in
21 administering the program, and set forth in the
22 bylaws of the Board the duties, salary, and ben-
23 efits of the Director;

24 “(F) raise funds for the operation of the
25 program;

1 “(G) determine, and inform Congress re-
2 garding, the national readiness for interdiscipli-
3 nary individual student awards described in
4 paragraph (2), on the basis of the framework
5 established in the 1997 National Assessment of
6 Educational Progress and such other criteria as
7 the Board determines appropriate; and

8 “(H) take such other actions as may be
9 appropriate for the administration of the Con-
10 gressional Recognition for Excellence in Arts
11 Education Awards Program.

12 “(2) STUDENT AWARDS.—

13 “(A) IN GENERAL.—At such time as the
14 Board determines appropriate, the Board—

15 “(i) shall make annual awards to ele-
16 mentary school and secondary school stu-
17 dents for individual interdisciplinary arts
18 achievement; and

19 “(ii) establish criteria for the making
20 of the awards.

21 “(B) AWARD MODEL.—The Board may use
22 as a model for the awards the Congressional
23 Award Program and the President’s Physical
24 Fitness Award Program.

1 “(c) PRESENTATION.—The Board shall arrange for
2 the presentation of awards under this section to the recipi-
3 ents and shall provide for participation by Members of
4 Congress in such presentation, when appropriate.

5 “(d) DATE OF ANNOUNCEMENT.—The Board shall
6 determine an appropriate date or dates for announcement
7 of the awards under this section, which date shall coincide
8 with a National Arts Education Month or a similarly des-
9 ignated day, week or month, if such designation exists.

10 “(e) REPORT.—

11 “(1) IN GENERAL.—The Board shall prepare
12 and submit an annual report to Congress not later
13 than March 1 of each year summarizing the activi-
14 ties of the Congressional Recognition for Excellence
15 in Arts Education Awards Program during the pre-
16 vious year and making appropriate recommendations
17 for the program. Any minority views and rec-
18 ommendations of members of the Board shall be in-
19 cluded in such reports.

20 “(2) CONTENTS.—The annual report shall con-
21 tain the following:

22 “(A) Specific information regarding the
23 methods used to raise funds for the Congres-
24 sional Recognition for Excellence in Arts Edu-

1 cation Awards Program and a list of the
2 sources of all money raised by the Board.

3 “(B) Detailed information regarding the
4 expenditures made by the Board, including the
5 percentage of funds that are used for adminis-
6 trative expenses.

7 “(C) A description of the programs formu-
8 lated by the Director under section 207(b)(1),
9 including an explanation of the operation of
10 such programs and a list of the sponsors of the
11 programs.

12 “(D) A detailed list of the administrative
13 expenditures made by the Board, including the
14 amounts expended for salaries, travel expenses,
15 and reimbursed expenses.

16 “(E) A list of schools given awards under
17 the program, and the city, town, or county, and
18 State in which the school is located.

19 “(F) An evaluation of the state of arts
20 education in schools, which may include anec-
21 dotal evidence of the effect of the Congressional
22 Recognition for Excellence in Arts Education
23 Awards Program on individual school cur-
24 riculum.

1 “(G) On the basis of the findings described
2 in section 202 and the purposes of the Congres-
3 sional Recognition for Excellence in Arts Edu-
4 cation Awards Program described in section
5 205(a), a recommendation regarding the na-
6 tional readiness to make individual student
7 awards under subsection (b)(2).

8 **“SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.**

9 “(a) COMPOSITION.—

10 “(1) IN GENERAL.—The Board shall consist of
11 9 members as follows:

12 “(A) 2 Members of the Senate appointed
13 by the Majority Leader of the Senate.

14 “(B) 2 Members of the Senate appointed
15 by the Minority Leader of the Senate.

16 “(C) 2 Members of the House of Rep-
17 resentatives appointed by the Speaker of the
18 House of Representatives.

19 “(D) 2 Members of the House of Rep-
20 resentatives appointed by the Minority Leader
21 of the House of Representatives.

