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NATIONAL ENDOWMENT FOR THE HUMANITIES

WASHINGTON, D.C. 20506



Office of the General Counsel

March 2, 1989

Senate Subcommittee on Education,
Arts and Humanities
Room 428 Dirksen SOB
Washington, D.C. 20510

Attn: Alexander Crary

Dear Sandy:

At your request, I am enclosing a copy of a document containing questions and answers prepared at the request of Senator Pell and the text of the National Foundation on the Arts and the Humanities Act of 1965. By virtue of the numbering sequence, it appears that the questions and answers were part of the text of the public law. After you have had a chance to look into the questions which I raised, to wit: why the provisions relating to "group" in section 5(f), formerly section 5(g), is applicable only to the Arts Endowment and not the Humanities Endowment, I'd appreciate hearing from you.

I will look forward to having an opportunity to meet you in person. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rex O. Arney", written in a cursive style.

Rex O. Arney
General Counsel

Enclosures

#11

80th Congress }
1st Session }

COMMITTEE PRINT

NATIONAL FOUNDATION ON THE ARTS AND
THE HUMANITIES

Questions and Answers

PREPARED AT THE REQUEST OF

Senator CLAIBORNE PELL, *Chairman*

OF THE

SPECIAL SUBCOMMITTEE ON ARTS AND
HUMANITIES

OF THE

COMMITTEE ON LABOR AND
PUBLIC WELFARE

UNITED STATES SENATE



Printed for the use of the Committee on Labor and
Public Welfare

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U.S. SENATE
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PREFACE

Enactment of Public Law 89-209, establishing a National Foundation on the Arts and the Humanities and constituting a landmark of historic significance in the cultural progress of our country, has created broad public interest and ever-increasing numbers of requests for information on this important legislation.

These requests have come from all parts of the United States, from cultural leaders in local communities, from State arts councils and agencies, from leading representatives of the academic world.

As chairman of the Special Subcommittee on Arts and Humanities, I have directed that the questions most frequently asked be compiled in easily readable form, together with the pertinent answers. Accompanied by the full text of the act, these questions and answers should provide an appropriate reference for information, helpful to members of the Committee on Labor and Public Welfare and Members of the Senate.

In this regard, I wish to pay special tribute to the members of the subcommittee who have labored long and valiantly with me in the evolution of this legislation: Senators Ralph Yarborough, ranking majority member of the subcommittee; Harrison A. Williams, Jr., Joseph S. Clark, and Edward M. Kennedy; and Senators Jacob K. Javits, ranking minority member of the subcommittee, and George Murphy. Senator Javits can well be called the congressional pioneer of this legislation. Senator Yarborough's wisdom and experience in this field precedes my own. Senator Clark initiated important concepts found in the act.

I would also like to pay particular tribute to the great wisdom and leadership of Senator Lister Hill, chairman of the Committee on Labor and Public Welfare.

It should also be noted that Senator Ernest Gruening greatly contributed to the evolution of S. 1483 on which the public law is based. Along with Senator Javits and myself, Senator Gruening sponsored closely related legislation during the early days of the 89th Congress.

CLAIBORNE PELL,
*Chairman, Special Subcommittee on Arts and Humanities
of the Committee on Labor and Public Welfare.*

DATE
AND PUBLIC WELFARE

Chairman, Committee
COBE K. JAVITS

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

QUESTIONS AND ANSWERS

Question: How is the new Foundation structured?

Answer: The Foundation—established as a new independent agency—has two major branches, called Endowments: a National Endowment for the Arts and a National Endowment for the Humanities. Each Endowment is given guidance and advice by Councils of private citizens, appointed by the President. In the case of the Arts Endowment, the advisory body is the National Council on the Arts, established during 1964 by Public Law 88-579 and now under the chairmanship of Roger L. Stevens. The new act increases this Council's membership by 2, so that it will be composed of 26 private citizens plus its Chairman. The structure for the Humanities Endowment is exactly parallel, with a new National Council on the Humanities established under Presidential appointment and also consisting of 26 members plus the Chairman. In each case the Council Chairman serves as the chief executive officer of the Endowment. There is also provision for coordination between the two Endowments and with related Federal bureaus and agencies, so that there can be maximum opportunity for cooperative activities and so that duplication of effort can be prevented.

Question: How is this coordination provided?

Answer: Through a Federal Council on the Arts and the Humanities.

Question: Who are the members of the Federal Council?

Answer: There are nine members, as follows:

- The Chairman of the National Endowment for the Arts;
- The Chairman of the National Endowment for the Humanities;
- The U.S. Commissioner of Education;
- The Secretary of the Smithsonian Institution;
- The Director of the National Science Foundation;
- The Librarian of Congress;
- The Director of the National Gallery of Art;
- The Chairman of the Commission of Fine Arts; and

A member designated by the Secretary of State (to include the Department's international experience in cultural and educational affairs).

Question: Why is the Director of the National Science Foundation included on the Federal Council on the Arts and the Humanities?

Answer: The definition of the humanities in the act includes those aspects of the social sciences—such as sociology, for example—which relate to the study of man in relation to his environment. The National Science Foundation provides, through a small part of its total budget, some support for studies and research related to these areas. Duplication of effort can thus be avoided by establishing cooperation with NSF through its Director.

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Question: How is the new Foundation funded?

Answer: Each Endowment is authorized \$5 million for each of 3 fiscal years, 1966, 1967, and 1968. After this the authorizations would be subject to review by the Congress.

Question: Is this the total amount of funding possible?

Answer: By no means. A major objective of the legislation is to stimulate private philanthropy for cultural endeavors and State activities to benefit the arts. For these purposes an additional annual maximum of \$5 million for the Humanities Endowment and \$2.25 million for the Arts Endowment are authorized to match funds donated from private sources; and \$2.75 million is authorized for the Arts Endowment to enable each of the States (55 entities in all, including the District of Columbia and outlying areas) having a State arts agency to receive an annual grant of up to \$50,000 on an even matching basis. States without such an agency are eligible to receive a one-time grant of up to \$25,000—without matching requirements—from these earmarked State funds. The grant would allow a State to conduct a survey leading to the establishment of a State agency for the arts and enable it to qualify for a \$50,000 matching grant in subsequent years.

Question: What groups are eligible for financial assistance?

Answer: Any group shall be eligible for financial assistance if (1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals, and (2) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

Question: Are museums included in the term "group"?

Answer: Yes, museums are specifically included.

Question: We propose to remodel a building in order to convert it into a community cultural center for plays and concerts. Can we seek financial assistance from the Arts Endowment?

Answer: Yes. Grants-in-aid for construction, including remodeling and repairs, are authorized under the law. It should be noted, however, that funds for all purposes are limited, and final decision as to priorities has been left to the wisdom of the National Council on the Arts (\$10.7 million has been appropriated for the Foundation's beginning activities, including administrative costs).

Question: Are there protections against domination and control of the arts and the humanities by either of the respective Chairmen?

Answer: Yes. There is a system of checks and balances built into the law:

First, section 4(c) expressly prohibits Federal control.

Second, the National Council on the Arts, composed of private citizens who are broadly knowledgeable and experienced in the arts, must advise the Chairman of the Arts Endowment on policy and procedures, and must make recommendations on applications for assistance. The Council may make annual reports to the President and the Congress, separately from the required annual report of the Chairman.

Third, the National Council on the Humanities, composed of private citizens chosen on the basis of distinguished service and scholarship or creativity, serves in relationship to the Chairman of the Humanities Endowment in precisely the same manner.

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Question: Where do we apply for a grant?

Answer: To the Chairman of the National Endowment for the Arts, or the Chairman of the National Endowment for the Humanities, depending on the nature of the application, who are authorized to carry out grants-in-aid programs. It is implicit in the law that the procedures and criteria shall be guided by the two Councils of private citizens—the National Council on the Arts and the National Council on the Humanities.

Question: May a State, with Federal matching funds, jointly with one or more other States, support projects of a regional nature in the arts?

Answer: Yes. One of the purposes of the act specifies support for the advancement of cultural progress by "local, State, regional, and private agencies."

Question: Is an applicant required to go through a State agency?

Answer: No. Under the law any application may be made directly to the National Endowment for the Arts. It is assumed, however, that as State programs are developed, there will be cooperation between the local and private groups in an individual State and the designated State agency.

Question: What are the general guidelines for the activities which the National Endowment for the Arts will support?

Answer: They are very broad in scope and include the following:

- (1) Productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence;
- (2) Productions, meeting professional standards or standards of authenticity, irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;
- (3) Projects that will encourage and assist artists and enable them to achieve standards of professional excellence;
- (4) Workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens; and
- (5) Other relevant projects, including surveys, research, and planning in the arts.

Question: May a State arts council, a community arts council, or other appropriate State or local agency, apply for a grant now?

Answer: Yes; applications may be submitted for appropriate processing. For States to receive grants under the earmarked allocations, applications must be filed prior to the first day of the fiscal year in which such grant will be made. Funds under this earmarked program could not be available prior to July 1, 1966.

Question: Must all grants to groups be limited to 50 percent of the total cost?

Answer: No; but in most cases 50 percent is the maximum ceiling on a grant to a group from the National Endowment for the Arts. Not more than 20 percent of the funds allotted to support projects and productions may be reserved for grants without regard to the 50-50 matching limitation and evidence must be submitted that the sponsoring group has attempted to obtain its share of the cost of the production or project. The National Endowment for the Humanities is not required to make grants on a matching basis.

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Question: What is the function of the National Endowment for the Humanities?

Answer: To develop and encourage scholarship, and research in and greater public understanding of the humanities.

Question: What is the function of the National Council on the Humanities?

Answer: It shall advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures, and must make recommendations with respect to all applications. Its broad function may be compared to that of a board of directors of a corporation. The same concept applies to the National Council on the Arts.

Question: What is the function of the Federal Council on the Arts and the Humanities?

Answer: To advise and consult with the two Endowment Chairmen; to assist in the coordination of the work of the two Endowments; to coordinate the programs of the Foundation with related programs of other Federal agencies; to plan and coordinate appropriate participation in major and historic national events; and to divide appropriately, between the two Endowments, such gifts as may be directed to the Foundation, rather than to one of its two endowments.

Question: What are the guidelines for activities to be supported the National Endowment for the Humanities?

Answer: As with the Arts Endowment's guidelines, they are broad in concept and include authorization to—

- (1) develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;
- (2) initiate and support research and programs to strengthen the research potential of the United States in the humanities by making arrangements (including grants, loans, and other forms of assistance) with individuals or groups to support such activities;
- (3) award fellowships and grants to institutions or individuals for training and workshops in the humanities. Fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time;
- (4) foster the interchange of information in the humanities;
- (5) foster, through grants or other arrangements with groups, public understanding and appreciation of the humanities; and
- (6) support the publication of scholarly works in the humanities.

Question: What subjects does the term "humanities" include?

Answer: As defined in the act, the term "humanities" includes the study of the following: "Language, both modern and classic; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods."

Question: How are the arts defined in the legislation?

Answer: As in the case of the humanities definition, the definition of the arts is intended to be as comprehensive as possible. The term "the arts" includes the following: "music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields,

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painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms."

Question: Will governmental assistance to the arts diminish the amounts of private funding available for their support?

Answer: Experience shows that quite the opposite is true. Perhaps the best example to demonstrate that governmental support for the arts serves to stimulate private funding is found in the 4-year history of the New York State Council on the Arts. During its first year (1961-62) the Council operated with a budget of \$450,000, over 70 percent of which was supplied by its State appropriation, the remainder coming from private sources. During 1964-65 the ratio was entirely reversed, with almost 75 percent of a larger budget (\$562,000) coming from private funding and the remainder from the State. During the same period the number of communities served by the council doubled, from 46 to 92; the number of performances assisted by the council tripled, from 92 to 277; and the number of touring companies supported by the council increased almost twelvefold, from 6 to 71.

TEXT OF PUBLIC LAW 89-209, 89TH CONGRESS, S. 1483,
SEPTEMBER 29, 1965

AN ACT To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Foundation on the Arts and the Humanities Act of 1965".

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

(2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity;

(3) that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servant;

(4) that it is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations;

(5) that the practice of art and the study of the humanities requires constant dedication and devotion and that, while no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the release of this creative talent;

(6) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit; and

(7) that, in order to implement these findings, it is desirable to establish a National Foundation on the Arts and the Humanities and to strengthen the responsibilities of the Office of Education with respect to education in the arts and the humanities.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "humanities" includes, but is not limited to, the study of the following: language, both modern and classic; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

(b) The term "the arts" includes, but is not limited to music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.

(c) The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, and tape and sound recordings, and any other activities involving the execution or rendition of the arts and meeting such standards as may be approved by the National Endowment for the Arts established by section 5 of this Act.

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(d) The term "project" means programs organized to carry out the purposes of this Act, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts, and includes, where appropriate, rental, purchase, renovation, or construction of facilities, purchase or rental of land, and acquisition of equipment.

(e) The term "group" includes any State or other public agency, and any nonprofit society, institution, organization, association, museum, or establishment in the United States, whether or not incorporated.

(f) The term "workshop" means a production the primary purpose of which is to encourage the artistic development or enjoyment of amateur, student, or other nonprofessional participants.

(g) The term "State" includes, in addition to the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SEC. 4. (a) There is established a National Foundation on the Arts and the Humanities (hereinafter referred to as the "Foundation"), which shall be composed of a National Endowment for the Arts, a National Endowment for the Humanities, and a Federal Council on the Arts and the Humanities (hereinafter established).

(b) The purpose of the Foundation shall be to develop and promote a broadly conceived national policy of support for the humanities and the arts in the United States pursuant to this Act.

(c) In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, or curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 5. (a) There is established within the Foundation a National Endowment for the Arts.

(b) The Endowment shall be headed by a Chairman, to be known as the Chairman of the National Endowment for the Arts.

(c) The Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to groups or, in appropriate cases, to individuals engaged in or concerned with the arts, for the purpose of enabling them to provide or support in the United States—

- (1) productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence;
- (2) productions, meeting professional standards or standards of authenticity, irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;
- (3) projects that will encourage and assist artists and enable them to achieve standards of professional excellence;
- (4) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;
- (5) other relevant projects, including surveys, research, and planning in the arts.

