

Legislative Epilogue

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LEGISLATIVE EPILOGUE

NATIONAL AFRICAN AMERICAN MUSEUM

The House of Representatives introduced bill H.R. 877 (103rd Cong., 1st Sess.) authorizing the establishment of the National African American Museum within the Smithsonian Institution. Congress found that the presentation of African American life, art, history and culture is inadequate in this country. The establishment of this museum will help increase awareness and understanding of the cultural legacy of the African American, including their experiences and struggles in this nation. This museum will be the first to be devoted solely to the African American history and culture. The intention of Congress and the Act is to promote an understanding, knowledge, opportunity and equality for all people.

PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1993

Professional baseball teams and baseball leagues may soon be subject to the antitrust laws. Currently, baseball is exempt from coverage of the antitrust laws due to the decisions of the U.S. Supreme Court in *Federal Baseball Club v. National League*, 259 U.S. 200 (1922), *Toolson v. New York Yankees, Inc.* 346 U.S.C. 356 (1953), and *Flood v. Kuhn*, 407 U.S. 258 (1972). The proposed anti-trust reform act (S. 500, 103rd Cong., 1st Sess.) would reverse those prior decisions. Congress believes these baseball teams and leagues should be included under antitrust laws because the business of organized baseball does affect interstate commerce and should be regulated as such.

CALIFORNIA'S LICENSE PLATES FOR THE ARTS ACT

The State of California introduced an interesting and innovative way to raise money for their California Arts Council. For a nominal fee, Californians will be able to purchase a unique graphic design, depicting a significant feature or quality of the State of California, on their license plates. The Polanco-Bates License Plates for the Arts Act of 1993 (CA Assem. 1985, 1st Sess.) would promote arts, facilitate cultural development, tourism, and the entertainment industry in California. The collected funds will be utilized to help the Arts Council by: (1) encouraging artistic awareness in private and public sectors; (2) helping independent groups develop their own art programs; and (3) enlisting the aid of all state agencies in the task of ensuring the fullest expression of our artistic potential.

LIVE PERFORMING ARTISTS LABOR RELATIONS ACT

Senator Paul Simon (D-IL) urged Congress to amend the National Labor Relations Act (29 U.S.C. §8) to give employers and performers in the live performing arts the right to organize and engage in collective bargaining. If enacted, the Live Performing Artists Labor Relations Act (H.R. 226, 103rd Cong., 1st Sess.) would extend the same rights to live performers which are now extended to employees in the construction industry and correct longstanding inequities in the labor laws. If passed, the act would permit employers and employees to sign pre-hire agreements where both parties agree to bargain collectively. An “employee” under this amendment includes live musicians and “employers” are defined as the purchaser of their services.

THE COMMUNITY ARTS PARTNERSHIP ACT

On August 6, 1993, Representative Elliot L. Engel (D-NY) introduced a bill to amend the Elementary and Secondary Education Act of 1965 to improve arts in education. As its name indicates, the act seeks to coordinate efforts with eligible entities to establish a comprehensive, demonstration grants program with the United States Department of Education to ensure that “high-risk” children are afforded the opportunity to participate in art education. Eligible entities include local education agencies which are located or geographically accessible to a higher education or cultural entity. This includes, among others, nonprofit or higher education institutions, museums, libraries, zoological and botanical facilities. The nonexclusive definition of “high-risk” children or youths is out-of-school youths at risk of having limited future options as a result of teenage pregnancy and parenting, substance abuse, recent migration, illiteracy, living in a single parent household, or being a high school dropout.

Grants would be awarded to improve the educational performance and future potential of at-risk children and youths by allowing educational and cultural services to continue or be reinstated. The maximum grant amount may not exceed \$50,000 per eligible entity. Moreover, the activities which the grants would fund include those which provide integration of community cultural resources with regular classroom curriculum, provide effective cultural linkages from preschool to elementary school and programs that use the arts to reform current school practice.

SENSE OF CONGRESS RESOLUTION

A Sense of Congress Resolution (H.R. Cong. Res. 118, 103rd Cong., 1st Sess.) was introduced to address the tax escape that athletes and entertainers potentially would receive in President Clinton’s budget proposal. The proposal currently allows businesses to deduct no more than \$1 million for salaries paid to its top five executives, with the remainder subject to combined corporate and personal tax. The reason for this proposal is to encourage corporations to focus

more clearly on their compensation policies and to shift business spending from excess pay to investment.

The provision does not, however, apply to entertainers or professional athletes. Dubbed the “Friends of Bill Loophole,” supporters of the resolution believe the oversight is essentially unfair in that it portrays business as an inherently suspect enterprise and seeks to restrain that sector of the economy which reinvests its funds, creates new jobs, and spurs economic growth. However, they believe that entertainers and athletes should be afforded no less scrutiny for this duty.

EQUITY IN ATHLETIC DISCLOSURE ACT OF 1993

Senator Carol Moseley-Braun (D-IL) introduced the Equity in Athletics Disclosure Act (S. 1468, 103rd Cong., 1st Sess.). The bill seeks to amend the Higher Education Act of 1965 (20 U.S.C. §1092) by adding a new subsection which requires institutes of higher education to disclose the participation rates of each gender, and male and female program support expenditures in college athletic programs.

The act requires institutions of higher education which receive federal funds to disclose various prevalent information relating to the comparisons of female and male participation in intercollegiate athletic sports. The information will be automatically disclosed to each potential student which is offered admission to the school and upon request to the general public.

The information which will be disclosed includes, *inter alia*, the total number of participants and their gender for each men’s and women’s team, and any team that includes both male and female athletes. Also included will be the total scholarship expenditures, the total annual compensation of the head coach and assistant coaches, the ratio of male participants to female participants in the entire athletic program, and the ratio of male scholarships to female scholarships in the entire athletic program.

ART-IN-ARCHITECTURE ACT OF 1993

The Art-in-Architecture Act of 1993 (S.98, 103rd Cong., 1st Sess.) proposes to enhance the use of public artwork in federal buildings. The aim of the act is to allow the local community to participate in the integration of art in the architecture of new or existing buildings so that local federal buildings will adequately represent the diverse social, cultural, and historic characteristics of the communities in which they are situated in. Introduced by Senators Bingaman (D-NM) and Moynihan (D-NY), the proposed bill will override the Federal Procurement law which uses cost as a primary factor for art selection. Sen. Bingaman felt this was not a wholly practicable method for the selection of art and requested alternate methods be used.

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