22 “(E) The Director of the Board, who shall
23 serve as a nonvoting member.

24 “(2) ADVISORY BOARD.—There is established
25 an Advisory Board to assist and advise the Board

1 with respect to its duties under this title, that shall
2 consist of 15 members appointed—

3 “(A) in the case of the initial such mem-
4 bers of the Advisory Board, by the leaders of
5 the Senate and House of Representatives mak-
6 ing the appointments under paragraph (1),
7 from recommendations received from organiza-
8 tions and entities involved in the arts such as
9 businesses, civic and cultural organizations, and
10 the Arts Education Partnership steering com-
11 mittee; and

12 “(B) in the case of any other such mem-
13 bers of the Advisory Board, by the Board.

14 “(3) SPECIAL RULE FOR ADVISORY BOARD.—In
15 making appointments to the Advisory Board, the in-
16 dividuals and entity making the appointments under
17 paragraph (2) shall consider recommendations sub-
18 mitted by any interested party, including any mem-
19 ber of the Board.

20 “(4) INTEREST.—

21 “(A) IN GENERAL.—Members of Congress
22 appointed to the Board shall have an interest in
23 1 of the purposes described in section 205(a).

24 “(B) DIVERSITY.—The membership of the
25 Advisory Board shall represent a balance of ar-

1 tistic and education professionals, including at
 2 least 1 representative who teaches in each of
 3 the following disciplines:

4 “(i) Music.

5 “(ii) Theater.

6 “(iii) Visual Arts.

7 “(iv) Dance.

8 “(b) TERMS.—

9 “(1) BOARD.—Members of the Board shall
 10 serve for terms of 6 years, except that of the mem-
 11 bers first appointed—

12 “(A) 1 Member of the House of Represent-
 13 atives and 1 Member of the Senate shall serve
 14 for terms of 2 years;

15 “(B) 1 Member of the House of Represent-
 16 atives and 1 Member of the Senate shall serve
 17 for terms of 4 years; and

18 “(C) 2 Members of the House of Rep-
 19 resentatives and 2 Members of the Senate shall
 20 serve for terms of 6 years,

21 as determined by lot when all such members have
 22 been appointed.

23 “(2) ADVISORY BOARD.—Members of the Advi-
 24 sory Board shall serve for terms of 6 years, except
 25 that of the members first appointed, 3 shall serve

1 for terms of 2 years, 4 shall serve for terms of 4
2 years, and 8 shall serve for terms of 6 years, as de-
3 termined by lot when all such members have been
4 appointed.

5 “(c) VACANCY.—

6 “(1) IN GENERAL.—Any vacancy in the mem-
7 bership of the Board or Advisory Board shall be
8 filled in the same manner in which the original ap-
9 pointment was made.

10 “(2) TERM.—Any member appointed to fill a
11 vacancy occurring before the expiration of the term
12 for which the member’s predecessor was appointed
13 shall be appointed only for the remainder of such
14 term.

15 “(3) EXTENSION.—Any appointed member of
16 the Board or Advisory Board may continue to serve
17 after the expiration of the member’s term until the
18 member’s successor has taken office.

19 “(4) SPECIAL RULE.—Vacancies in the mem-
20 bership of the Board shall not affect the Board’s
21 power to function if there remain sufficient members
22 of the Board to constitute a quorum under sub-
23 section (d).

24 “(d) QUORUM.—A majority of the members of the
25 Board shall constitute a quorum.

1 “(e) COMPENSATION.—Members of the Board and
2 Advisory Board shall serve without pay but may be com-
3 pensated, from amounts in the trust fund, for reasonable
4 travel expenses incurred by the members in the perform-
5 ance of their duties as members of the Board.

6 “(f) MEETINGS.—The Board shall meet annually at
7 the call of the Chairperson and at such other times as
8 the Chairperson may determine to be appropriate. The
9 Chairperson shall call a meeting of the Board whenever
10 $\frac{1}{3}$ of the members of the Board submit written requests
11 for such a meeting.