(d)(1) In addition to performing any of the functions, duties, and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, Public Law 88-379, approved September 3, 1964, the individual appointed under such Act as Chairman of the National Council on the Arts shall serve as the Chairman of the National Endowment for the Arts. In lieu of receiving compensation at the rate prescribed by section 6(c) of such Act, such individual serving as Chairman of the National Council on the Arts and Chairman of the National Endowment for the Arts shall receive compensation at the same rate prescribed by law for the Director of the National Science Foundation.

(2)(A) The first sentence of section 6(b) of the National Arts and Cultural Development Act of 1964 is hereby amended to read as follows: "The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment."

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organized to carry out the purposes of American artistic creativity, to cooperate with individuals to develop artistic projects otherwise included in this definition, and understanding of the arts, renovation, or construction of equipment.

other public agency, and any museum, or establishment

the primary purpose of which is that of amateur, student, or other

several States of the Union, Columbia, Guam, American

ARTS AND THE HUMANITIES

Foundation on the Arts and the Humanities, which shall be composed of the National Endowment for the Humanities (hereinafter estab-

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agency, officer, or employee of the Government, or control over the administration or operation of any organization, or association.

FOR THE ARTS

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(B) The amendment made by clause (A) of this paragraph shall be applicable with respect to the Chairman holding office on the date of enactment of this Act and each Chairman holding office thereafter.

(e) No payment may be made to any group under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations and procedures established by the Chairman.

(f) The total amount of any grant to any group pursuant to subsection (c) of this section shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the National Endowment for the Arts for this purpose for any fiscal year may be available for such grants in that fiscal year without regard to such limitation in the case of any group which submits evidence to the Endowment that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such group.

(g) Any group shall be eligible for financial assistance pursuant to this section only if (1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals, and (2) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

(h)(1) The Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to assist the several States in supporting existing projects and productions which meet the standards enumerated in section 5(c) of this Act, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States.

(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Chairman finds—

(A) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the "State agency") as the sole agency for the administration of the State plan, except that in the case of the District of Columbia the Recreation Board shall be the "State agency";

(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of subsection (c); except that in the case of the first fiscal year in which the State is allotted funds after the enactment of this Act, a plan may provide that not to exceed \$25,000 of such funds will be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency; and

(C) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may from time to time require.

(3) The funds appropriated pursuant to section 11(c) for any fiscal year shall be equally allotted among the States.

(4) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State, which has a plan approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), and to pay up to 100 per centum of the cost of conducting a study and establishing a State agency under paragraph (2)(B) of this subsection.

(5) All amounts allotted under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available at the end of such year to the National Endowment for the Arts for the purpose of carrying out section 5(c) to the extent that the value of gifts, bequests, and devises received by the Endowment under section 10(a)(2) exceeds amounts appropriated under the authority of section 11(b).

(i) Whenever the Chairman, after reasonable notice and opportunity for hearing, finds that—

(1) a group is not complying substantially with the provisions of this section;

(2) a State agency is not complying substantially with the terms and conditions of its State plan approved under this section; or

(3) any funds granted to a group or State agency under this section have been diverted from the purposes for which they were allotted or paid, the Chairman shall immediately notify the Secretary of the Treasury and the

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group or State agency with respect to which such finding was made that no further grants will be made under this section to such group or agency unless there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until such group or agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(j) It shall be a condition of the receipt of any grant under this section that the group or individual or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel (other than laborers and mechanics with respect to whom labor standards are prescribed in subsection (k) of this section) employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have the authority to prescribe standards, regulations, and procedures as he may deem necessary or appropriate to carry out the provisions of this subsection.

(k) It shall be a condition of the receipt of any grant under this section that the group or individual or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(l) The Chairman shall correlate the programs of the National Endowment for the Arts insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this Act which can be made by other Federal agencies under existing programs.

TRANSFER OF THE NATIONAL COUNCIL ON THE ARTS

SEC. 6. (a) The National Council on the Arts, established by the National Arts and Cultural Development Act of 1964, and its functions are transferred from the Executive Office of the President to the National Endowment for the Arts.

(b) The National Council on the Arts shall, in addition to performing any of the duties and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities pursuant to the provisions of this Act, and (2) review applications for financial assistance made under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application until he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time.

(c) The function of the Secretary of the Smithsonian Institution with respect to serving as an ex officio member of the National Council on the Arts, now derived from section 5(a) of the National Arts and Cultural Development Act of 1964, is hereby abolished.

(d)(1) The first sentence of section 5(a) of the National Arts and Cultural Development Act of 1964 is amended by striking out "twenty-four" and inserting in lieu thereof "twenty-six".

(2) Clause (2) of the first sentence of section 5(b) of such Act is amended by inserting, immediately after "taking office", the following: "prior to May 31, 1965."

(3) The second sentence of section 7(a) of such Act is amended by striking out "Thirteen" and inserting "Fourteen".

(4) Section 7(d) of such Act is hereby repealed.

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(5) Section 10 of such Act is hereby repealed.

(e) Except as inconsistent with the provisions of this Act, the provisions of the National Arts and Cultural Development Act of 1964 shall be applicable with respect to the Chairman and the National Council on the Arts insofar as necessary for, or incidental to, carrying out the objectives of this Act.

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Sec. 7. (a) There is established within the Foundation a National Endowment for the Humanities.

(b)(1) The Endowment shall be headed by a chairman, who shall be appointed by the President, by and with the advice and consent of the Senate. The Chairman shall receive compensation at the rate prescribed by law for the Director of the National Science Foundation.

(2) The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairman.

(c) The Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Humanities (hereinafter established), is authorized to—

(1) develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

(2) initiate and support research and programs to strengthen the research potential of the United States in the humanities by making arrangements (including grants, loans, and other forms of assistance) with individuals or groups to support such activities;

(3) award fellowships and grants to institutions or individuals for training and workshops in the humanities. Fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time;

(4) foster the interchange of information in the humanities;

(5) foster, through grants or other arrangements with groups, public understanding and appreciation of the humanities; and

(6) support the publication of scholarly works in the humanities without regard to the provisions of section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111).

(d) The Chairman shall correlate the programs of the National Endowment for the Humanities, insofar as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this Act which can be made by other Federal agencies under existing programs.

(e) The total amount of any grant under subsection (c)(3) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 per centum of the total cost of such activities.

ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE HUMANITIES

Sec. 8. (a) There is established in the National Endowment for the Humanities a National Council on the Humanities.

(b) The Council shall be composed of the Chairman of the National Endowment for the Humanities, who shall be the Chairman of the Council, and twenty-six other members appointed by the President from private life. Such members shall be selected on the basis of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations concerned with the humanities.

(c) Each member shall hold office for a term of six years, except that (1) the members first taking office shall serve, as designated by the President, nine for terms of two years, nine for terms of four years, and eight for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of his term.

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(d) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Fourteen members of the Council shall constitute a quorum.

(e) Members not otherwise employed by the Federal Government shall receive compensation and be allowed travel expenses in the same manner as is provided in section 8 of Public Law 88-579 for the National Council on the Arts.

(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove an application until he has received the Council's recommendation unless the Council fails to make a recommendation on the application within a reasonable time.

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

Sec. 9. (a) There is established within the Foundation a Federal Council on the Arts and the Humanities.

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, and a member designated by the Secretary of State. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.

(c) The Council shall—

(1) advise and consult with the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation;

(2) coordinate, by advice and consultation, so far as is practicable, the policies and operations of the National Endowment for the Arts and the National Endowment for the Humanities, including joint support of activities, as appropriate;

(3) promote coordination between the programs and activities of the Foundation and related programs and activities of other Federal agencies; and

(4) plan and coordinate appropriate participation (including productions and projects) in major and historic national events.

ADMINISTRATIVE PROVISIONS

Sec. 10. (a) In addition to any authorities vested in them by other provisions of this Act, the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, in carrying out their respective functions, shall each have authority—

(1) to prescribe such regulations as he deems necessary governing the manner in which his functions shall be carried out;

(2) to receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation or one of its Endowments, to the National Endowment for the Arts, or the National Endowment for the Humanities; and to use, sell, or otherwise dispose of such property for the purpose of carrying out sections 5(c) and 7(c) and for the purpose of carrying out the functions transferred by section 6(a) of this Act;

(3) in the discretion of the Chairman of an Endowment, to receive (and to use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to that Endowment with a condition or restriction, including a condition that the Chairman use other funds of that Endowment for the purposes of the gift;

(4) appoint employees, subject to the civil service laws, as necessary to carry out his functions, define their duties, and supervise and direct their activities;

(5) utilize from time to time, as appropriate, experts and consultants, including panels of experts, who may be employed as authorized by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a);

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(6) accept and utilize the services of personnel and reimburse them for travel expenses by law (5 U.S.C. 73b-2) for persons without compensation;

(7) rent office space in the District of Columbia;

(8) make other necessary expenditures.

In any case in which any money or other property is devised to the Foundation (A) without benefit of which such property is intended to be used for the purposes other than that it be used for the purposes of the Foundation, or bequeathed, or devised to the Foundation as a condition or restriction covered by paragraph (2) of such paragraph, or bequeathed, or devised to the Foundation for a purpose or purposes described or referred to in such paragraph, and each Chairman of an Endowment, if one or more of the purposes of such property are covered by the functions of both Endowments, or if such restriction are covered by the functions of both Endowments, the Federal Council shall determine an equitable manner for distribution of the property so donated, bequeathed, or devised to or for the use of the United States.

(b) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities shall each submit to the President a report of the activities of the Foundation for the preceding year, and the Chairman deems appropriate.

(c) The National Council on the Arts and the National Council on the Humanities, respectively, may each submit to the President a report of the activities of the Foundation for the preceding year, and the Chairman deems appropriate.

(d) The National Council on the Arts and the National Council on the Humanities, respectively, may each submit to the President a report of the activities of the Foundation for the preceding year, and the Chairman deems appropriate.

(e) There is hereby authorized to be appropriated for the fiscal year ending in 1966 and each subsequent fiscal year, for the National Endowment for the Arts, the sum of \$10,000,000; and for the National Endowment for the Humanities, the sum of \$2,250,000; and the Congress may hereafter authorize by law the sum of such amounts as may be equitable and in the interest of the Foundation, and shall remain available for the purposes of this subsection.

(b) In addition to the sums authorized by section 6(a) of this Act, there shall be appropriated to each Endowment for the fiscal year ending in 1966 and each subsequent fiscal year, for the National Endowment for the Arts, the sum of \$2,250,000; and for the National Endowment for the Humanities, the sum of \$5,000,000; and the Congress may hereafter authorize by law the sum of such amounts as may be equitable and in the interest of the Foundation, and shall remain available for the purposes of this subsection.

(c) There is hereby authorized to be appropriated for the fiscal year ending in 1966 and each subsequent fiscal year, for the National Endowment for the Arts, the sum of \$2,750,000; and for the National Endowment for the Humanities, the sum of \$5,000,000; and the Congress may hereafter authorize by law the sum of such amounts as may be equitable and in the interest of the Foundation, and shall remain available for the purposes of this subsection.

AUTHORIZATION OF APPROPRIATIONS

Sec. 11. (a) For the purpose of carrying out the functions transferred by section 6(a) of this Act, there shall be appropriated for the fiscal year ending in 1966 and each subsequent fiscal year, for the National Endowment for the Arts, the sum of \$10,000,000; and for the National Endowment for the Humanities, the sum of \$2,250,000; and the Congress may hereafter authorize by law the sum of such amounts as may be equitable and in the interest of the Foundation, and shall remain available for the purposes of this subsection.

(b) In addition to the sums authorized by section 6(a) of this Act, there shall be appropriated to each Endowment for the fiscal year ending in 1966 and each subsequent fiscal year, for the National Endowment for the Arts, the sum of \$2,250,000; and for the National Endowment for the Humanities, the sum of \$5,000,000; and the Congress may hereafter authorize by law the sum of such amounts as may be equitable and in the interest of the Foundation, and shall remain available for the purposes of this subsection.

(c) There is hereby authorized to be appropriated for the fiscal year ending in 1966 and each subsequent fiscal year, for the National Endowment for the Arts, the sum of \$2,750,000; and for the National Endowment for the Humanities, the sum of \$5,000,000; and the Congress may hereafter authorize by law the sum of such amounts as may be equitable and in the interest of the Foundation, and shall remain available for the purposes of this subsection.

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(6) accept and utilize the services of voluntary and uncompensated person-
nel and reimburse them for travel expenses, including per diem, as authorized
by law (5 U.S.C. 73b-2) for persons in the Government service employed
without compensation;

(7) rent office space in the District of Columbia; and

(8) make other necessary expenditures.

In any case in which any money or other property is donated, bequeathed, or
devised to the Foundation (A) without designation of the Endowment for the
benefit of which such property is intended, and (B) without condition or restriction
other than that it be used for the purposes of the Foundation, such property shall
be deemed to have been donated, bequeathed, or devised in equal shares to each
Endowment within the scope of paragraph (2) of this subsection, and each Chair-
man of an Endowment shall have authority to receive such property under such
paragraph. In any case in which any money or other property is donated, be-
queathed, or devised to the Foundation with a condition or restriction similar to
a condition or restriction covered by paragraph (3) of this subsection, such property
shall be deemed to have been donated, bequeathed, or devised, within the scope
of such paragraph, to that Endowment whose function it is to carry out the
purpose or purposes described or referred to by the terms of such condition or
restriction, and each Chairman of an Endowment shall have authority to receive
such property under such paragraph. For the purposes of the preceding sentence,
if one or more of the purposes of such a condition or restriction is covered by the
functions of both Endowments, or if some of the purposes of such a condition or
restriction are covered by the functions of one Endowment and other of the
purposes of such a condition or restriction are covered by the functions of the
other Endowment, the Federal Council on the Arts and the Humanities shall
determine an equitable manner for distribution between each of the Endowments
of the property so donated, bequeathed, or devised. For the purposes of the
income tax, gift tax, and estate tax laws of the United States, any money or other
property donated, bequeathed, or devised to the Foundation or one of its Endow-
ments and received by the Chairman of an Endowment pursuant to authority
derived under this subsection shall be deemed to have been donated, bequeathed,
or devised to or for the use of the United States.

