

105TH CONGRESS
1ST SESSION

H. R. 2156

To provide financial assistance, directly and through States, to support jointly with government entities, educational institutions, businesses, and non-profit public and private entities, opportunities for the people of the United States to participate in the arts and the humanities; and to increase understanding and appreciation of the cultural heritage of the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 1997

Mr. REGULA introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To provide financial assistance, directly and through States, to support jointly with government entities, educational institutions, businesses, and nonprofit public and private entities, opportunities for the people of the United States to participate in the arts and the humanities; and to increase understanding and appreciation of the cultural heritage of the United States.

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. SHORT TITLE.**

2 This Act may be cited as the “Cultural Education
3 Enhancement Act of 1997”.

4 **SEC. 2. AMENDMENT.**

5 The National Foundation on the Arts and the Hu-
6 manities Act of 1965 (20 U.S.C. 951 et seq.) is amended
7 to read as follows:

8 **“SECTION 1. SHORT TITLE.**

9 “This Act may be cited as the ‘American Heritage
10 Administration Act of 1997’.

11 **“SEC. 2. FINDINGS.**

12 “The Congress finds the following:

13 “(1) The encouragement and support of na-
14 tional progress and scholarship in cultural education,
15 while primarily matters for local initiative, are also
16 appropriate matters of concern to the Government.

17 “(2) It is necessary and appropriate for the
18 Government to complement, assist, and operate pro-
19 grams for the advancement of cultural education,
20 and creative and critical thinking, by local, State,
21 nonprofit public and private agencies and organiza-
22 tions.

23 “(3) The people of the United States should re-
24 ceive in school, background and preparation in the
25 arts and humanities to enable them to recognize and
26 appreciate the aesthetic dimensions of their lives and

1 the diversity that comprises the cultural heritage of
2 the United States.

3 **“SEC. 3. PURPOSE OF ACT.**

4 “The purpose of this Act is to provide financial as-
5 sistance for the following uses:

6 “(1) To encourage public knowledge, under-
7 standing, and appreciation of the diverse cultural
8 heritage of the United States.

9 “(2) To promote excellence in instruction and
10 in scholarship, in the arts and the humanities.

11 “(3) To increase collaboration with Federal,
12 State, and local humanities, arts, and education
13 agencies, with arts education organizations, and with
14 other sectors of society, to advance cultural edu-
15 cation.

16 “(4) To enhance the skills and to support the
17 collaboration of artists, historians, teachers, and
18 education administrators involved in arts education
19 and humanities education, and to encourage co-
20 operation among the members of the arts commu-
21 nity and among members of the humanities commu-
22 nity.

23 “(5) To increase accessibility to the arts and
24 the humanities by providing education and instruc-
25 tion to all the people of the United States.

1 “(6) To foster the development of demonstra-
2 tion projects, demonstration productions, and dem-
3 onstration workshops in arts education and in hu-
4 manities education, to collect information on their
5 implementation and effectiveness, and to make such
6 information available to the public.

7 “(7) To initiate and support research to im-
8 prove teaching and education in the arts and the hu-
9 manities.

10 “(8) To support the development of teachers
11 and education administrators in order to improve
12 their ability to provide sequential arts education and
13 humanities education.

14 **“SEC. 4. ESTABLISHMENT OF AMERICAN HERITAGE ADMIN-**
15 **ISTRATION.**

16 “(a) ESTABLISHMENT.—There is established in the
17 executive branch an American Heritage Administration
18 (referred to in this Act as the ‘Administration’).

19 “(b) HEAD OF THE ADMINISTRATION.—

20 “(1) APPOINTMENT.—The Administration shall
21 be headed by a director, to be known as the Director
22 of the American Heritage Administration (referred
23 to in this Act as the ‘Director’) who shall be ap-
24 pointed by the President, by and with the advice and
25 consent of the Senate.

1 “(2) TERM OF OFFICE.—The term of office of
2 the Director shall be 4 years, except that, on the ex-
3 piration of such term of office, the Director may
4 serve until the Director’s successor is appointed and
5 has qualified. The Director shall be eligible for re-
6 appointment.

7 “(c) GENERAL POWERS.—The Director may—

8 “(1) receive money and other property donated,
9 bequeathed, or devised to the Administration, with
10 or without a condition or restriction, including a
11 condition that the Director use other funds of the
12 Administration for the purposes of the gift, and use,
13 sell, or otherwise dispose of such property for the
14 purpose of carrying out sections 5,

15 “(2) appoint employees, subject to the civil
16 service laws, as necessary to carry out this Act,

17 “(3) use experts and consultants, including
18 panels of experts, who may be employed as author-
19 ized by section 3109 of title 5, United States Code,

20 “(4) accept and use the services of volunteers
21 who are not compensated for such services and reim-
22 burse such volunteers for travel expenses, including
23 per diem, to the same extent as authorized by sec-
24 tion 5703 of title 5, United States Code, for persons

1 in the Government service serving intermittently
2 without compensation,

3 “(5) make advance, progress, and other pay-
4 ments without regard to section 3324 of title 31,
5 United States Code,

6 “(6) rent office space in the District of Colum-
7 bia, and

8 “(7) make other necessary expenditures to
9 carry out this Act.