12 “(g) OFFICERS.—The Chairperson and the Vice
13 Chairperson of the Board shall be elected from among the
14 members of the Board, by a majority vote of the members
15 of the Board, for such terms as the Board determines.
16 The Vice Chairperson shall perform the duties of the
17 Chairperson in the absence of the Chairperson.

18 “(h) COMMITTEES.—

19 “(1) IN GENERAL.—The Board may appoint
20 such committees, and assign to the committees such
21 functions, as may be appropriate to assist the Board
22 in carrying out its duties under this title. Members
23 of such committees may include the members of the
24 Board or the Advisory Board.

1 “(2) SPECIAL RULE.—Any employee or officer
2 of the Federal Government may serve as a member
3 of a committee created by the Board, but may not
4 receive compensation for services performed for such
5 a committee.

6 “(i) BYLAWS AND OTHER REQUIREMENTS.—The
7 Board shall establish such bylaws and other requirements
8 as may be appropriate to enable the Board to carry out
9 the Board’s duties under this title.

10 **“SEC. 207. ADMINISTRATION.**

11 “(a) IN GENERAL.—In the administration of the
12 Congressional Recognition for Excellence in Arts Edu-
13 cation Awards Program, the Board shall be assisted by
14 a Director, who shall be the principal executive of the pro-
15 gram and who shall supervise the affairs of the Board.
16 The Director shall be appointed by a majority vote of the
17 Board.

18 “(b) DIRECTOR’S RESPONSIBILITIES.—The Director
19 shall, in consultation with the Board—

20 “(1) formulate programs to carry out the poli-
21 cies of the Congressional Recognition for Excellence
22 in Arts Education Awards Program;

23 “(2) establish such divisions within the Con-
24 gressional Recognition for Excellence in Arts Edu-
25 cation Awards Program as may be appropriate; and

1 “(3) employ and provide for the compensation
2 of such personnel as may be necessary to carry out
3 the Congressional Recognition for Excellence in Arts
4 Education Awards Program, subject to such policies
5 as the Board shall prescribe under its bylaws.

6 “(c) APPLICATION.—Each school or student desiring
7 an award under this title shall submit an application to
8 the Board at such time, in such manner and accompanied
9 by such information as the Board may require.

10 **“SEC. 208. LIMITATIONS.**

11 “(a) IN GENERAL.—Subject to such limitations as
12 may be provided for under this section, the Board may
13 take such actions and make such expenditures as may be
14 necessary to carry out the Congressional Recognition for
15 Excellence in Arts Education Awards Program, except
16 that the Board shall carry out its functions and make ex-
17 penditures with only such resources as are available to the
18 Board from the Congressional Recognition for Excellence
19 in Arts Education Awards Trust Fund under section 211.

20 “(b) CONTRACTS.—The Board may enter into such
21 contracts as may be appropriate to carry out the business
22 of the Board, but the Board may not enter into any con-
23 tract which will obligate the Board to expend an amount
24 greater than the amount available to the Board for the

1 purpose of such contract during the fiscal year in which
2 the expenditure is made.

3 “(c) GIFTS.—The Board may seek and accept, from
4 sources other than the Federal Government, funds and
5 other resources to carry out the Board’s activities. The
6 Board may not accept any funds or other resources that
7 are—

8 “(1) donated with a restriction on their use un-
9 less such restriction merely provides that such funds
10 or other resources be used in furtherance of the
11 Congressional Recognition for Excellence in Arts
12 Education Awards Program; or

13 “(2) donated subject to the condition that the
14 identity of the donor of the funds or resources shall
15 remain anonymous.

16 “(d) VOLUNTEERS.—The Board may accept and uti-
17 lize the services of voluntary, uncompensated personnel.

18 “(e) REAL OR PERSONAL PROPERTY.—The Board
19 may lease (or otherwise hold), acquire, or dispose of real
20 or personal property necessary for, or relating to, the du-
21 ties of the Board.