(b) The Chairman of the National Endowment for the Arts and the Chairman
of the National Endowment for the Humanities shall each submit an annual
report to the President for transmittal to the Congress on or before the 15th day
of January of each year. The report shall summarize the activities of the Endow-
ment for the preceding year, and may include such recommendations as the
Chairman deems appropriate.

(c) The National Council on the Arts and the National Council on the Hu-
manities, respectively, may each submit an annual report to the President for
transmittal to the Congress on or before the 15th day of January of each year
setting forth a summary of its activities during the preceding year or its recom-
mendations for any measures which it considers necessary or desirable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a) For the purpose of carrying out sections 5(c) and 7(c) and the
functions transferred by section 6(a) of this Act, there is authorized to be appro-
priated for the fiscal year ending June 30, 1966, and each of the two succeeding
fiscal years the sum of \$10,000,000; but for the fiscal year ending June 30, 1968,
and each subsequent fiscal year, only such sums may be appropriated as the
Congress may hereafter authorize by law. Sums appropriated under the author-
ity of this subsection shall be equally divided between the Endowments of the
Foundation, and shall remain available until expended.

(b) In addition to the sums authorized by subsection (a), there is authorized
to be appropriated to each Endowment an amount equal to the total of amounts
received by that Endowment under section 10(a)(2) of this Act, except that
amounts appropriated to the National Endowment for the Arts under this sub-
section may not exceed \$2,250,000 for any fiscal year, and amounts appropriated
to the National Endowment for the Humanities under this subsection may not
exceed \$5,000,000 for any fiscal year. Amounts appropriated to an Endowment
under this subsection shall remain available until expended.

(c) There is hereby authorized to be appropriated to the National Endowment
for the Arts the sum of \$2,750,000 for each fiscal year, beginning with the fiscal
year beginning on July 1, 1966, for the purposes of section 5(b). Sums appro-
priated under this subsection shall remain available until expended.

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(d) There are authorized to be appropriated such sums as may be necessary to administer the provisions of this Act.

(e) No grant shall be made to a workshop (other than a workshop conducted by a school, college, or university) for a production for which a direct or indirect admission charge is asked if the proceeds, after deducting reasonable costs, are used for purposes other than assisting the grantee to develop high standards of artistic excellence or encourage greater appreciation of the arts and humanities by our citizens.

FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN THE HUMANITIES AND THE ARTS

SEC. 12. (a) There is authorized to be appropriated to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the two succeeding years the sum of \$500,000; but for the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Such sums shall be used for (1) making payments to State educational agencies under this section for the acquisition of equipment (suitable for use in providing education in the humanities and the arts) and for minor remodeling described in subsection (c)(1) of this section, and (2) making loans authorized in subsection (f) of this section.

(b) Sums appropriated pursuant to subsection (a) shall be allotted in the same manner as provided in subsections (a) and (c) of section 302 of the National Defense Education Act of 1958, as amended (72 Stat. 1588; 20 U.S.C. 442).

(c) Any State which desires to receive payments under this section shall submit to the Commissioner of Education through its State educational agency a State plan which meets the requirements of section 1004(a) of the National Defense Education Act of 1958, as amended (72 Stat. 1603; 20 U.S.C. 584), and—

(1) sets forth a program under which funds paid to the State from its allotment under subsection (b) of this section will be expended solely for projects approved by the State educational agency for (A) acquisition of special equipment (other than supplies consumed in use), including audio-visual materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in the humanities and the arts, and (B) minor remodeling of laboratory or other space used for such materials or equipment;

(2) sets forth principles for determining the priority of such projects in the State for assistance under this section and provides for undertaking such projects, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(3) provides an opportunity for a hearing before the State educational agency to any applicant for a project under this section; and

(4) provides for the establishment of standards on a State level for special equipment acquired with assistance furnished under this section.

(d) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsection (c) of this section and the provisions of subsections (b) and (c) of section 1004 of the National Defense Education Act, as amended (72 Stat. 1603; 20 U.S.C. 584), shall apply to this section in the same manner as applicable to State plans under that Act.

(e) Payments to States from allotments made under subsection (b) shall be made in the same manner as provided in section 304 of the National Defense Education Act of 1958, as amended (72 Stat. 1589; 20 U.S.C. 444).

(f) The Commissioner shall allot and administer loans to nonprofit private schools in the same manner as provided in section 305 of the National Defense Education Act of 1958, as amended (72 Stat. 1590; 20 U.S.C. 445).

TEACHER TRAINING INSTITUTES

SEC. 13. (a) There is authorized to be appropriated to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the two succeeding years the sum of \$500,000; but for the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Such sums shall be used to enable the Commissioner of Education to arrange, through grants or contracts, with institutions of higher education for the operation by them within the United States of short term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged in

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or preparing to engage in the teaching or supervising or training of teachers, of such subjects as will, in the judgment of the Commissioner, after consultation with the Chairman of the National Endowment for the Humanities, strengthen the teaching of the humanities and the arts in elementary and secondary schools.

(b) Each individual who attends an institute operated under the provisions of this part shall be eligible (after application therefor) to receive a stipend at the rate of \$75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of \$15 per week for each such dependent.

PRESIDENTIAL APPOINTMENTS

Sec. 14. The President is requested to make such appointments (including any nomination) as are provided for in this Act within ninety days after the enactment of this Act.

Approved September 29, 1965.

LEGISLATIVE HISTORY

House Report No. 618 accompanying H.R. 9460 (Committee on Education and Labor).

Senate Report No. 300 (Committee on Labor and Public Welfare).

Congressional Record, volume 111 (1965):

June 10, considered and passed Senate.

September 15, considered and passed House, amended, in lieu of H.R. 9460.

September 16, Senate concurred in House amendment.

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NATIONAL ARTS AND HUMANITIES FOUNDATIONS

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BEFORE THE

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~~HOUSE COMMITTEE ON EDUCATION AND LABOR~~

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HEARINGS HELD IN WASHINGTON, D.C.,
FEBRUARY 24; MARCH 22, 23, AND 24, 1965

Printed for the use of the Committee on Education and Labor
ADAM C. POWELL, *Chairman*



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1965

47-775

proposal that the Council should control the arts by the Foundation is that the scope for the Council extends far beyond the Council's functions. It would seem logical to have the Council call for very different qualifications for the Foundation. The impact and usefulness of the Foundation will depend in large measure not only on the eminence of its members. By and large, the members were personalities who have won public recognition for their breadth of vision and soundness of judgment. The members of the Board of the Foundation are their professional and organizational knowledge. They should be aware of the special problems of other fields. Consequently, the factors in these areas merit consideration. The United States, constructive ideas and sound use of whatever financial support the Government. Therefore, the duties of the Council are important. If not more so, as those of the Council, from year to year, can affect in the development and enjoyment of

take special interest in how their gifts are to be used. The gift is often prompted by a desire to help a particular objective or at least a certain field. The chances are that both Foundations would receive more support from private sources if donations did not need to be divided between the humanities and the arts.

It seems pertinent to state here that the NCAG has had many years of experience in working with congressional sponsors of legislation for the arts, in efforts to perfect measures we could support and to discourage proposals or particular sections of bills we considered unsound or conflicting with one or more of our basic principles. To cite a single example: In 1956, the late Senator Herbert H. Lehman agreed to sponsor legislation to create a Federal Advisory Commission or Council on the Arts on the condition that I prepare, with the assistance of the NCAG amendments to clarify this legislation. As you know, Senator Lehman's S. 3419 was unanimously approved by the Senate of the 84th Congress. The House Committee on Labor and Education voted it down partly because, as then Congressman Lee Metcalf told me, too much power over the arts would be given to one man—the Secretary of the Department of Health, Education, and Welfare. Later, the NCAG suggested a more specific outline of the functions and duties of this proposed advisory body, substantially those contained in section 7 (b) of Public Law 88-579.

MAJOR SUGGESTED AMENDMENTS TO S. 316 AND H.R. 2043

Below are listed page and line references to original text of S. 316 and H.R. 2043 for the principal changes suggested, together with brief explanations. Minor changes of words or the numbering of sections, etc., are not listed since the reasons for them are obviously due to the proposed separation of the arts and humanities. This makes easy comparison with the original and the proposed redraft can be examined intact without interruptions or comments by the NCAG.

Page 1, line 3: New title of act.

Page 1, line 6: Statement about freedom and initiative, same as in Public Law 88-579) strongly recommended.

Page 3, line 2: National Arts Foundation.

Page 5, lines 7-12: Suggest transposition of assurance against Federal interference to the text so that it will apply to both Foundations.

Page 3, line 14: Suggest the insertion of the phrase "and enjoyment of" would call attention to advantages of this legislation to the average citizen or the public generally.

Page 3, line 17: Adding "or encourages" would prevent undue influence on projects which had not yet received Government support but might if altered.

Page 3, line 20: Subsection (a) omitted since it refers to the humanities almost exclusively: it is retained in title II.

Page 3, line 23: Same reasons as above.

Page 4, line 23: The word "programs" seems a bit limited when repeated in this paragraph; suggest adding "and other endeavors."

Page 4, line 24: "to commission works of art" is omitted because the Foundation itself, in the opinion of the NCAG, should not commission any work of art, just as it itself should not produce or present any project or production. See new section 104 (h), which is contained in S. 310.

Page 5, line 3: Since any group eligible to receive aid must be nonprofit—section 107 (c) (1), it seems clearer to indicate this limitation here.

Page 5, lines 6-12: transposed to earlier section 3.

Page 5, lines 20-24: Concerns humanities, included in title II.

Page 6, lines 1-12: Concerns humanities, included in title II.

Page 6, line 13-16: Concerns humanities, included in title II.

Page 6, line 17-21: Concerns humanities, included in title II.

Page 6, line 24: In the opinion of the NCAG, the Council could or should recommend to the Foundation general policy considerations, which the Foundation would be free to accept or revise. Such guidelines from the advisory agency might prove most useful to the Foundation. It is hoped that this amendment will be seriously considered.

Page 7, line 11: Re "and the Department of State"—the value of the cultural presentations program for the performing arts tours depends to a large degree upon high quality of performance. The Department may wish to call the attention of the Foundation to certain areas of the arts where aid from the Foundation would be helpful in providing the caliber of performance desired by the Department.

AMENDMENTS TO S. 316 AND H.R. 2043

The NCAG fully endorses the purposes of this legislation. It is a serious error to combine the arts and humanities under a single board. Although 10 boards would be maintained for the humanities, in spite of its small number of members, is insufficient to represent the diverse interests of the 12 trustees proposed in Senator Lehman's S. 3419. Partially as a result of our efforts, the Senate of the 89th Congress approved by the Senate of the 89th Congress the separation of the arts and humanities into two or three boards to establish clear liaison, we still recommend. It seems pertinent to display below the amendments to demonstrate the cross reference

AMENDMENTS TO S. 316 AND H.R. 2043
IN ARTS AND HUMANITIES
COUNCIL AND BOARDS*Humanities*

Chairman, Humanities Council
Member, Humanities Foundation
Member, Arts Foundation

Secretary of the Smithsonian
Member, Humanities Council
Member, Humanities Foundation

Chairman, Humanities Foundation
Nonvoting member, Arts Foundation

Director, Humanities Foundation
Nonvoting member, Arts Foundation

the arts to the President.

If the provisions contained in these bills to encourage donations from private sources. We are confident that the quality of annual appropriations for the two Foundations as previously expressed, usually

Page 12, line 10: Insertion of new subsection (h), mentioned above.

Page 12, line 18: The addition of one voting member and two nonvoting members will provide direct liaison with the humanities.

Page 12, line 22: The NCAG very strongly recommends the format in Public Law 88-579 for the definition of appropriate nominees and provisions for recommendations. It is suggested that the Council should be mentioned as a source for such recommendations.

Page 13, line after 21: Expressly to prevent concentration of authority, the NCAG believes that the Chairman of the Council should not be eligible for election as Chairman or Vice Chairman of the Foundation. (The same applies for the Chairman of the Humanities Council.)

Page 18, line 13: Provisions in the new section 212 assures equal appropriations and the reasons why each Foundation should retain full control over gifts made to it have already been stated.

Page 18, line 17-22: This subsection seems to concern the humanities only.

Page 18, line 23 on: This subsection seems to concern the humanities only.

Page 19, line 2-7: This subsection seems to concern the humanities only.

Page 19, line 19-24: This subsection seems to concern the humanities only. (These four subsections are in title II.) (Not sure whether references on lines 6 and 7 are needed in new subsec. 109(2) where they are included.)

Page 23, line 20 on: Section 14 of S. 316 does not seem to relate to the arts in the United States or to the Arts Foundation. It is in title II.

Page 24, line 9-14: Appropriations section is at end of title II, revised as section 212—not sure whether it is correctly numbered since it applies to both titles.

The suggested amendments to Public Law 88-579 are for the following purposes: To revise numbers of sections, etc. in order to add title II authorizing the National Council on the Humanities and to authorize gifts from private sources to both Councils. The location of these suggested amendments are indicated clearly in appendix A. The reasons for them have already been presented in this testimony.

CONCLUSION

The National Council on the Arts and Government appreciates the thoughtful attention which many Members of both Senate and House are giving to the arts and the humanities. We have been informed that the principal recommendations which the National Council on the Arts and Government is submitting do not correspond with views held by some Members of Congress and some administration officials. Nevertheless, after having obtained the best judgment of our members, who represent all fields of the arts, we are acting in accord with the basic principles of our organization.

Our primary objective is to offer constructive proposals as to how the Federal Government can most wisely and effectively assist and encourage the arts and the humanities. We believe both spheres of human endeavor should be treated with equality and have their own organizational structure. We recommend constant liaison between them. We are resolutely opposed to any method of administration that might lead to bureaucratic centralization. This, we submit, would be contrary to the free spirit of our country and of our cultural heritage. We are convinced that, if the major amendments to S. 316 and H.R. 2043 suggested by the National Council on the Arts and Government are adopted, the varied interests of local communities and of the Nation as a whole will be well served.