10 “(d) ISSUANCE OF RULES.—The Director shall issue
11 rules to carry out this Act, including rules to provide for
12 the distribution of financial assistance to recipients in in-
13 stallments except in those cases in which the Director de-
14 termines that installment payments are not practicable. In
15 implementing any system of installment payments, the Di-
16 rector shall ensure that—

17 “(1) not more than $\frac{2}{3}$ of such assistance may
18 be provided at the time such application for such as-
19 sistance is approved, and

20 “(2) the remainder of such assistance may not
21 be provided until the Director determines that the
22 recipient of such assistance is complying substan-
23 tially with this Act, and with the conditions under
24 which such assistance is provided to such recipient.

1 “(e) COORDINATION OF PROGRAMS.—The Director
2 shall—

3 “(1) coordinate the programs of the Adminis-
4 tration insofar as practicable, with existing Federal
5 programs and with programs undertaken by other
6 public and private agencies and organizations, and

7 “(2) develop the programs of the Administra-
8 tion with due regard to the contribution to the objec-
9 tives of this Act that can be made by other Federal
10 agencies under existing programs.

11 “(f) INTERAGENCY AGREEMENTS.—The Director
12 may enter into interagency agreements to promote or as-
13 sist with the arts-related activities, and humanities-related
14 activities, of other Federal agencies, on a reimbursable or
15 nonreimbursable basis, and may use funds available to
16 carry out section 5 to pay the costs of such activities.

17 “(g) TREATMENT OF GIFTS FOR PURPOSES OF THE
18 FEDERAL TAX LAWS.—For the purposes of Federal laws
19 relating to the taxation of income, gifts, and estates, any
20 money or other property donated, bequeathed, or devised
21 to the Administration shall be deemed to have been do-
22 nated, bequeathed, or devised to or for the use of the Unit-
23 ed States.

1 **“SEC. 5. DIRECT FINANCIAL ASSISTANCE TO SUPPORT THE**
2 **ARTS AND THE HUMANITIES.**

3 “(a) PROGRAM.—The Director shall establish and im-
4 plement a program to carry out the purposes of this Act
5 by making grants to nonprofit groups to carry out
6 projects, productions, and workshops in the fields of arts
7 education and humanities education.

8 “(b) APPLICATION.—No grant or contract may be
9 made under subsection (a) except upon the submission of
10 an application in such form, at such time, and containing
11 such information and assurances as the Director may re-
12 quire by rule.

13 “(c) FEDERAL SHARE.—Funds received under this
14 section by a group may not be used to pay more than 50
15 percent of the project or production for which the group
16 receives financial assistance under this section.

17 “(d) PEER REVIEW RELATING TO SUPPORT FOR
18 THE ARTS.—The Director shall use advisory panels to re-
19 view, and make recommendations to the Director regard-
20 ing approval of, applications for grants and contracts to
21 support the arts. The Director shall issue rules and estab-
22 lish procedures—

23 “(1) to ensure that all panels are composed, to
24 the extent practicable, of individuals reflecting a
25 wide geographic, ethnic, and minority representation

1 as well as individuals reflecting diverse artistic and
2 cultural points of view,

3 “(2) to ensure that all panels include represen-
4 tation of lay individuals who are knowledgeable
5 about the arts but who are not engaged in the arts
6 as a profession and are not members of either art-
7 ists’ organizations or arts organizations,

8 “(3) to ensure that panels reviewing and mak-
9 ing recommendations requiring applications for
10 grants and contracts to support the arts include rep-
11 resentatives from arts education associations,

12 “(4) to ensure that, when feasible, the proce-
13 dures used by panels to carry out their responsibil-
14 ities are standardized,

15 “(5) to require panels—

16 “(A) to create written records summariz-
17 ing—

18 “(i) all meetings and discussions of
19 such panel, and

20 “(ii) the recommendations made by
21 such panel to the Director, and

22 “(B) to make such records available to the
23 public in a manner that protects the privacy of
24 individual applicants and panel members,

1 “(6) to require, when necessary and feasible,
 2 the use of site visitations to view the work of the ap-
 3 plicant and deliver a written report on the work
 4 being reviewed, in order to assist panelists in mak-
 5 ing their recommendations, and

6 “(7) to require that the membership of each
 7 panel change substantially from year to year and to
 8 provide that each individual is ineligible to serve on
 9 a panel for more than 3 consecutive years.

10 “(e) CONFLICT OF INTEREST.—

11 “(1) DISQUALIFICATION.—In making appoint-
 12 ments to panels, the Director shall ensure that an
 13 individual who is an employee or agent of an entity
 14 with a pending application for financial assistance
 15 under this Act, or does not serve as a member of
 16 any panel before which such application is pending.