22 “(f) PROHIBITIONS.—The Board shall have no
23 power—

24 “(1) to issue bonds, notes, debentures, or other
25 similar obligations creating long-term indebtedness;

1 “(2) to issue any share of stock or to declare
2 or pay any dividends; or

3 “(3) to provide for any part of the income or
4 assets of the Board to inure to the benefit of any
5 director, officer, or employee of the Board except as
6 reasonable compensation for services or reimburse-
7 ment for expenses.

8 **“SEC. 209. AUDITS.**

9 “The financial records of the Board may be audited
10 by the Comptroller General of the United States at such
11 times as the Comptroller General may determine to be ap-
12 propriate. The Comptroller General, or any duly author-
13 ized representative of the Comptroller General, shall have
14 access for the purpose of audit to any books, documents,
15 papers, and records of the Board (or any agent of the
16 Board) which, in the opinion of the Comptroller General,
17 may be pertinent to the Congressional Recognition for Ex-
18 cellence in Arts Education Awards Program.

19 **“SEC. 210. TERMINATION.**

20 “The Board shall terminate 6 years after the date
21 of enactment of this title. The Board shall set forth, in
22 its bylaws, the procedures for dissolution to be followed
23 by the Board.

1 **“SEC. 211. TRUST FUND.**

2 “(a) ESTABLISHMENT OF FUND.—There shall be es-
3 tablished in the Treasury of the United States a trust fund
4 which shall be known as the “Congressional Recognition
5 for Excellence in Arts Education Awards Trust Fund”.
6 The fund shall be administered by the Board, and shall
7 consist of amounts donated to the Board under section
8 208(c) and amounts credited to the fund under subsection
9 (d).

10 “(b) INVESTMENT.—

11 “(1) IN GENERAL.—It shall be the duty of the
12 Secretary of the Treasury to invest, at the direction
13 of the Director of the Board, such portion of the
14 fund that is not, in the judgment of the Director of
15 the Board, required to meet the current needs of the
16 fund.

17 “(2) AUTHORIZED INVESTMENTS.—Such invest-
18 ments shall be in public debt obligations with matu-
19 rities suitable to the needs of the fund, as deter-
20 mined by the Director of the Board. Investments in
21 public debt obligations shall bear interest at rates
22 determined by the Secretary of the Treasury taking
23 into consideration the current market yield on out-
24 standing marketable obligations of the United States
25 of comparable maturity.

1 “(c) AUTHORITY TO SELL OBLIGATIONS.—Any obli-
 2 gation acquired by the fund may be sold by the Secretary
 3 of the Treasury at the market price.

4 “(d) PROCEEDS FROM CERTAIN TRANSACTIONS
 5 CREDITED TO FUND.—The interest on, and the proceeds
 6 from the sale or redemption of, any obligations held in
 7 the fund shall be credited to and form a part of the fund.”.

8 (b) CONFORMING AMENDMENTS.—The Congres-
 9 sional Award Act (2 U.S.C. 801–808) is amended—

10 (1) by inserting after section 1 the following:

11 **“TITLE I—CONGRESSIONAL**
 12 **AWARD PROGRAM”,**

13 (2) by redesignating sections 2 through 9 as
 14 sections 101 through 108, respectively,

15 (3) in section 101 (as so redesignated)—

16 (A) by striking “Act” and inserting “title”,
 17 and

18 (B) by striking “section 3” and inserting
 19 “section 102”,

20 (4) in section 102(e) (as so redesignated)—

21 (A) by striking “section 5(g)(1)” and in-
 22 serting “section 104(g)(1)”, and

23 (B) by striking “section 7(g)(1)” and in-
 24 serting “section 106(g)(1)”, and

- 1 (5) in section 103(i), by striking “section 7”
- 2 and inserting “section 106”.

Passed the Senate October 27 (legislative day, September 22), 2000.

Attest:

Secretary.

106TH CONGRESS
2D SESSION

S. 2789

AN ACT

To amend the Congressional Award Act to establish
a Congressional Recognition for Excellence in
Arts Education Board.

S 2789 ES—2

S 2789 ES—3

S 2789 ES—4

S 2789 ES—5