During the past 12 years distinguished artists of all fields have freely given their time to attend at least 6 meetings a year—over 70 in all—held by the National Council on the Arts and Government to explore in depth the relation of Government to the arts in the United States. This effort began when action to encourage the development of the arts by Government at all levels was a comparatively new and often resisted concept in our country. The National Council on the Arts and Government has frequently assisted Members of both Houses in drafting or clarifying legislative measures affecting the arts. It has influenced policy decisions of Government administrators. It has advised cultural leaders in several States concerning the creation of State art agencies. It has convinced many artists of all fields as to the value to them of governmental participation in the arts provided the essential freedom of the arts is properly safeguarded and bureaucratic tendencies are firmly discouraged. Through National Council on the Arts and Government's annual reports, widely distributed, it has promoted public awareness that the arts can increasingly en-

rich the lives of our citizens and thus in that development.

The opinions expressed and the aid not hastily improvised. They are the of study by and consultation with of America, after all, are the citizens w ever decisions may be reached by C a different position on this legislati- fident that the members of the Senate and of the House Committee on Edu the views of the National Council on t ness and in the spirit in which they are

APPE

AMENDMENTS TO S. 316 AND H.R. 204 ON THE ARTS .

A BILL To provide for the establishment o Humanities Foundation to promote progr and for other purposes

Be it enacted by the Senate and House of America in Congress assembled, That Arts Foundation and National Humaniti-

Sec. 2. The Congress hereby finds and d

(1) That the growth and flourish upon freedom, imagination, and indiv

(2) That the encouragement and while primarily a matter for private ate matter of concern to the Federal C

(3) That a leading civilization in technology alone but must give full branches of man's scholarly and cultu

(4) That democracy demands wisd must therefore foster and support a f- masters of their technology and not its

(5) That, during our early histor, mastering its physical environment, nology, defense, and space needs hav

have gone into humane and artistic en- moral, and esthetic development has l

(6) That it is the national interest educational imbalance be redressed ;

(7) That the world leadership which rest solely upon superior power, wealt, founded upon worldwide respect and a

ties as a leader in the realm of ideas and (8) That, in order to implement the a National Arts Foundation and a Nat

ASSURANCE AGAINST FED

Sec. 3. In the administration of this Act, or employee of the United States shall ex control over the policy determination, pers- tion or operation of any school or other non- tion, or association.

TITLE

ESTABLISHMENT OF A NATION

Sec. 101. There is hereby established in ment an independent agency to be known as in after in this title referred to as the "F consist of a National Arts Board (hereinaf "Board") and a Director (hereinafter in

HUMANITIES FOUNDATIONS

subsection (h), mentioned above.
the voting member and two nonvoting members of the humanities.

strongly recommends the format in Public Law 88-570 and provisions for reappointment of the Council should be mentioned as a source for

to prevent concentration of authority, the Council should not be eligible for election to the Foundation. (The same applies for the Humanities Council.)

The new section 212 assures equal appropriation and that the Humanities Council should retain full control over gifts

seems to concern the humanities only. This section seems to concern the humanities only. This section seems to concern the humanities only. Title II. (Not sure whether references on section 109(2) where they are included.)

S. 316 does not seem to relate to the arts in this section. It is in title II.

This section is at end of title II, revised as section 212 since it applies to both titles. Public Law 88-570 are for the following purposes, etc. in order to add title II authorizing the arts and to authorize gifts from private sources these suggested amendments are indicated for them have already been presented in

CONCLUSION

The Government appreciates the thoughtful work of the Senate and House are giving to the arts. We are informed that the principal recommendations of the Arts and Government is submitting do some Members of Congress and some administrators having obtained the best judgment of our country for the arts, we are acting in accord with the

constructive proposals as to how the Federal Government should effectively assist and encourage the arts and sciences of human endeavor should be treated in organizational structure. We recommend that there are resolutely opposed to any method of bureaucratic centralization. This, we submit, is in the best interest of our country and of our cultural heritage. The amendments to S. 316 and H.R. 2043 suggested for the Arts and Government are adopted, the amendments and of the Nation as a whole will be well

interested artists of all fields have freely given their services a year—over 70 in all—held by the National Council to explore in depth the relation of the arts to the States. This effort began when action to be taken by Government at all levels was a common concept in our country. The National Council has frequently assisted Members of both Houses in their measures affecting the arts. It has informed administrative agencies. It has advised concerning the creation of State art agencies. It has advised the fields as to the value to them of governmental support. It has advised the essential freedom of the arts is a basic principle. Artistic tendencies are firmly discouraged. The arts and Government's annual reports, widely available, are a source of awareness that the arts can increasingly en-

rich the lives of our citizens and that Government has an important role to play in that development.

The opinions expressed and the amendment suggested in this testimony were not hastily improvised. They are the result of countless hours over the years of study by and consultation with spokesmen for all art fields. The artists of America, after all, are the citizens who will be most directly affected by whatever decisions may be reached by Congress on this legislation. Even though a different position on this legislation may be taken by others, we are confident that the members of the Senate Committee on Labor and Public Welfare and of the House Committee on Education and Labor will examine and weigh the views of the National Council on the Arts and Government with the seriousness and in the spirit in which they are respectfully presented.

APPENDIX A

AMENDMENTS TO S. 316 AND H.R. 2043 SUGGESTED BY THE NATIONAL COUNCIL ON THE ARTS AND GOVERNMENT

A BILL To provide for the establishment of a National Arts Foundation and a National Humanities Foundation to promote progress and scholarship in the arts and humanities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Arts Foundation and National Humanities Foundation Act of 1965".

Sec. 2. The Congress hereby finds and declares—

(1) That the growth and flourishing of the arts and humanities depend upon freedom, imagination, and individual initiative;

(2) That the encouragement and support of the humanities and the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

(3) That a leading civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity;

(4) That democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servants;

(5) That, during our early history, the Nation was largely engaged in mastering its physical environment while, more recently, advancing technology, defense, and space needs have put a claim on energies that might have gone into humane and artistic endeavors, with the result that our social, moral, and esthetic development has lagged behind our material advance;

(6) That it is in the national interest that the resulting social, cultural, and educational imbalance be redressed;

(7) That the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit;

(8) That, in order to implement these findings, it is desirable to establish a National Arts Foundation and a National Humanities Foundation.

ASSURANCE AGAINST FEDERAL INTERFERENCE

Sec. 3. In the administration of this Act, no department agency, agency officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

TITLE I

ESTABLISHMENT OF A NATIONAL ARTS FOUNDATION

Sec. 101. There is hereby established in the executive branch of the Government an independent agency to be known as the National Arts Foundation (hereinafter in this title referred to as the "Foundation"). The Foundation shall consist of a National Arts Board (hereinafter referred to in this title to as the "Board") and a Director (hereinafter in this title referred to as "Director").

PURPOSE OF THE FOUNDATION

SEC. 102. The purpose of the National Arts Foundation shall be to develop and promote a broadly conceived policy of support for and enjoyment of the arts, but it shall not attempt to supervise, control, or otherwise direct the artistic endeavors which it supports or encourages.

DEFINITION

SEC. 103. As used in this title—

(a) The term "the arts" includes all art areas and fields covered by the National Arts and Cultural Development Act of 1964, such as (1) music (instrumental and vocal), drama, dance, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording; and (2) the arts related to the presentation, performance, execution, and exhibition of such major art forms.

(b) The term "production" means plays (with or without music), ballet, dance, and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, tape and sound recordings; and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.

(c) The term "project" means programs organized by groups, States, and State agencies to carry out the purposes of title I of this Act, including programs and other endeavors to foster American artistic creativity and to develop and enhance knowledge and understanding of the arts.

(d) The term "group" includes any nonprofit society, institution, organization, association, museum, or establishment, whether or not incorporated.

FUNCTIONS OF THE FOUNDATION

SEC. 104 (a) The Foundation is authorized and directed—

(1) to develop and encourage the pursuit of a national policy for the promotion of creative work and performance in the arts;

(2) insofar as practicable, to carry out the purposes of title I of this Act in a manner consistent with, and in support of, the activities and general policy recommendations of the National Council on the Arts established by the National Arts and Cultural Development Act of 1964;

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen creative work and performance in the arts throughout the United States and its possessions, and to operate, insofar as practicable, in cooperation with existing Federal programs, including those conducted by the Smithsonian Institution, the United States Office of Education and the Department of State.

(c) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to nonprofit professional groups (and nonprofit groups meeting professional standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts.

(2) No payment may be made to any group under this section except upon application therefor which is submitted to the Foundation in accordance with regulations prescribed by the Foundation.

(3) The amount of any grants allotted to any group pursuant to this subsection shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the Foundation for the purposes of subsections (c) and (d) of this section for any fiscal year may be available for allotment by the Foundation for the purposes of subsections (c) and (d) of this section for any fiscal year may be available for allotment by the Foundation in such fiscal year without regard to such limitation in the case of any group which sub-

mitted evidence to the Foundation an amount of funds equal to 1/2 a statement of the proportion of funds applied for by such group.

(4) Any group shall be eligible only if (A) no part of its net assets is held by any individual, partnership, or stockholder, or individual groups are allowable as a charitable contribution (c) of section 170 of the Internal Revenue Code.

(5) Except as otherwise provided in this section, the total amount of grants-in-aid for any fiscal year shall not exceed the amount available to the Foundation for grants-in-aid to States.

(d) (1) The Foundation is authorized to make grants-in-aid to assist the several States in making a significant contribution to the development of the arts, and in developing projects which will furnish adequate programs, facilities, and communities in each of the several States.

(2) In order to receive such a grant, an application for such grants-in-aid shall be accompanied by an application with

(A) designates a State agency to act as the "State agency" as defined in the State plan;

(B) provides that funds expended solely on projects which carry out one or more of the purposes of this section;

(C) provides that the State and containing such information as may be required.

(3) Each State which has a plan in effect on the first day of the fiscal year beginning on or after the date of the enactment of this Act shall be entitled to a maximum allotment of funds equal to half the total amount allotted to all States under subsections (c) and (d) of this section for that fiscal year. In the event that the total amount of funds available for grants to all States exceeds the amount available for grants to all States, the Foundation, in its discretion, may reduce the amount of funds available for grants to any State to the amount available for grants to the State which has the largest number of States. In making grants to all States, the Foundation shall encourage the States to make matching contributions. In making grants to all States, the Foundation shall require matching contributions from the States.

(4) The amount of any grants allotted to this subsection for any project or production shall not exceed the total cost of such project or production.

(e) Whenever the Foundation, after a hearing to any group or State agency,

(1) any such group is not concerned with the purposes of this section;

(2) any such agency is not concerned with the purposes of this section;

(3) any funds granted to such group or State agency have not been diverted from the purpose of this section shall immediately notify the group or State agency concerned that such group or State agency is no longer in compliance with the conditions of this section with respect to such group or State agency.

(4) If compliance or correction is impracticable, the group or State agency shall arrange the repayment of the funds diverted or expended.

(f) The Foundation shall render an annual report to the Commission on or before the fifteenth day of the month of January of each year.

Sue

HUMANITIES FOUNDATIONS

OF THE FOUNDATION

National Arts Foundation shall be to develop policy of support for and enjoyment of the service, control, or otherwise direct the artistic purges.

DEFINITION

includes all art areas and fields covered by Cultural Development Act of 1964, such as (1) drama, dance, folk art, creative writing, painting, sculpture, photography, graphic and costume and fashion design, motion pictures, and recording; and (2) the arts related to the execution, and exhibition of such major art

means plays (with or without music), ballet, recitals, operas, exhibitions, radio, tape and sound recordings; and the execution or rendition of the arts and programs organized by groups, States, and the purposes of title I of this Act, including to foster American artistic creativity and understanding of the arts. organizes any nonprofit society, institution, organization, or establishment, whether or not incorporated.

OF THE FOUNDATION

authorized and directed— to carry out the purposes of title I of this Act, and in support of, the activities and programs of the National Council on the Arts established by and discharging the functions referred to shall be one of the objectives of the Foundation and performance in the arts throughout the country and to operate, insofar as practicable, in cooperation with the State and Federal Departments of Education and the Department of the Interior.

authorized to establish and conduct a program of grants-in-aid to any group (and nonprofit groups meeting city) engaged in or concerned with the arts, for the purpose of providing (A) productions which have substance, giving emphasis to American creativity, origin which are of significant merit and which otherwise be unavailable to our citizens in many that will encourage and assist artists who are to become citizens of the United States, and develop the appreciation and enjoyment (E) other relevant projects including surveys.

to any group under this section except upon application to the Foundation in accordance with the provisions of this section. Allotted to any group pursuant to this subsection of the total cost of such project or production, not to exceed the percentage of the funds allotted by the Foundation (c) and (d) of this section for any fiscal year the Foundation for the purposes of subsections (c) and (d) of this section for any group which sub-

mitted evidence to the Foundation that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such groups.

(4) Any group shall be eligible for financial assistance pursuant to this section only if (A) no part of its net earnings inures to the benefit of any private stockholder, or stockholders, or individual or individuals, and (B) donations to such groups are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

(5) Except as otherwise provided in the second sentence of subsection (d) (3) of this section, the total amount allotted by the Foundation for grants-in-aid to groups for any fiscal year shall be equal to the total amounts allotted by the Foundation for grants-in-aid to States for such fiscal year.

(d) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to assist the several States in supporting existing projects and productions which are making a significant public contribution in one or more of the arts, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States.

(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Foundation finds—

(A) designates a State agency (hereinafter in this subsection referred to as the "State agency") as the sole agency for the administration of the State plan;

(B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of this title; and

(C) provides that the State agency will make such reports, in such form and containing such information, as the Foundation may from time to time require.

(3) Each State which has a plan approved by the Foundation in effect on the first day of the fiscal year beginning July 1, 1965, or any succeeding fiscal year, shall be entitled to a maximum allotment in any such fiscal year of any amount equal to half the total amount allotted by the Foundation for the purposes of subsections (c) and (d) of this section for such fiscal year divided by the total number of States. In the event that any sum is remaining out of the maximum allotment available for grants to each State in any fiscal year after all allotments are made to States with approved plans in effect on the first day of such fiscal year, the Foundation, in its discretion, may grant the aggregate of such remaining sums or any portion thereof to any group eligible for financial assistance under subsection (c) of this section or State agency for projects and productions which the Foundation finds will encourage the arts in areas where such assistance will be of value. In making grants to any group pursuant to this subsection, the Foundation shall require matching funds in accordance with the provisions of subsection (c) (3) of this section.