17 “(2) PERIOD OF DISQUALIFICATION.—The pro-
 18 hibition described in the preceding sentence shall
 19 commence with respect to such individual beginning
 20 on the date such application is submitted and shall
 21 continue for so long as such application is pending.

22 **“SEC. 6. FINANCIAL ASSISTANCE TO STATES TO SUPPORT**
 23 **THE ARTS AND THE HUMANITIES**

24 “(a) PROGRAM.—The Administrator shall establish
 25 and implement a program to carry out the purpose of this

1 Act by making grants to eligible States in accordance with
2 this section.

3 “(b) ELIGIBILITY.—To be eligible to receive a grant
4 under this subsection for a fiscal year, a State shall submit
5 an application at such time, in such form, and containing
6 such information and assurances as the Director may re-
7 quire by rule, including a plan that contains the following:

8 “(1) The identity of the State agency (herein-
9 after in this section referred to as the “State agen-
10 cy”) that the State is then designating as the sole
11 agency for the administration of the State plan.

12 “(2) Assurances that—

13 “(A) a grant received under this section by
14 the State will be expended solely on projects
15 and productions approved by the State agency
16 for 1 or more of the uses specified in section 2,
17 and

18 “(B) the State agency will make such re-
19 ports, in such form and containing such infor-
20 mation, as the Director may from time to time
21 require, including a description of the progress
22 made toward achieving the goals of such plan.

23 “(3) A certification that the State agency has
24 held, after reasonable notice, public meetings in the
25 State to allow all artists, individuals involved in the

1 humanities, interested organizations, and the public
2 to present views and make recommendations regard-
3 ing such plan.

4 “(4) A summary of such recommendations and
5 the State agency’s response to such recommenda-
6 tions.

7 “(5) A description of the level of participation
8 during the most recent preceding year for which in-
9 formation is available, by organizations comprised of
10 artists, organizations comprised of individuals in-
11 volved in the humanities, arts organizations, and hu-
12 manities organizations, in projects and productions
13 for which financial assistance is provided under this
14 section by the State.

15 “(6) A description, for the most recent preced-
16 ing year for which information is available, of the
17 extent to which projects and productions for which
18 financial assistance is provided under this section by
19 the State are available to all people and communities
20 in the State.

21 “(7) A description of projects and productions
22 that receive financial assistance under this sub-
23 section from the State agency that exist, or are
24 being developed—

1 “(A) to secure wider participation of art-
 2 ists, individuals involved in the humanities, arts
 3 organizations, and humanities organizations,
 4 and

5 “(B) to address the availability of the arts
 6 and the humanities to all people or communities
 7 in the State.

8 “(c) FEDERAL SHARE.—Funds received under this
 9 section by a State may not be used to pay more than 50
 10 percent of the project or production for which the State
 11 provides financial assistance under this section.

12 “(d) MAINTENANCE OF EFFORT.—Funds received
 13 under this section by a State shall not be used to supplant
 14 non-Federal funds.

15 **“SEC. 7. ADDITIONAL CONDITIONS APPLICABLE TO FINAN-**
 16 **CIAL ASSISTANCE TO SUPPORT THE ARTS.**

17 “‘It shall be a condition of the receipt of financial as-
 18 sistance to support the arts, provided under sections 5 and
 19 6 by the Director or the State agency, that the applicant
 20 for such assistance include in its application—

21 “(1) a detailed description of the proposed
 22 project, production, or workshop for which the appli-
 23 cant requests such assistance,

24 “(2) a timetable for the completion of such pro-
 25 posed project, production, or workshop, and

1 “(3) an assurance that the applicant will sub-
2 mit—

3 “(A) interim reports describing the appli-
4 cant’s—

5 “(i) progress in carrying out such
6 project, production, or workshop, and

7 “(ii) compliance with this Act and the
8 conditions of receipt of such assistance,

9 “(B) if such proposed project, production,
10 or workshop will be carried out during a period
11 exceeding 1 year, an annual report describing
12 the applicant’s—

13 “(i) progress in carrying out such
14 project, production, or workshop, and

15 “(ii) compliance with this Act and the
16 conditions of receipt of such assistance,
17 and

18 “(C) not later than 90 days after—

19 “(i) the end of the period for which
20 the applicant receives such assistance, or

21 “(ii) the completion of such project,
22 production, or workshop,

23 whichever occurs earlier, a final report to the
24 Director or the State agency (as the case may
25 be) describing the applicant’s compliance with

1 this Act and the conditions of receipt of such
2 assistance.