(4) The amount of any grants allotted to any State or State agency pursuant to this subsection for any project or production shall not exceed 50 per centum of the total cost of such project or production.

(e) Whenever the Foundation, after reasonable notice and opportunity for hearing to any group or State agency, finds that—

(1) any such group is not complying substantially with the provisions of this section;

(2) any such agency is not complying substantially with the terms and conditions of its State plan approved under this section; or

(3) any funds granted to such group or agency under this section have been diverted from the purpose for which they were allotted or paid the Foundation shall immediately notify the Secretary of the Treasury and the group or State agency concerned that no further grants will be made under this section with respect to such group or State agency until there is no longer any default or failure to comply or the division has been corrected or, if compliance or correction is impossible, until the group or State repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(f) The Foundation shall render an annual report to the President for submission on or before the fifteenth day of January of each year to the Congress,

summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

(g) No portion of any moneys granted, loaned, or otherwise provided as assistance under this section shall be applied to the purchase, erection, preservation, or repair of any buildings, or for the purchase or rental of any land.

(h) The Foundation shall not itself produce or present any project or production and it shall not itself commission works of art, but it may assist such undertakings initiated under State or group sponsorship.

NATIONAL ARTS BOARD

Sec. 105. (a) The Board shall consist of (1) twenty members to be appointed by the President, by and with the advice and consent of the Senate; and (2) the Director of the Foundation, the United States Commissioner of Education, the Librarian of Congress, the Secretary of the Smithsonian Institution, the Chairman of the National Council on the Arts, and the Chairman of the National Council on the Humanities, each of whom shall be voting members of the Board ex officio.

The Chairman of the National Foundation on the Humanities and the Director of the National Humanities Foundation shall be nonvoting members of the Board ex officio. The Board shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated by the President for appointment as members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in, the arts; (2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and (3) so as to provide an appropriate distribution of membership among the major art fields listed in section 6(a) of this title. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields and by the National Council on the Arts.

(b) The term of office of each appointed member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, six at the end of two years, six at the end of four years, and eight at the end of six years, after the enactment of this Act. Any appointed member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two year period following the expiration of his term of office.

(c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until two years after the date of enactment of this Act. The Chairman of the National Council on the Arts shall not be eligible for election as Chairman or Vice Chairman of the Board. Thereafter, each Chairman and Vice Chairman shall be elected for a term of two years in duration and each such election shall take place at a regular annual meeting occurring at the end of each such term. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill the vacancy.

(d) The Board shall meet at the call of the Chairman, but not less than four times each year. The Chairman shall also call a meeting whenever one-third of the members of the Board so request in writing. A majority of the voting members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or by certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

DIRECTOR OF THE FOUNDATION

Sec. 106. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve

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as a voting ex officio member executive officer of the Founda the same rate as provided for and shall serve for a term of 6 (b) In addition to the powers the Director shall, in accordance the powers granted by section duties as may be delegated to him by the Director in the exercise unless in each instance the Board to be taken, or such action is taken authority from the Board or the Executive

POWER :

Sec. 107. (a) The Board shall Committee and assign to the Executive actions granted to the Board by the Board may not assign to the Executive policies.

(b) (1) The Executive Committee ex officio member, and not less than by the Board from among their members

(2) The term of office of each voting two years, except that (A) any prior to the expiration of the term elected for the remainder of such term members first elected after the date

(3) Any person who has been a consecutive years shall thereafter 1 period following the expiration of his

(4) The membership of the Executive be representative of diverse professional representation, so far as possible

(5) The Executive Committee shall such other reports as it may deem necessary such recommendations as it may recommendations, if any, of members of in such reports.

(c) The Board is authorized to appoint such advisory panels as it deems necessary pointed such survey and advisory for the purpose of this Act.

Sec. 108 (a) There shall be within the may, from time to time, deem necessary duties of the Foundation as set forth established pursuant to this section there those aspects of the arts which pertain performances as related to the purpose

(b) (1) There shall be a committee of (2) Each divisional committee shall consist of not less than five persons who

(3) The terms of members of each divisional committee shall announced Each divisional committee shall announce own members and shall prescribe its own restrictions as may be prescribed by the Board

(4) Each divisional committee shall consult with, the Board and the Director program of its division.

GENERAL AUTHORITY

Sec. 109. The Foundation shall have able appropriations, to do all things necessary title, including, but without being limited

(1) To prescribe such rules and concerning the manner of its operations

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Foundation and making such recommendations
ort shall include minority views and recom-
Board.

ted, loaned, or otherwise provided as assist-
d to the purchase, erection, preservation, or
hase or rental of any land.
f produce or present any project or produc-
ion works of art, but it may assist such
group sponsorship.

AL ARTS BOARD

list of (1) twenty members to be appointed
vise and consent of the Senate; and (2) the
ted States Commissioner of Education, the
of the Smithsonian Institution, the Chair-
e Arts, and the Chairman of the National
whom shall be voting members of the Board

oundation on the Humanities and the Director
ion shall be nonvoting members of the Board
as otherwise provided in this Act, exercise
tion by this Act. The persons nominated by
mbers shall be selected (1) from among pri-
are widely recognized for their broad knowl-
profound interest in, the arts; (2) so as to
ral leaders, members of the museum profes-
ally engaged in the arts; and (3) so as col-
distribution of membership among the major
his title. The President is requested in the
e consideration to such recommendations as
to him by leading national organizations in
cil on the Arts.

ppointed member of the Board shall be six
ppointed to fill a vacancy occurring prior to
b his predecessor was appointed shall be ap-
rim; and (2) the terms of office of the mem-
tment of this Act shall expire, as designated
ointment, six at the end of two years, six at
the end of six years, after the enactment of
f the Board who has been a member of the
shall thereafter be ineligible for appointment
g the expiration of his term of office.
first meeting of the Board, at which the first
on of a Chairman and a Vice Chairman, who
date of enactment of this Act. The Chairman
shall not be eligible for election as Chairman
ereafter, each Chairman and Vice Chairman
ears in duration and each such election shall
ting occurring at the end of each such term.
he duties of the Chairman in his absence. In
manship or vice chairmanship, the Board shall

call of the Chairman, but not less than four
all also call a meeting whenever one-third of
st in writing. A majority of the voting mem-
quorum. Each member shall be given notice,
all mailed to his last known address of record
ny meeting, of the call of such meeting.

OF THE FOUNDATION

Director of the Foundation who shall be ap-
ith the advice and consent of the Senate. The
to the President with respect to the appoint-
ector shall not be appointed until the Board
h recommendations. The Director shall serve

as a voting ex officio member of the Board. In addition, he shall be the chief
executive officer of the Foundation. The Director shall receive compensation at
the same rate as provided for the Director of the National Science Foundation,
and shall serve for a term of six years unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act,
the Director shall, in accordance with the policies established by the Board, exer-
cise the powers granted by section 109 of this Act, together with such powers and
duties as may be delegated to him by the Board; but no final action shall be taken
by the Director in the exercise of any power granted by section 109 of this Act
unless in each instance the Board has reviewed and approved the action proposed
to be taken, or such action is taken pursuant to the terms of a delegation of au-
thority from the Board or the Executive Committee to the Director.

POWER TO CREATE COMMITTEES

SEC. 107. (a) The Board shall appoint from among its members an Executive
Committee and assign to the Executive Committee such of the powers and func-
tions granted to the Board by this Act as it deems appropriate; except that the
Board may not assign to the Executive Committee the function of establishing
policies.

(b) (1) The Executive Committee shall consist of the Director, as a nonvoting
ex officio member, and not less than five nor more than nine other members elected
by the Board from among their membership.

(2) The term of office of each voting member of the Executive Committee shall
be two years, except that (A) any member elected to fill a vacancy occurring
prior to the expiration of the term for which his predecessor was elected shall be
elected for the remainder of such term; and (B) the term of office of four of the
members first elected after the date of enactment of this Act shall be one year.

(3) Any person who has been a member of the Executive Committee for six
consecutive years shall thereafter be ineligible for election during the two-year
period following the expiration of his term of office.

(4) The membership of the Executive Committee, shall so far as practicable,
be representative of diverse interests and shall be chosen so as to provide pro-
fessional representation, so far as practicable, for all areas of the Nation.

(5) The Executive Committee shall render an annual report to the Board, and
such other reports as it may deem necessary, summarizing its activities and mak-
ing such recommendations as it may deem appropriate. Minority views and recom-
mendations, if any, of members of the Executive Committee shall be included
in such reports.

(c) The Board is authorized to appoint from among its members or otherwise
such advisory panels as it deems necessary, and to assign to the panels so ap-
pointed such survey and advisory functions as the Board deems appropriate for
the purpose of this Act.

SEC. 108 (a) There shall be within the Foundation such divisions as the Board
may, from time to time, deem necessary in order to carry out the powers and
duties of the Foundation as set forth in this Act. Among the divisions estab-
lished pursuant to this section there shall be included divisions concerned with
those aspects of the arts which pertain to creative, interpretive, and professional
performances as related to the purpose of this Act.

(b) (1) There shall be a committee for each division of the Foundation.

(2) Each divisional committee shall be appointed by the Board and shall con-
sist of not less than five persons who need not be members of the Board.

(3) The terms of members of each divisional committee shall be two years.
Each divisional committee shall annually elect its own chairman from among its
own members and shall prescribe its own rules of procedure subject to such re-
strictions as may be prescribed by the Board.

(4) Each divisional committee shall make recommendations to, and advise and
consult with, the Board and the Director with respect to matters relating to the
program of its division.

GENERAL AUTHORITY OF THE FOUNDATION

SEC. 109. The Foundation shall have the authority, within the limits of avail-
able appropriations, to do all things necessary to carry out the provisions of this
title, including, but without being limited thereto, the authority—

(1) To prescribe such rules and regulations as it deems necessary gov-
erning the manner of its operations and its organization and personnel;

(2) To make such expenditures as may be necessary for administering the provisions of this title, and enter into contracts or other arrangements, without regard to the provisions of section 3709 of the Revised Statutes (4 U.S.C. 5) or of section 3648 of the Revised Statutes (31 U.S.C. 523):

(3) To acquire funds by gift, and to use such funds to carry out the purposes of this title, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title:

(4) To receive funds donated, bequeathed or devised by others, if such funds are donated, bequeathed, or devised without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation; and to use such funds to carry out the purposes of this title:

(5) To accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2), for persons serving without compensation; and

(6) To prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for institutes in the arts, as provided in subsection (2) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

MISCELLANEOUS PROVISIONS

SEC. 110. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint, and fix the compensation of such personnel as may be necessary to carry out the provisions of this title. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this title. The Deputy Director hereinafter provided for, and the members of the divisional committees, shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of service as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this title.

(b) The Director may appoint, with the approval of the Board a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director. The Deputy Director shall receive compensation at the same rate as provided for the Deputy Director of the National Science Foundation.

(c) The members of the Board and the members of the divisional committees shall receive compensation at the rate of \$75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2).

(d) Persons holding other offices in the executive branch of the Federal Government may serve as members of the divisional committees, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the United States for the development of the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

(f) All artists employed by persons, organizations, or institutions to present

public performances which are w/ title shall be paid, without subseq less than the minimum wages as the prevailing minimum wages for activities in the Nation. Further shall take place nor will any prepa under conditions which are unsanit and safety of employees engaged safety and sanitary laws of the Sta is to take place shall be prima fac Labor shall have, with respect to es functions set forth in Reorganizatio 6 U.S.C. 133z-15). Notwithstanding to minimum wages, this section shal where the beneficiary of Federal ass tional institution and the audience: the auspices of such an institution; others employed by the institution of study at the institution.

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ESTABLISHMENT OF A NAT

SEC. 201. There is hereby establish ment an independent agency to be KL tion (hereinafter in this title referre tion shall consist of a National Humar "Board") and a Director (hereinafter

PURPOSE OF T

SEC. 202. The purpose of the Nation velop and promote a broadly conceiv and the arts, but it shall not attempt the scholarship, teaching, research, or encourages.

DEFI

SEC. 203. As used in title II of the Act- (a) The term "humanities and t which widen the understanding of well as to other men, and encompass sections (b) and (c) of this section.

(b) The term "humanities" inclu language, literature, history, and p licism, and theory of the arts: the and those aspects of the social scien employ humanistic methods.

(c) The term "the arts" includes National Arts and Cultural Develop (instrumental and vocal) drama, d tecture and allied fields, painting, sc arts, industrial design, costume and vision, radio, tape and sound recor presentation, performance, executio forms.

(d) The term "production" means dance, and choral performances, con dings, motion pictures, television, radi any other activities involving the e meeting such standards as the Found

(e) The term "project" means pro State agencies to carry out the purpo other endeavors, to foster American to develop and enhance knowledge and

(f) The term "group" includes an ization association, museum, or estab

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HUMANITIES FOUNDATIONS

as may be necessary for administering under contracts or other arrangements, of section 3709 of the Revised Statutes of the Revised Statutes (31 U.S.C. 520): and to use such funds to carry out the purposes of this title; and to dispose of by sale, lease, or loan, real property necessary for, or resulting from, the purposes of this title:

bequeathed or devised by others. If such property is devised without restriction other than that one or more of the general purposes of the purposes of this title; the services of voluntary and uncompensated persons and subsistence as authorized by 5 U.S.C. 73b-2), for persons serving

the approval of the Comptroller General of the United States for funds expended under contracts provided in subsection (2) of this section, and substantiation prior to payment, without regard to laws relating to the expenditure of public

OTHER PROVISIONS

in accordance with such policies as the Board may determine, to fix the compensation of persons to carry out the provisions of this title. Such compensation shall be fixed in accordance with such laws and regulations and the Classification Act of 1949 as may be applicable. The Director may, in accordance with such policies, prescribe, employ such technical and professional assistance, without regard to such laws, as he may deem necessary in the performance of the responsibilities of the Foundation or hereinafter provided for, and the members shall be appointed without regard to the civil service laws, and the Director nor the Deputy Director shall be appointed in, or employment with, that of service as the case may be; nor shall the Director or Deputy Director hold any office in, or position, agency, or institution with which the arrangement under this title.

With the approval of the Board a Deputy Director shall be appointed as the Director, with the approval of the Board, during the absence or absence of a vacancy in the Office of the Director. The Deputy Director shall receive compensation at the same rate as the Director of the National Science Foundation.