3 **“SEC. 8. ADDITIONAL CONDITIONS APPLICABLE TO ALL FI-**
4 **NANCIAL ASSISTANCE.**

5 “(a) MINIMUM WAGE AND SAFETY REQUIRE-
6 MENTS.—It shall be a condition of the receipt of financial
7 assistance provided under this Act that the group of excep-
8 tional talent or the State receiving such assistance furnish
9 adequate assurances to the Secretary of Labor that—

10 “(1) all professional performers and related or
11 supporting professional personnel (other than labor-
12 ers and mechanics with respect to whom labor
13 standards are prescribed in subsection (b) of this
14 section) employed on projects, productions, or work-
15 shops that are financed in whole or in part under
16 this Act will be paid, without subsequent deduction
17 or rebate on any account, not less than the mini-
18 mum compensation as determined by the Secretary
19 of Labor to be the prevailing minimum compensa-
20 tion for persons employed in similar activities, and

21 “(2) no part of any project or production which
22 is financed in whole or in part under this Act will
23 be performed or engaged in under working condi-
24 tions which are unsanitary or hazardous or dan-

1 gerous to the health and safety of the employees en-
2 gaged in such project, production, or workshop.

3 Compliance with the safety and sanitary laws of the State
4 in which the performance or part thereof is to take place
5 shall be prima facie evidence of compliance. The Secretary
6 of Labor shall have the authority to prescribe standards,
7 regulations, and procedures as the Secretary of Labor may
8 deem necessary or appropriate to carry out this sub-
9 section.

10 “(b) PREVAILING WAGE.—It shall be a condition of
11 the receipt of financial assistance provided under this Act
12 that the group of exceptional talent or the State receiving
13 such grant furnish adequate assurances to the Secretary
14 of Labor that all laborers and mechanics employed by con-
15 tractors or subcontractors on construction projects as-
16 sisted under this Act shall be paid wages at rates not less
17 than those prevailing on similar construction in the local-
18 ity as determined by the Secretary of Labor in accordance
19 with the Act of March 3, 1931, ch. 411, 46 Stat. 1494
20 (40 U.S.C. 276a–276a–5), commonly known as the Davis-
21 Bacon Act. The Secretary of Labor shall have with respect
22 to the labor standards specified in this subsection the au-
23 thority and functions set forth in Reorganization Plan
24 Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15)

1 and section 2 of the Act of June 13, 1934, as amended
2 (40 U.S.C. 276c).

3 **“SEC. 9. DIVISION AND ALLOTMENT OF APPROPRIATED**
4 **FUNDS.**

5 “(a) DIVISION OF FUNDS.—Of the funds appro-
6 priated for any fiscal year to carry out this Act—

7 “(1) 50 percent shall be available to make
8 grants and contracts in accordance with sections 5
9 and 6 to support the arts, and

10 “(2) 50 percent shall be available to make
11 grants and contracts in accordance with sections 5
12 and 6 to support the humanities.

13 “(b) ALLOTMENT OF FUNDS AVAILABLE TO SUP-
14 PORT THE ARTS.—The amount referred to in subsection
15 (a)(1) shall be allotted in accordance with this subsection.

16 “(1) To carry out section 6 to support the arts,
17 the Director shall reserve not less than 50 percent
18 of the amount referred to in subsection (a)(1) and
19 shall allot the reserved amount as follows:

20 “(A) Each eligible State shall be allotted
21 the sum of—

22 “(i) an equal share of the reserved
23 amount until the reserved amount equals
24 \$10,000,000 available for allotment under
25 this clause, and

1 “(ii) after making the allotment re-
2 quired by clause (i), an equal share of not
3 less than 50 percent of the remaining re-
4 served amount (if any) available for allot-
5 ment under this paragraph.

6 “(B) Not more than 25 percent of the re-
7 served amount (if any) remaining after making
8 the allotment required by subparagraph (A)(i)
9 shall be available to the Director to make
10 grants under section 5.

11 “(2) Not more than 75 percent amount referred
12 to in subsection (a)(1) shall be available to the Di-
13 rector to carry out section 5 to support the arts.

14 “(c) ALLOTMENT OF FUNDS AVAILABLE TO SUP-
15 PORT THE HUMANITIES.—The amount referred to in sub-
16 section (a)(2) shall be allotted in accordance with this sub-
17 section.

18 “(1) To carry out section 6 to support the hu-
19 manities, each eligible State shall be allotted the
20 sum of—

21 “(A) an equal share of such amount until
22 the shares of all the States in the aggregate
23 equals \$10,000,000, and

24 “(B) the remaining amount available for
25 allotment under this subsection—

1 “(i) an equal share of 44 percent of
2 such remaining amount, and

3 “(ii) a proportionate share of 22 per-
4 cent such remaining amount allotted on
5 the basis of population.

6 “(2) Thirty-four percent of the amount remain-
7 ing after making the allotment required by para-
8 graph (1)(A) shall be available to the Director to
9 carry out section 5 to support the humanities.