The members of the divisional committees shall be appointed for a term of one year and shall receive a salary of \$75 for each day engaged in the business of the Foundation, and travel expenses as authorized by 5 U.S.C. 73b-2).

In the executive branch of the Federal Government the divisional committees, but they shall receive the same services as such members during any period for their services in such other offices.

The Department or agency of the United States for the promotion of facilities therefor, shall be provided for the head of the department or agency to the Foundation for such use as is consistent with such funds were provided, and funds so available to the Foundation for the purposes for which such time as an appropriation is made available for the general administrative expenses of the Foundation otherwise applicable to such funds, and for the promotion of such organizations, or institutions to present

public performances which are wholly or in part federally assisted under this title shall be paid, without subsequent reduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons professionally employed in similar activities in the Nation. Furthermore, no part of such artistic performances shall take place nor will any preparations for such performances be engaged in under conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in such activities. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have, with respect to establishing such conditions, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. 1332-15). Notwithstanding the first sentence of this section relating to minimum wages, this section shall not apply with respect to minimum wages where the beneficiary of Federal assistance under this title is a bona fide educational institution and the audiences for public performances organized under the auspices of such an institution are comprised solely of faculty members or others employed by the institution and students enrolled in a regular course of study at the institution.

TITLE II

ESTABLISHMENT OF A NATIONAL HUMANITIES FOUNDATION

SEC. 201. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this title referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director (hereinafter in this title referred to as the "Director").

PURPOSE OF THE FOUNDATION

SEC. 202. The purpose of the National Humanities Foundation shall be to develop and promote a broadly conceived policy of support for the humanities and the arts, but it shall not attempt to supervise, control, or otherwise direct the scholarship, teaching, research, or artistic endeavors which it supports or encourages.

DEFINITION

SEC. 203. As used in title II of the Act—

(a) The term "humanities and the arts" includes all those cultural areas which widen the understanding of man in relation to his environment as well as to other men, and encompasses all areas and fields referred to in subsections (b) and (c) of this section.

(b) The term "humanities" includes, but is not limited to, the study of language, literature, history, and philosophy; archeology; the history, criticism, and theory of the arts; the history of law, religion, and science; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

(c) The term "the arts" includes all arts areas and fields covered by the National Arts and Cultural Development Act of 1964, such as (1) music (instrumental and vocal) drama, dance, folk arts, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording; and (2) the arts related to the presentation, performance, execution, and exhibition of such major art forms.

(d) The term "production" means plays (with or without music) ballet, dance, and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, and tape and sound recordings; and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.

(e) The term "project" means programs organized by groups, States, and State agencies to carry out the purposes of the Act, including programs and other endeavors, to foster American artistic creativity, to train artists, and to develop and enhance knowledge and understanding of the arts.

(f) The term "group" includes any nonprofit society, institution, organization, association, museum, or establishment, whether or not incorporated.

FUNCTIONS OF THE FOUNDATION

Sec. 204. (a) The Foundation is authorized and directed—

(1) To develop and encourage the pursuit of a national policy for the promotion of scholarship, education, research, and creative work and performance in the humanities and the arts;

(2) To insure that suitable means (including grants, loans, and other forms of assistance) are provided for educating and developing scholars and teachers in the humanities and the arts, and artists, at any stage of their growth;

(3) To assist by institutional grants, loans, and other means of assistance public and other nonprofit organizations, as defined in section 501(c) of the Internal Revenue Code of 1954, concerned with encouraging and developing scholars and teachers in the humanities and the arts, and artists, in order to enable each institution to develop its own program of research and instruction in the humanities and the arts; and to initiate and promote by contracts or other arrangements, including grants, loans and other forms of assistance, programs for the improvement of teaching in the humanities and arts;

(4) To award scholarships and graduate fellowships, including postdoctoral fellowships, and grants for research and for creative work and performance in the humanities and the arts;

(5) To foster the improvement of library and museum resources and services for research and for teaching at all levels in the humanities and the arts, and to foster the interchange of information in the humanities and the arts in the United States and with other countries; and

(6) Insofar as practicable, to carry out the purposes of this title, in a manner consistent with, and in support of, the activities and general policy recommendations of the National Council on the Humanities established by amendment of the National Arts and Cultural Development Act of 1964.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen education, research, creative work, and performance in the humanities and the arts throughout the United States and its possessions and to operate, insofar as practicable, in cooperation with existing Federal programs, including those conducted by the Smithsonian Institution and the United States Office of Education.

(c) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to nonprofit professional groups (and nonprofit groups meeting professional standards or standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity; (B) productions, irrespective of origin which are of significant merit and which, without such assistance, would otherwise be available to our citizens in many areas of the country; (C) projects that will encourage and assist artists who are citizens or who have evidenced their intention to become citizens of the United States; (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens; and (E) other relevant projects including surveys, research, and planning in the arts.

(2) No payment may be made to any group under this section except upon application therefor which is submitted to the Foundation in accordance with regulations prescribed by the Foundation.

(3) The amount of grants allotted to any group pursuant to this subsection shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the Foundation for the purposes of subsections (c) and (d) of this section for any fiscal year may be available for allotment by the Foundation in such fiscal year without regard to such limitation in the case of any group which submitted evidence to the Foundation that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for such group.

(4) Any group shall be eligible for financial assistance pursuant to this section only if (A) no part of its net earnings inures to the benefit of any private stockholder, or stockholders, or individual or individuals; and (B) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

(d) (1) The Foundation is authorized grants-in-aid to assist groups in carrying other undertakings which are making activities of the arts, and in developing the furnish adequate programs, facilities, and arts to all the people and communities.

(2) In order to receive such assistance submit an application for such grants and accompany such application with a

(A) Designates a sole agency for

(B) Provides that funds paid to a subsection will be expended solely on takings approved by the Foundation objectives of this title; and

(C) Provides that the group or design in such form and containing such information time to time require.

(3) In making grants to any group provision shall require matching funds in accordance (3) of this section.

(e) Whenever the Foundation, after hearing to any group, finds that—

(1) Any such group or designated violations of this section; or

(2) Any funds granted to such group section have been diverted from the or paid—

the Foundation shall immediately notify group or State agency concerned that no action section with respect to such group or State default or failure to comply or the diversion or correction is impossible, until the group repayment of the Federal funds which have

(f) The Foundation shall render an mission on or before the fifteenth day of summarizing the activities of the Foundation as it may deem appropriate. Such recommendations, if any, of members of the

(g) No portion of any moneys granted, inance under this section shall be applied to or repair of any building, or for the purchase

(h) The Foundation shall not itself provision, and it shall not itself commission work it may assist such undertakings including sponsorship.

NATIONAL HUMANA

Sec. 205. (a) The Board shall consist of by the President, by and with the advice (2) the Director of the Foundation, the Librarian of Congress, the Secretary Chairman of the National Council on the National Council on the Arts, each of which Board ex officio. The Chairman of the National of the National Arts Foundation shall ex officio. The Board shall, except as otherwise the authority granted to the Foundation by by the President for appointment as member of the humanities or the arts; (B) shall be lished records of distinguished service and shall be so selected as to provide a complete professional practitioners in the humanities States. The President is requested, in the consideration to such recommendations as to him by leading national organizations in the arts and by the National Council on the

CTIONS OF THE FOUNDATION

is authorized and directed—
 encourage the pursuit of a national policy for the
 education, research, and creative work and per-
 formances and the arts;
 suitable means (including grants, loans, and other
 provided for educating and developing scholars and
 and the arts, and artists, at any stage of their

national grants, loans, and other means of assistance
 to organizations, as defined in section 501(c) of the
 of 1954, concerned with encouraging and developing
 the humanities and the arts, and artists, in order
 to develop its own program of research and in-
 stitutions and the arts; and to initiate and promote by
 arrangements, including grants, loans and other forms
 for the improvement of teaching in the humanities

ships and graduate fellowships, including postdoc-
 toral grants for research and for creative work and per-
 formances and the arts;

improvement of library and museum resources and serv-
 ices and teaching at all levels in the humanities and the
 interchange of information in the humanities and the
 and with other countries; and

able, to carry out the purposes of this title, in a
 and in support of, the activities and general policy
 National Council on the Humanities established by
 the National Arts and Cultural Development Act of 1964.
 authority and discharging the functions referred to
 in this section, it shall be one of the objectives of the Founda-
 tion, research, creative work, and performance in the
 throughout the United States and its possessions and
 territories, in cooperation with existing Federal programs,
 and the Smithsonian Institution and the United States

is authorized to establish and conduct a program of
 professional groups (and nonprofit groups meeting
 standards of authenticity) engaged in or concerned
 with the production of enabling such groups to provide (A) produc-
 tions of artistic and cultural significance, giving emphasis
 to productions, irrespective of origin which are of
 national or international importance, which would otherwise be avail-
 able in the areas of the country; (C) projects that will en-
 courage and develop the talents of our citizens and who have evidenced their intention
 to contribute to the United States; (D) projects that will encourage and
 develop the enjoyment of the arts by our citizens; and (E)
 including surveys, research, and planning in the arts,
 made to any group under this section except upon
 application submitted to the Foundation in accordance with
 the provisions of this section.

is authorized to allot to any group pursuant to this subsection
 a sum not to exceed the total cost of such project or production,
 not to exceed ten per centum of the funds allotted by the Foundation
 under subsection (c) and (d) of this section for any fiscal year
 expended by the Foundation in such fiscal year without
 the case of any group which submitted evidence to
 the Foundation that it has attempted unsuccessfully to secure an amount of
 funds applied for by such group, together with a statement of
 the amount of funds it has secured represent of the funds applied for

is eligible for financial assistance pursuant to this sec-
 tion if its net earnings inures to the benefit of any private
 individual or individuals; and (B) donations
 made as a charitable contribution under the standards of
 section 170 of the Internal Revenue Code of 1954.

(1) The Foundation is authorized to establish and conduct a program of
 grants-in-aid to assist groups in carrying out existing projects, productions and
 other undertakings which are making a significant contribution in the humani-
 ties or the arts, and in developing these endeavors in such manner as will
 furnish adequate programs, facilities, and services in the humanities and the
 arts to all the people and communities throughout the United States.

(2) In order to receive such assistance in any fiscal year, a group shall
 submit an application for such grants prior to the first day of such fiscal year
 and accompany such application with a plan which the Foundation finds—

(A) Designates a sole agency for the administration of the plan;

(B) Provides that funds paid to a group or designated agency under this
 subsection will be expended solely on projects, productions, or other under-
 takings approved by the Foundation which carry out one or more of the
 objectives of this title; and

(C) Provides that the group or designated agency will make such reports,
 in such form and containing such information, as the Foundation may from
 time to time require.

(3) In making grants to any group pursuant to this subsection, the Founda-
 tion shall require matching funds in accordance with the provisions of subsection
 (c)(3) of this section.

(4) Whenever the Foundation, after reasonable notice and opportunity for
 hearing to any group, finds that—

(1) Any such group or designated agency is not complying with the pro-
 visions of this section; or

(2) Any funds granted to such group or designated agency under this
 section have been diverted from the purposes for which they were allotted
 or paid—

the Foundation shall immediately notify the Secretary of the Treasury and the
 group or State agency concerned that no further grants will be made under this
 section with respect to such group or State agency until there is no longer any
 default or failure to comply or the diversion has been corrected, or, if compliance
 or correction is impossible, until the group or State repays or arranges the
 repayment of the Federal funds which have been improperly diverted or expended.

(5) The Foundation shall render an annual report to the President for sub-
 mission on or before the fifteenth day of January of each year to the Congress,
 summarizing the activities of the Foundation and making such recommendations
 as it may deem appropriate. Such report shall include minority views and
 recommendations, if any, of members of the Board.

(6) No portion of any moneys granted, loaned, or otherwise provided as assis-
 tance under this section shall be applied to the purchase, erection, preservation,
 or repair of any building, or for the purchase or rental of any land.

(7) The Foundation shall not itself produce or present any project or produc-
 tion, and it shall not itself commission works of art other than publications, but
 it may assist such undertakings initiated under group or governmental
 sponsorship.

NATIONAL HUMANITIES BOARD

Sec. 205. (a) The Board shall consist of (1) twenty members to be appointed
 by the President, by and with the advice and consent of the Senate; and

(2) the Director of the Foundation, the United States Commissioner of Educa-
 tion, the Librarian of Congress, the Secretary of the Smithsonian Institute, the
 Chairman of the National Council on the Humanities, and the Chairman of the
 National Council on the Arts, each of whom shall be voting members of the
 Board ex officio. The Chairman of the National Arts Foundation and the Direc-
 tor of the National Arts Foundation shall be nonvoting members of the Board
 ex officio. The Board shall, except as otherwise provided in this Act, exercise
 the authority granted to the Foundation by this Act. The persons nominated
 by the President for appointment as members (A) shall be eminent in the fields
 of the humanities or the arts; (B) shall be selected solely on the basis of estab-
 lished records of distinguished service and scholarship or creativity; and (C)
 shall be so selected as to provide a comprehensive representation of the views of
 professional practitioners in the humanities and the arts throughout the United
 States. The President is requested, in the making of such appointments, to give
 consideration to such recommendations as may from time to time be submitted
 to him by leading national organizations and institutions in the humanities and
 the arts and by the National Council on the Humanities.

(b) The term of office of each appointed member of the Board shall be six years' except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, six at the end of two years, six at the end of four years, and eight at the end of six years, after the enactment of this Act. Any appointed member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of his term of office.

(c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until two years after the date of enactment of this Act. The Chairman of the National Council on the Humanities shall not be eligible for election as Chairman or Vice Chairman of the Board. Thereafter, each Chairman and Vice Chairman shall be elected for a term of two years in duration and each such election shall take place at a regular annual meeting occurring at the end of each such term. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill the vacancy.

(d) The Board shall meet at the call of the Chairman, but not less than four times each year. The Chairman shall also call a meeting whenever one-third of the members of the Board so request in writing. A majority of the voting members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or by certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

DIRECTOR OF THE FOUNDATION

Sec. 206. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as a voting ex officio member of the Board. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the same rate as provided for the Director of the National Science Foundation and shall serve for a term of six years unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by section 12 of this Act, together with such powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 12(3) of this Act unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

POWER TO CREATE COMMITTEES

Sec. 207. (a) The Board shall appoint from among its members an Executive Committee and assign to the Executive Committee such of the powers and functions granted to the Board by this Act as it deems appropriate; except that the Board may not assign to the Executive Committee the functions of establishing policies.

(b) (1) The Executive Committee shall consist of the Director, as a nonvoting ex officio member, and not less than five nor more than nine other members elected by the Board from among their membership.

(2) The term of office of each voting member of the Executive Committee shall be two years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of four of the members first elected after the date of enactment of this Act shall be one year.

(3) Any person who has been a consecutive years shall thereafter be period following the expiration of his

(4) The membership of the Executive Committee shall be representative of diverse interests and professional representation, so far as

(5) The Executive Committee shall make such other reports as it may deem making such recommendations as it may recommend, if any, of members included in such reports.

(c) The Board is authorized to appoint such advisory panels as it deems necessary and to appoint such survey and advisory panels for the purposes of this Act.

DIVISIONS WITHIN

Sec. 208. (a) There shall be within the Board may, from time to time, deem necessary and duties of the Foundation as set forth and established pursuant to this section the with those aspects of the humanities which pertain to educational excellence as related to creative, interpretative, and the purposes of this Act.

(b) (1) There shall be a committee of (2) Each divisional committee shall consist of not less than five persons who

(3) The terms of members of each divisional committee shall be annual. Each divisional committee shall prescribe its own members and shall prescribe its restrictions as may be prescribed by the Board.

(4) Each divisional committee shall consult with, the Board and the Director to the program of its division.

GENERAL AUTHORITY OF

Sec. 209. The Foundation shall have the authority to make such appropriations, to do all things necessary and proper to carry out the purposes of this title, including but without being limited

(1) to prescribe such rules and regulations as may be necessary to carry out the manner of its operations and its

(2) to make such expenditures as may be necessary for the purposes of this title;

(3) to enter into contracts or other arrangements with accredited public or other nonprofit organizations for the establishment and conduct of or both, for the training of teachers of

(4) to support improved teaching and experiments in presentation and organization of studies and the development of new curricula;

(5) to make advance, progress, and establishment and conduct of such institutions in regard to the provisions of section 3052(b);

(6) to acquire funds by gift and to use the same for the purposes of this title, and to hold and dispose of personal property of all kinds necessary for the purposes of this title;

(7) to receive funds donated, bequeathed, or otherwise acquired, and to use such funds to carry out the purposes of this title;

(8) to publish or arrange for the publication of the humanities and arts without regard

member of the Board shall be six years to fill a vacancy occurring prior to the expiration of the term of his predecessor was appointed shall be (2) the terms of office of the member of this Act shall expire, as provided in this Act, at the end of two years, after which the member of the Board who has been appointed shall thereafter be ineligible for reelection following the expiration of his term.

meeting of the Board, at which the Board shall elect a Chairman and a Vice Chairman, the terms of enactment of this Act. The Chairman and Vice Chairman shall not be eligible for reelection. Thereafter, each Chairman and Vice Chairman shall, for a term of two years in duration and until the next regular annual meeting occurring at which the Chairman and Vice Chairman shall perform the duties of the Chairman and Vice Chairman, respectively, until a vacancy occurs in the chairmanship or vice chairmanship, shall be eligible to be reelected to fill the vacancy. The Chairman shall call a meeting whenever one-third of the Board so request in writing. A majority of the voting members of the Board shall be given notice of any meeting, of the call of such meeting, and of the call of such meeting, of the call of such meeting.

FOUNDATION

of the Foundation who shall be eligible for reelection to the office of the President with respect to the duties of the President shall not be appointed until the expiration of the term of his predecessor. The Director shall receive compensation as determined by the Board. In addition, he shall be eligible for reelection to the office of the Director of the National Science Foundation for a term of six years unless sooner removed by the Board.

es specifically vested in him by this Act, together with such other powers as may be granted by the Board; but no final action shall be taken pursuant to the terms of this Act or the Executive Committee to the Board.

COMMITTEES

from among its members an Executive Committee such of the powers and functions as it deems appropriate; except that the Executive Committee shall not exercise the functions of the Board.

consist of the Director, as a nonvoting member, and not more than nine other members of the Executive Committee. The Chairman shall be elected to fill a vacancy occurring after the date of enactment of this Act for which his predecessor was elected; and (B) the term of office shall be six years, after which the member of the Board who has been appointed shall thereafter be ineligible for reelection following the expiration of his term.

(3) Any person who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of his term of office.

(4) The membership of the Executive Committee shall, so far as practicable, be representative of diverse interests and shall be chosen so as to provide for professional representation, so far as practicable, for all areas of the Nation.

(5) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(c) The Board is authorized to appoint from among its members or otherwise such advisory panels as it deems necessary, and to assign to the panels so appointed such survey and advisory functions as the Board deems appropriate for the purposes of this Act.

DIVISIONS WITHIN THE FOUNDATION

SEC. 208. (a) There shall be within the Foundation such divisions as the Board may, from time to time, deem necessary in order to carry out the powers and duties of the Foundation as set forth in this Act. Among the divisions established pursuant to this section there shall be included divisions concerned with those aspects of the humanities and the arts which pertain to the development of educational excellence as related to the purposes of this Act and which pertain to creative, interpretative, and professional performance as related to the purposes of this Act.

(b) (1) There shall be a committee for each division of the Foundation.
(2) Each divisional committee shall be appointed by the Board and shall consist of not less than five persons who need not be members of the Board.

(3) The terms of members of each divisional committee shall be two years. Each divisional committee shall annually elect its own chairman from among its own members and shall prescribe its own rules of procedure subject to such restrictions as may be prescribed by the Board.

(4) Each divisional committee shall make recommendations to, and advise and consult with, the Board and the Director with respect to matters relating to the program of its division.

GENERAL AUTHORITY OF THE FOUNDATION

SEC. 209. The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but without being limited thereto, the authority—

(1) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(2) to make such expenditures as may be necessary for administering the provisions of this title;

(3) to enter into contracts or other arrangements or modifications thereof with accredited public or other nonprofit institutions of higher education for the establishment and conduct of summer or academic-year institutes, or both, for the training of teachers of the humanities and the arts;

(4) to support improved teaching at all levels of education by encouraging experiments in presentation and organization, including interdisciplinary studies and the development of new curricular materials;

(5) to make advance, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(6) to acquire funds by gift and to use such funds to carry out the purposes of this title, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

(7) to receive funds donated, bequeathed, or devised by others, if such funds are donated, bequeathed or devised without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation; and to use such funds to carry out the purposes of this title;

(8) to publish or arrange for the publication of scholarly information in the humanities and arts without regard to the provisions of section 87 of the

Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111);

(9) to accept and utilize the services of the voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2), for persons serving without compensation; and

(10) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for institutes in the humanities and the arts, as provided in subsection (3) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

MISCELLANEOUS PROVISIONS

SEC. 110 (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this title. The Deputy Director hereinafter provided for, and the members of the divisional committees, shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this title.

(b) The Director may appoint, with the approval of the Board a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director. The Deputy Director shall receive compensation at the same rate as provided for the Deputy Director of the National Science Foundation.

(c) The members of the Board and the members of the divisional committees shall receive compensation at the rate of \$75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2).

(d) Persons holding other offices in the executive branch of the Federal Government may serve as members of the divisional committees, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the United States for the development of the humanities or the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

(f) All artists employed by persons, organizations or institutions to present public performances which are wholly or in part federally assisted under this title shall be paid, without subsequent reduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons professionally employed in similar activities in the Nation. Furthermore, no part of such artistic performances shall take place nor will any preparations for such performances be engaged in under conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in such activities. Compliance with the safety and sanitary laws of the State in which the performance of part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have, with

respect to establishing such conditions, the Reorganization Plan Numbered 14 of 1955. Notwithstanding the first sentence of this section shall not apply with respect to: of Federal assistance under this title is a the audiences for public performances orgn institution are comprised solely of facult the institution and students enrolled in a r tion.

UTILIZATION OF FORE

Sec. 14. Section 104 of the Agricultural Act of 1954 (7 U.S.C. 1704) is amended by graph (s) the following new paragraph:

"(ii) For financing under the direction of tion, in such amounts as may be specified acts, programs outside the United States of information in the humanities and the t other countries, including but not limited expeditions through grants, loans, or other for

AUTHORIZATION OF APT

Sec. 212. To enable the National Arts Founda Foundation to carry out their respective por this Act, there is authorized to be appropriated

(1) to the National Arts Foundation for t the sum of \$5,000,000; for the fiscal year o \$10,000,000; and for each succeeding fiscal ye determine;

(2) to the National Humanities Foundation 1968, the sum of \$5,000,000; for the fiscal ye \$10,000,000; and for each succeeding fiscal may determine; and

(3) the sum appropriated by the Congress (defined in Title I and Title II of this Act s fiscal year.

AMENDMENTS TO PUBLIC

To amend the National Arts and Cultural Dev the National Council on the Arts to accept donations for use in carrying out the purpo the National Council on the Humanities.

SEC. 2. The National Arts and Cultural De amended as follows:

(a) Amend paragraph (5) of section 2 by f on the Arts", the following: "and a National

(b) Amend section 3 by inserting, at the end "or the humanities".

(c) Insert, after section 3, the following title I COUNCIL ON THE ARTS".

(d) Redesignate sections "4.", "5.", "6.", " as sections, "101.", "102.", "103.", "104.", "10 respectively.

(e) Amend section 101, as redesignated par section, by inserting, after the word "herein title".

(f) Amend section 102, as redesignated par section, as follows:

(1) In subsection (a) insert, after "Institu Chairman of the National Arts Foundation", b

(2) In subsection (a) strike out and insert in add here "of this title".

(3) In subsection (a) insert, at the end of t sentence: "The Director of the National Hum nonvoting member of the Council ex officio".

stat. 622), and section 11 of the Act of March 1, 1911);

the services of the voluntary and uncompensated transportation and subsistence as authorized by Act 2, 1946 (5 U.S.C. 73b-2), for persons serving

the approval of the Comptroller General of the United States, which vouchers for funds expended under contracts for the humanities and the arts, as provided in subsection (a) subject to itemization or substantiation prior to the limitation of other laws relating to the expenditure and accounting therefor.

VARIOUS PROVISIONS

1. In accordance with such policies as the Board of Directors shall appoint and fix the compensation of such persons under the provisions of this title. Such appointment and compensation shall be fixed in accordance with the laws and regulations and the Classification Act of 1949, in accordance with such policies as the Board of Directors may employ such technical and professional personnel without regard to such laws, as he may deem to be in the best interests of the Foundation under this title. Hereinafter provided for, and the members of the Board of Directors shall be appointed without regard to the civil service laws for nor the Deputy Director shall engage in any employment other than that of serving as such Director or Deputy Director; nor shall the Director or Deputy Director hold any office in, or act in any capacity in, any institution with which the Foundation makes contracts under this title.

2. With the approval of the Board of Directors, the Director, with the approval of the Board of Directors, shall be the Acting Director during the absence or absence of a vacancy in the Office of the Director. The compensation at the same rate as provided for the Director of the National Science Foundation.

3. The members of the divisional committees shall be appointed at the rate of \$75 for each day engaged in the performance of their duties. They shall be allowed travel expenses as authorized by Act 2, 1946 (5 U.S.C. 73b-2).

4. The members of the executive branch of the Federal Government shall be appointed to the divisional committees, but they shall not receive salaries as such members during any period for which they are engaged in their services in such other offices. The members of the executive branch of the Federal Government shall be appointed to the divisional committees for the arts, or the provisions of facilities therefor, or in part, to the Foundation for such use as may be determined with the approval of the head of the department or agency of the United States for which such funds were provided, and funds for such use shall be available to the Foundation for the purposes for which such time as an appropriation is made available for general administrative expenses of the Foundation otherwise applicable to such funds. The members of the executive branch of the Federal Government, organizations or institutions to present exhibits or in part federally assisted under this title, shall be appointed to the divisional committees, not in reduction or rebate on any account, not determined by the Secretary of Labor to be the members of the executive branch of the Federal Government professionally employed in similar activities. The members of the executive branch of the Federal Government part of such artistic performances shall take such performances be engaged in under conditions or dangerous to the health and safety of the performers. Compliance with the safety and sanitary requirements of part thereof is to take place shall be determined by the Secretary of Labor shall have, with

respect to establishing such conditions, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. 133x-15). Notwithstanding the first sentence of this section relating to minimum wages, this section shall not apply with respect to minimum wages where the beneficiary of Federal assistance under this title is a bona fide educational institution and the audiences for public performances organized under the auspices of such an institution are comprised solely of faculty members or others employed by the institution and students enrolled in a regular course of study at the institution.

UTILIZATION OF FOREIGN CURRENCY

SEC. 14. Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended by inserting immediately after paragraph (a) the following new paragraph:

"(u) For financing under the direction of the National Humanities Foundation, in such amounts as may be specified from time to time in appropriation acts, programs outside the United States designed to foster the interchange of information in the humanities and the arts between the United States and other countries, including but not limited to the financing of archeological expeditions through grants, loans, or other forms of assistance;"

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. To enable the National Arts Foundation and the National Humanities Foundation to carry out their respective powers and duties vested in them by this Act, there is authorized to be appropriated:

(1) to the National Arts Foundation for the fiscal year ending June 30, 1966, the sum of \$5,000,000; for the fiscal year ending June 30, 1967, the sum of \$10,000,000; and for each succeeding fiscal year such sums as the Congress may determine;

(2) to the National Humanities Foundation for the fiscal year ending June 30, 1966, the sum of \$5,000,000; for the fiscal year ending June 30, 1967, the sum of \$10,000,000; and for each succeeding fiscal year such sums as the Congress may determine; and

(3) the sum appropriated by the Congress to carry out the powers and duties defined in Title I and Title II of this Act shall be identical for each or any fiscal year.

AMENDMENTS TO PUBLIC LAW 88-570

To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Council on the Humanities.

SEC. 2. The National Arts and Cultural Development Act of 1964 is hereby amended as follows:

(a) Amend paragraph (5) of section 2 by inserting, after "National Council on the Arts", the following: "and a National Council on the Humanities".