10 **“SEC. 10. COMPLIANCE AND ENFORCEMENT.**

11 “(a) DETERMINATIONS BY DIRECTOR.—Whenever
12 the Director, after reasonable notice and opportunity for
13 hearing, finds that—

14 “(1) a recipient of financial assistance provided
15 under this Act is not complying substantially with
16 this Act or with the terms or conditions in its ap-
17 proved application for such assistance,

18 “(2) a State agency is not complying substan-
19 tially with terms and conditions of its State plan ap-
20 proved under this Act, or

21 “(3) any financial assistance received from the
22 Director by a group or State agency is diverted from
23 the purposes for which such assistance was provided,
24 the Director shall immediately notify the Secretary of the
25 Treasury and such recipient or such State agency with re-

1 spect to which such finding was made that no additional
 2 funds will be made available under this Act to such recipi-
 3 ent or such State agency until there is no longer any de-
 4 fault or failure to comply, or until the diversion has been
 5 corrected, or, if compliance or correction is impossible,
 6 until such recipient or such State agency repays or ar-
 7 ranges the repayment of the Federal funds which have
 8 been improperly diverted or expended.

9 “(b) REPAYMENTS MADE.—Financial assistance re-
 10 paid under this section to the Administration shall be de-
 11 posited in the Treasury of the United States and credited
 12 as miscellaneous receipts.

13 “(c) REVIEWS BY INSPECTOR GENERAL.—The In-
 14 spector General of the Administration shall conduct appro-
 15 priate reviews to ensure that recipients of financial assist-
 16 ance provided under this Act comply with the applicable
 17 rules relating to such assistance, including rules relating
 18 to accounting and financial matters.

19 **“SEC. 11. EVALUATIONS AND REPORTS.**

20 “(a) REPORTS BY RECIPIENTS.—

21 “(1) CONTENT.—Each recipient of financial as-
 22 sistance provided under section 5 by the Director
 23 shall submit to the Director—

24 “(A) a financial report containing such in-
 25 formation as the Director deems necessary to

1 ensure that such financial assistance is ex-
2 pended in accordance with the terms and condi-
3 tions under which it is provided,

4 “(B) a report describing the project, pro-
5 duction, workshop carried out with such finan-
6 cial assistance, and

7 “(C) if practicable, as determined by the
8 Director, a copy of such project, production, or
9 workshop.

10 “(2) DEADLINE FOR REPORT.—Such recipient
11 shall comply with the requirements of paragraph (1)
12 not later than 90 days after the end of the period
13 for which such financial assistance is provided. The
14 Director may extend the 90-day period only if the
15 recipient shows good cause why such an extension
16 should be granted.

17 “(3) NONCOMPLIANCE.—If such recipient sub-
18 stantially fails to satisfy the purposes for which such
19 financial assistance is provided and paragraph (1),
20 as determined by the Director, then the Director
21 may—

22 “(A) for purposes of determining whether
23 to provide any subsequent financial assistance,
24 take into consideration the results of the post-

1 award evaluation conducted under this sub-
2 section,

3 “(B) prohibit the recipient of such finan-
4 cial assistance to use the name of, or in any
5 way associate such project, production, or work-
6 shop with the Administration that provided
7 such financial assistance, and

8 “(C) if such project, production, or work-
9 shop is published, require that the publication
10 contain the following statement: ‘The opinions,
11 findings, conclusions, and recommendations ex-
12 pressed herein do not reflect the views of the
13 Administration.’.

14 “(b) POST-AWARD EVALUATIONS BY DIRECTOR.—
15 The Director shall conduct a post-award evaluation of
16 projects, productions, and workshops for which financial
17 assistance is provided under sections 5 and 6. Such eval-
18 uation may include an audit to determine the accuracy of
19 the reports required to be submitted by recipients under
20 subparagraphs (A) and (B) of subsection (a)(1). As a con-
21 dition of receiving such financial assistance, a recipient
22 shall comply with the requirements specified in subsection
23 (a) that are applicable to the project, production, or work-
24 shop for which such financial assistance is received.

1 “(c) ANNUAL REPORT BY DIRECTOR.—The Director
2 shall submit an annual report to the President for trans-
3 mittal to the Congress on or before the 15th day of April
4 of each year. The report shall summarize the activities of
5 the Administration for the preceding year, and may in-
6 clude such recommendations as the Director deems to be
7 appropriate.

8 **“SEC. 12. DEFINITIONS.**

9 “For purposes of this Act:

10 “(1) The term ‘arts’ includes—

11 “(A) music (instrumental and vocal),
12 dance, drama, folk art, creative writing, archi-
13 tecture, painting, sculpture, photography,
14 graphic and craft arts, industrial design, cos-
15 tume and fashion design, motion pictures, tele-
16 vision, radio, film, video, and tape and sound
17 recording, and

18 “(B) all traditional arts practiced by the
19 diverse individuals in the United States.

20 “(3) The term ‘education’ means instructive
21 presentation to support educational activities
22 through lectures, visual aids, guest speakers, field
23 trips, participatory activities, and other forms of
24 interaction, including such presentation by qualified
25 teachers in accordance with school curricula.

1 “(4) The term ‘group’ means—

2 “(A) a State or other public agency, or

3 “(B) nonprofit nongovernmental entity es-
4 tablished in the United States.

5 “(5) The term ‘humanities’ includes—

6 “(A) the study and interpretation of—

7 “(i) language (both modern and clas-
8 sical), linguistics, literature, history, juris-
9 prudence, philosophy, archaeology, com-
10 parative religion, and ethics,

11 “(ii) the history, criticism, and theory
12 of the arts, and

13 “(iii) aspects of the social sciences
14 that have humanistic content and employ
15 humanistic methods, and

16 “(B) the application of the matters speci-
17 fied in clauses (i), (ii), (iii) of subparagraph (A)
18 to the humanistic inquiries representative of the
19 diverse individuals in the United States.

20 “(6) The term ‘nonprofit’ means with respect to
21 an entity that such entity is of the kind described
22 in section 501(c)(3) of the Internal Revenue Code of
23 1986 and is exempt from taxation under section
24 501(a) of such Code.

1 “(7) The term ‘production’ means a play (with
2 or without music), ballet, dance and choral perform-
3 ance, concert, recital, opera, exhibition, reading, mo-
4 tion pictures, television, radio, film, video, or tape
5 and sound recording, or any other activity involving
6 the execution or rendition of the arts.

7 “(8) The term ‘project’ means an activity orga-
8 nized to carry out the purpose of this Act, including
9 an activity to foster creativity or to develop and en-
10 hance public knowledge and understanding of the
11 arts.

12 “(9) The term ‘State’ means any of the several
13 States, the Commonwealth of Puerto Rico, the Dis-
14 trict of Columbia, Guam, American Samoa, Com-
15 monwealth of the Northern Mariana Islands, or the
16 Virgin Islands of the United States.

17 “(10) The term ‘workshop’ means an activity
18 the primary purpose of which is to encourage the ar-
19 tistic development or appreciation by amateur, stu-
20 dent, or other nonprofessional participants, or to
21 promote scholarship and teaching among the partici-
22 pants.

1 **“SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this Act, \$200,000,000 for each of the fiscal years 1998,
4 1999, 2000, and 2001.”.

5 **SEC. 3. CONFORMING AMENDMENTS.**

6 (a) POET LAUREATE CONSULTANT.—Section 601 of
7 Arts, Humanities, and Museums Amendments of 1985 (2
8 U.S.C. 177) is amended by striking subsection (c).

9 (b) EXECUTIVE SCHEDULE PAY RATE.—Title 5 of
10 the United States Code is amended in section 5314—

11 (1) by striking the item relating to the Chair-
12 man of the National Endowment for the Arts, and

13 (2) by striking the item relating to the Chair-
14 man of the National Endowment for the Humanities
15 and inserting the following:

16 “Director, American Heritage Administration.”.

17 (c) INSPECTOR GENERAL ACT OF 1978.—Subsection
18 (a)(2) of the first section 8G of the Inspector General Act
19 of 1978 (5 U.S.C. App. 8G(a)(2)) is amended by striking
20 “National Endowment for the Arts, the National Endow-
21 ment for the Humanities” and inserting “American Herit-
22 age Administration”.

23 (d) DELTA REGION PRESERVATION COMMISSION.—
24 Section 907(a)(7) of National Parks and Recreation Act
25 of 1978 (16 U.S.C. 230f(a)) is amended by striking
26 “Chairman of the National Endowment for the Arts” and

1 inserting “Director of the American Heritage Administra-
2 tion”.

3 (e) WOODROW WILSON INTERNATIONAL CENTER
4 FOR SCHOLARS.—Section 3(b)(4) of the Woodrow Wilson
5 Memorial Act of 1968 (20 U.S.C. 80f) is amended in sub-
6 section (b)(4) by striking “Chairman of the National En-
7 dowment for the Humanities” and inserting “Director of
8 the American Heritage Administration”.

9 (g) NATIONAL TEACHER ACADEMIES.—Section
10 514(b)(4) of the Higher Education Act of 1965 (20
11 U.S.C. 1103c(b)(4)) is amended by striking “National En-
12 dowment for the Humanities” and inserting “American
13 Heritage Administration”.

14 (h) JACOB K. JAVITS FELLOWSHIP PROGRAM.—Sec-
15 tion 932(a)(3) of the Higher Education Act of 1965 (20
16 U.S.C. 1134i(a)(3)) is amended by striking “National En-
17 dowment for the Humanities, the National Endowment for
18 the Arts” and inserting “American Heritage Administra-
19 tion”.

20 (i) GRADUATE ASSISTANCE IN AREAS OF NATIONAL
21 NEED.—Section 943(b) of the Higher Education Act of
22 1965 (20 U.S.C. 1134n(b)) is amended by striking “Na-
23 tional Endowments for the Arts and the Humanities” and
24 inserting “American Heritage Administration”.

1 (j) AMERICAN FOLKLIFE CENTER.—Section 4(b) of
2 the American Folklife Preservation Act (20 U.S.C.
3 2103(b)) is amended—

4 (1) by striking paragraph (5),

5 (2) by amending paragraph (6) to read as fol-
6 lows:

7 “(5) the Directory of American Heritage Ad-
8 ministration; and”, and

9 (2) by redesignating paragraph (7) as para-
10 graph (6).

11 (k) JAPAN-UNITED STATES FRIENDSHIP COMMIS-
12 SION.—Section 4(a) of the Japan-United States Friend-
13 ship Act (22 U.S.C. 2903(a)) is amended—

14 (1) in paragraph (3) by striking the semicolon
15 at the end and inserting “; and”,

16 (2) by striking paragraph (4),

17 (3) and by amending paragraph (5) to read as
18 follows:

19 “(4) the Directory of the and inserting “Amer-
20 ican Heritage Administration.”.

21 (l) STANDARDS AND SYSTEMS FOR OUTDOOR AD-
22 VERTISING SIGNS.—Section 131(q)(1) of title 23, United
23 States Code, is amended by striking “National Endow-
24 ment for the Arts,” and inserting “American Heritage Ad-
25 ministration”.

1 (m) INTERNATIONAL CULTURE AND TRADE CENTER
 2 COMMISSION.—Section 7(c)(1) of Federal Triangle Devel-
 3 opment Act (40 U.S.C. 1106(c)(1)) is amended—

4 (1) by striking subparagraph (I), and

5 (2) by redesignating subparagraph (J) as sub-
 6 paragraph (I).

7 (n) LIVABLE CITIES.—The Livable Cities Act of
 8 1978 (42 U.S.C. 8143 et seq.) is amended—

9 (1) in section 804—

10 (A) in paragraph (4) by inserting “and” at
 11 the end,

12 (B) by striking paragraphs (5) and (7),
 13 and

14 (C) in paragraph (6)—

15 (i) by striking “; and” at the end and
 16 inserting a period, and

17 (ii) by redesignating such paragraph
 18 as paragraph (5), and

19 (2) in subsections (a), (d), and (e) of section
 20 805 by striking “Chairman” each place it appears
 21 and inserting “Director”,

22 (o) NATIONAL ARCHIVES TRUST FUND BOARD.—
 23 Section 2301 of title 44, United States Code, is amended
 24 by striking “Chairman of the National Endowment for the
 25 Humanities” and

1 (p) CONVERSION OF RAILROAD PASSENGER TERMI-
 2 NALS.—Title 49 of the United States Code is amended—

3 (1) in section 5564(c)(1)(C) by striking “Chair-
 4 man of the National Endowment for the Arts” and
 5 inserting “Director of the American Heritage Ad-
 6 ministration”, and

7 (2) in section 5565(c)(1)(B) by striking “Chair-
 8 man of the National Endowment for the Arts”.

9 (q) NATIONAL SECURITY EDUCATION BOARD.—Sec-
 10 tion 803(b)(7) of the National Security Education Act of
 11 1991 (50 U.S.C. 1903(b)) is amended to read as follows:

12 “(7) The Director of the American Heritage
 13 Administration.”.

14 (r) EDUCATIONAL RESEARCH, DEVELOPMENT, DIS-
 15 SEMINATION AND IMPROVEMENT ACT OF 1994.—Title IX
 16 of Public Law 103–227 (20 U.S.C. 6001 et seq.) is
 17 amended—

18 (1) in section 921(j)—

19 (A) by striking paragraphs (5) and (6),
 20 and inserting the following:

21 “(5) the Director of the American Heritage Ad-
 22 ministration;”

23 (B) by redesignating paragraphs (7) and
 24 (8) as paragraphs (6) and (7), respectively, and
 25 (2) in section 931(h)(3)—

1 (A) by striking subparagraphs (G) and
2 (H), and inserting the following,

3 “(G) of the American Heritage Adminis-
4 tration;”, and

5 (B) by redesignating subparagraphs (I),
6 (J), (K), and (L) as subparagraphs (H), (I),
7 (J), and (K) respectively.

8 (s) ELEMENTARY AND SECONDARY EDUCATION ACT
9 OF 1965.—The Elementary and Secondary Education Act
10 of 1965, as amended by the Improving America’s Schools
11 Act of 1994 (Public Law 103–382), is amended—

12 (1) in section 2101(b) by striking “National
13 Endowment for the Humanities, the National En-
14 dowment for the Arts” and inserting “American
15 Heritage Administration”,

16 (2) in section 2205(c)(1)(D) by striking “Na-
17 tional Endowment for the Arts, and the National
18 Endowment for the Humanities” and inserting “and
19 the American Heritage Administration”,

20 (3) in section 2208(d)(1)(H)(v) by striking
21 “National Endowment for the Humanities, and the
22 National Endowment for the Arts” and inserting
23 “American Heritage Administration”,

24 (4) in section 2209(b)(1)(C)(vi) by striking
25 “National Endowment for the Humanities, the Na-

1 tional Endowment for the Arts” and inserting
2 “American Heritage Administration”,

3 (5) in section 3121(c)(2) by striking “National
4 Endowment for the Humanities, the National En-
5 dowment for the Arts” and inserting “American
6 Heritage Administration”,

7 (6) in section 10401—

8 (A) in subsection (d)(6) by striking “Na-
9 tional Endowment for the Arts,” and inserting
10 “American Heritage Administration”, and

11 (B) in subsection (e)(2) by striking “Na-
12 tional Endowment for the Arts” and inserting
13 “American Heritage Administration”,

14 (7) in section 10411(a) in paragraph (2) by
15 striking “National Endowment for the Arts” and in-
16 serting “American Heritage Administration”,

17 (8) in section 10412(b)—

18 (A) in paragraph (2) by striking “Chair-
19 man of the National Endowment for the Hu-
20 manities, the Chairman of the National Endow-
21 ment for the Arts,” and inserting “Director of
22 the American Heritage Administration”, and

23 (B) in paragraph (7)—

24 (i) by striking “Chairman of the Na-
25 tional Endowment for the Humanities, the

1 Chairman of the National Endowment for
 2 the Arts” and inserting “Director of the
 3 American Heritage Administration”, and

4 (ii) by striking “, or their designees,”
 5 and

6 (9) in section 10414(a)(2)(B)—

7 (A) by striking clauses (i) and (ii), and in-
 8 serting the following:

9 “(i) the American Heritage Adminis-
 10 tration; and”, and

11 (B) by redesignating clause (iii) as clause
 12 (ii).

13 (t) DELTA REGION HERITAGE; NEW ORLEANS JAZZ
 14 COMMISSION.—Public Law 103–433 (108 Stat. 4515) is
 15 amended—

16 (1) in section 1104(b) by striking “Chairman of
 17 the National Endowment for the Arts, the Chairman
 18 of the National Endowment for the Humanities”
 19 and inserting “American Heritage Administration”,
 20 and

21 (2) in section 1207(b)(6) by striking “Chair-
 22 man of the National Endowment of the Arts” and
 23 inserting “Director of the American Heritage Ad-
 24 ministration”.

1 (u) MUSEUM AND LIBRARY SERVICES ACT.—Section
 2 203(a) of the Museum and Library Services Act (20
 3 U.S.C. 862(a)) is amended by striking “National Founda-
 4 tion on the Arts and the Humanities” and inserting “exec-
 5 utive branch”.

6 **SEC. 4. EFFECTIVE DATES; RELATED PROVISIONS.**

7 (a) EFFECTIVE DATES.—Except as provided in sub-
 8 section (b), this Act and the amendments made by this
 9 Act shall take effect on October 1, 1997.

10 (b) SAVINGS PROVISION.—(1) An amendment made
 11 by this Act shall not apply with respect to—

12 (A) powers, duties, functions, rights, claims,
 13 penalties, or obligations applicable to financial as-
 14 sistance provided before the effective date of amend-
 15 ment under the provision of law so amended, and

16 (B) administrative actions and proceedings
 17 commenced before such date, or authorized before
 18 such date to be commenced, under such provision.

19 (2) On and after the effective date of this Act,
 20 the Director of the American Heritage Administra-
 21 tion shall exercise such powers, duties, and functions
 22 with respect to such assistance, such actions, and
 23 such proceedings.

24 (c) REFERENCES.—In any Federal law (excluding
 25 this Act and the Acts amended by this Act), Executive

1 order, rule, regulation, order, delegation of authority,
2 grant, contract, suit, or document—

3 (1) a reference to the National Endowment for
4 the Arts shall be deemed to include a reference to
5 the American Heritage Administration, and

6 (2) a reference to the National Endowment for
7 the Humanities shall be deemed to include a ref-
8 erence to the American Heritage Administration.

9 (d) TRANSFERS.—

10 (1) PROPERTY.—On the effective date of this
11 Act—

12 (A) all property donated, bequeathed, or
13 devised to the National Endowment for the
14 Arts and held by such Endowment on such
15 date, and

16 (B) all property donated, bequeathed, or
17 devised to the National Endowment for the Hu-
18 manities and held by such Endowment on such
19 date,

20 is hereby transferred to the American Heritage Ad-
21 ministration.

22 (2) OPERATIONS.—The Director of the Office
23 of Management and Budget shall provide for the
24 transfer of the affairs of the National Endowment
25 for the Arts, the National Council on the Arts, the

1 National Endowment for the Humanities, the Na-
2 tional Council on the Humanities, and the Federal
3 Council on the Arts and the Humanities to the
4 American Heritage Administration.

5 (3) PERSONNEL; RECORDS; FUNDS.—Except as
6 provided in paragraphs (1) and (2), the Director
7 shall provide for the transfer or other disposition of
8 personnel, assets, liabilities, grants, contracts, prop-
9 erty, records, and unexpended balances of appropria-
10 tions, authorizations, allocations, and other funds
11 held, used, arising from, available to, or to be made
12 available in connection with implementing the au-
13 thorities terminated by the amendments made by
14 this Act.

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