(b) Amend section 3 by inserting, at the end of the paragraph, the following: "or the humanities".

(c) Insert, after section 3, the following title heading: "TITLE I--NATIONAL COUNCIL ON THE ARTS".

(d) Redesignate sections "4.", "5.", "6.", "7.", "8.", "9.", "10.", and "11.", as sections, "101.", "102.", "103.", "104.", "105.", "106.", "107.", and "108.", respectively.

(e) Amend section 101, as redesignated pursuant to subsection (d) of this section, by inserting, after the word "hereinafter", the following: "in this title".

(f) Amend section 102, as redesignated pursuant to subsection (d) of this section, as follows:

(1) In subsection (a) insert, after "institution", the following: "and the Chairman of the National Arts Foundation", before the words "ex officio".

(2) In subsection (a) strike out and insert in lieu thereof "103". (If needed, add here "of this title".)

(3) In subsection (a) insert, at the end of the first sentence, the following sentence: "The Director of the National Humanities Foundation shall be a nonvoting member of the Council ex officio".

(4) In subsection (a) insert, between the words "such" and "members", the following "appointed".

(g) Amend section 107, as redesignated pursuant to subsection of this section, by striking out "Act" and inserting in lieu thereof "title".

(h) Amend section 108, as redesignated pursuant to subsection (d) of this section, as follows:

(1) In subsection (a) strike out "Act" and insert in lieu thereof "title".

(2) In subsection (b) strike out "Act" the first time it appears and insert in lieu thereof "title".

(i) At the end of title I, as designated by subsection (h) of this section, add the following new section:

"REQUESTS, GIFTS, DONATIONS"

"Sec. 109. The Council is authorized to accept and receive from public or private sources, by devise, bequest, gift, donation, or otherwise, money and securities and real personal or mixed property: to hold the same absolutely or in trust; to invest, reinvest, manage, and dispose of the same; and to apply such money, securities, or property, the proceeds thereof, or the income derived therefrom, to such expenditures and disbursements as the Council shall determine to be necessary or appropriate for the performance of its functions. For the purposes of the United States income, estate, and gift tax laws, any gift, donation, devise, or bequest accepted by the Council under this section shall be deemed to be a gift, donation, devise, or bequest to or for the use of the United States."

(j) After title I, as designated by subsection (h) of this section, add the following new title and text:

"TITLE II—NATIONAL COUNCIL ON THE HUMANITIES

"ESTABLISHMENT OF HUMANITIES COUNCIL

"Sec. 201. There is hereby established in the Executive Office of the President a National Council on the Humanities (hereinafter in this title referred to as the 'Council').

"MEMBERSHIP OF THE COUNCIL

"Sec. 202. (a) The Council shall be composed of the Chairman provided for in section 203 of this title, twenty members appointed by the President, the United States Commissioner of Education, the Librarian of Congress, the Secretary of the Smithsonian Institute, the Chairman of the National Humanities Foundation and the Chairman of the National Council on the Arts, each of whom shall be voting members of the Council ex officio. The Director of the National Humanities Foundation shall be a nonvoting member of the Council ex officio. The persons appointed by the President from among private citizens of the United States (1) shall be eminent in the fields of the humanities or the arts; (2) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity, and (3) shall be so selected as to provide a comprehensive representation of the views of professional practitioners in the humanities and the arts throughout the United States. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations or institutions in the humanities and the arts and by the National Humanities Foundation.

"(b) Each member of the Council shall hold office for a term of six years except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, eight at the end of the second year, eight at the end of the fourth year, and eight at the end of the sixth year after the date of the amendment of Public Law 89-579. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term.

"(c) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

"CHAI

"Sec. 203. (a) The President shall, with the advice and consent of the Senate, appoint a Chairman of the Council from among its members widely recognized for their broad and profound interest in the humanities and the arts. The President shall also the Chairman of the Council in the event of a vacancy in the office of the Chairman or the President shall, with the original appointment, appoint a Chairman to serve in the event of a vacancy in the office of the Chairman. The provisions of this section shall apply to any Chairman appointed to fill a vacancy in the office of the Chairman.

"(b) The Chairman shall serve for a term of four years, beginning on the date of his appointment, and shall be eligible for reappointment. The Chairman shall receive a salary, and shall be reimbursed for his expenses while away from his home or office, in accordance with the Standardized Government Travel R

"DUTIES AND RESP

"Sec. 204. (a) The Council shall meet at least twice during each calendar year, and shall constitute a quorum.

"(b) The Council shall (1) receive and coordinate the cultural resources of the United States; (2) initiate in the humanities or the arts, through the National Humanities Foundation, the National Council on the Arts, and other agencies, on methods by which to foster educational research in the humanities and the arts, both nationally and internationally; (3) conduct studies and formulate methods or ways by which to increase opportunities in the humanities and the arts; (4) expand in the best interests of the humanities and the arts the appreciation and enjoyment of the humanities and the arts; and (5) be encouraged and developed.

"(c) In selecting subjects to be studied, the Council (1) shall consider the interests of the National Humanities Foundation, the National Council on the Arts, and other agencies of the Federal Government; (2) shall select interested and qualified persons and panels as may be appointed by the Council; and (3) shall professionally qualified in the fields of such studies are concerned, who are recommended by the Council.

"(d) Not later than ninety days after the date of the Council's activities pursuant to subsection (b) of this section, the Council shall submit to the President and the Secretary of the Council reports of its activities at such time or times as the President shall deem appropriate. The President shall, in his discretion, may deem fit, together with his comm

"COMPENSATION OF M

"Sec. 205. Members of the Council, while attending to their duties in making its studies, while attending to their duties related to such matters, shall be engaged in duties authorized by this title, shall be reimbursed for their expenses, including per diem in lieu of subsistence (U.S.C. 5113-2) for persons in the Govern

between the words "such" and "members", the designated pursuant to subsection of this section in lieu there of "title".

designated pursuant to subsection (d) of this section out "Act" and insert in lieu thereof "title".

out "Act" the first time it appears and insert in designated by subsection (b) of this section, add

ESTS, GIFTS, DONATIONS"

authorized to accept and receive from public or request, gift, donation, or otherwise, money and mixed property; to hold the same absolutely manage, and dispose of the same; and to apply erty, the proceeds thereof, or the income derived s and disbursements as the Council shall determine for the performance of its functions. For tes income, estate, and gift tax laws, any gift, epted by the Council under this section shall be erise, or bequest to or for the use of the United

ted by subsection (b) of this section, add the

L. COUNCIL ON THE HUMANITIES

NT OF HUMANITIES COUNCIL

ablished in the Executive Office of the President anities (hereinafter in this title referred to as

ESHIP OF THE COUNCIL

shall be composed of the Chairman provided for any members appointed by the President, the f Education, the Librarian of Congress, the stitute, the Chairman of the National Humanian of the National Council on the Arts, each ers of the Council ex officio. The Director of ition shall be a nonvoting member of the Counolited by the President from among private) shall be eminent in the fields of the humanilected solely on the basis of established records olarship or creativity, and (3) shall be so hensive representation of the views of profesanities and the arts throughout the United ted in the making of such appointments to give rations as may from time to time be submitted izations or institutions in the humanities and anties Foundation.

neil shall hold office for a term of six years ointed to fill a vacancy occurring prior to the h his predecessor was appointed shall be apch term, and (2) the terms of the members is designated by the President at the time of the second year, eight at the end of the fourth e sixth year after the date of the amendment ber of the Council shall be eligible for reapriod following the expiration of his term.

neil shall not affect its powers, but shall be ch the original appointment was made.

"CHAIRMAN OF THE COUNCIL

"Sec. 203. (a) The President shall appoint, by and with the advice and consent of the Senate, a Chairman of the Council (hereinafter in this title referred to as the "Chairman") from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in the humanities and the arts. If requested, he shall advise the President and also the Commissioner of Education concerning activities of the Federal Government in the humanities. If a vacancy occurs in the Office of the Chairman the President shall fill the vacancy in the same manner in which the original appointment was made.

"(b) The Chairman shall serve at the pleasure of the President, but not in excess of eight consecutive years, and shall not be eligible for reappointment during the four-year period following the expiration of his last period of service as Chairman. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the Office of the Chairman.

"(c) The Chairman shall receive compensation at the rate of \$21,000 per annum, and shall be reimbursed for travel and subsistence expenses incurred by him while away from his home or regular place of business in accordance with the Travel Expense Act of 1949, as amended (5 U.S.C. 836-842), and the Standardized Government Travel Regulations.

"DUTIES AND RESPONSIBILITIES OF THE COUNCIL

"Sec. 204. (a) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Thirteen members of the Council shall constitute a quorum.

"(b) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the humanities and the arts, (3) advise and consult with the National Humanities Foundation, and other local, State, and Federal departments and agencies, on methods by which to coordinate existing resources and facilities, and to foster educational, artistic and cultural endeavors and scholarly research in the humanities and the arts, (4) promote the use of the humanities and the arts, both nationally and internationally, in the best interests of our country, and (5) conduct studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the humanities and the arts may be encouraged and expanded in the best interests of the Nation's cultural progress, and a greater appreciation and enjoyment of the humanities and the arts by our citizens can be encouraged and developed.

"(c) In selecting subjects to be studied pursuant to subsection (b) of this section, the Council (1) shall consider requests submitted to it by the Chairman of the National Humanities Foundation, and the heads of departments and agencies of the Federal Government, and (2) may obtain the advice of any interested and qualified persons and organizations. In making its studies pursuant to such subsection, the Council may obtain assistance from such committees and panels as may be appointed by the Chairman from among those persons professionally qualified in the fields of the humanities and the arts with which such studies are concerned, who are recommended to him by the Council.

"(d) Not later than ninety days after the end of each fiscal year, the Council shall submit to the President and the Congress an annual report setting forth its activities pursuant to subsection (b) of this section. In addition, the Council shall submit to the President reports and recommendations with respect to its activities at such time or times as the President shall request or the Council deems appropriate. The President shall transmit such recommendations as he may deem fit, together with his comments thereon, to the Congress.

"COMPENSATION OF MEMBERS OF THE COUNCIL

"Sec. 205. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council, or while engaged in duties related to such meetings, or while engaged in the conduct of studies authorized by this title, shall receive compensation at a rate to be fixed by the Chairman, but not exceeding \$75 per diem and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 730-2) for persons in the Government service employed intermittently.

"STAFF OF THE COUNCIL

"SEC. 206. (a) The Chairman is authorized to appoint, subject to the civil service laws, such secretarial, clerical, and other staff assistance as is necessary to enable the Chairman and the Council, and its special committees, to carry out their functions and duties, and to fix the compensation of persons so appointed in accordance with the Classification Act of 1949.

"(b) The Chairman is authorized to procure in accordance with such policies as the Council shall from time to time prescribe, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (5 U.S.C. 53a), but at rates for individuals not in excess of \$75 a day.

"EXPENSES OF THE COUNCIL

"SEC. 207. There are hereby authorized to be appropriated to the Council such sums as may be necessary to carry out the purposes of this title.

"GENERAL PROVISIONS

"SEC. 208. (a) This title shall not be deemed to invalidate any provision in any Act of Congress or Executive order vesting authority in any other statutory Federal advisory body.

"(b) Nothing contained in this title shall be construed to authorize the Council to undertake any duty or responsibility which is the duty or responsibility of any other Federal advisory body established by law as of the date of adoption of this amendment to Public Law 88-570."

The amendments suggested above were drafted by Harold Weston after consultation with and the approval of the executive committee of the National Council on the Arts and Government.

APPENDIX B

STATE ART AGENCIES TEMPO STEPS UP

(The following article is an excerpt from the 1964 National Council on the Arts and Government Annual Report)

At least half of our State governments have awakened to the growing need for some participation in the arts by State governments. The situation is constantly changing. A year-old survey is soon obsolete and up-to-date data are most difficult to obtain. Furthermore, these State art agencies vary greatly in functions, source, and degree of authority and of available funds.

A few, generally of limited scope, were established several or many years ago. State agencies covering a wide range of art fields are of recent date. Their development usually takes place in three stages. First, some individual or group takes the initiative and obtains the active support or at least approval of the Governor. Next, either the Governor or the State legislature authorizes a survey with recommendations concerning the arts in that State, sometimes with modest funds or dependent on voluntary efforts or support from private sources. Finally, an appointed agency becomes operative by legislative act with appropriations and is able to carry out a program.

Only one State, New York, has an art agency with reasonably adequate funds. The New York State Council on the Arts (see article below for its record and address) conducted a survey of all 50 States on this subject. Details about replies, condensed below, may be obtained from the New York Council.

A California Art Commission was formed in January 1964 and received \$50,000 from the legislature to conduct a survey and suggest further action.

Utah has reactivated an old statute for its State Institute of Fine Arts, which with an annual budget of \$37,000 administers a State art collection, sponsors art competitions, organizes traveling art exhibits, subsidizes the Utah Symphony and sponsors crafts programs.

Twelve States are at the survey stage and plan to ask for appropriations soon: Connecticut, Hawaii, Illinois, Indiana, Michigan, Minnesota, Missouri, Nevada, New Jersey, Rhode Island, Washington, and Wisconsin. Of these, Washington and Michigan have worked hard with almost no funds.

A comparison of these State agencies to most interesting to record in the Annual Report what progress has been made in the past year of State art agencies furnishes the road to Government recognition.

NEW YORK'S DEMONSTRATION

At a recent hearing in Washington annually to aid the arts through a National Council on the Arts, a New York State legislator asked what progress had been made in the past year of State art agencies furnishes the road to Government recognition.

The record of its accomplishments in 3 years. The record of its accomplishments in 3 years. The record of its accomplishments in 3 years. The record of its accomplishments in 3 years.

The New York Council was authorized to assess what had best be done, prior to following 3 years it received from the State which has sponsored a wide range of activities. The record of its accomplishments in 3 years. The record of its accomplishments in 3 years.

The New York Council was authorized to assess what had best be done, prior to following 3 years it received from the State which has sponsored a wide range of activities. The record of its accomplishments in 3 years. The record of its accomplishments in 3 years.

The total of fees paid to the performers in 1961-62 was \$100,000. Adding all other costs to \$200,000. To meet this about \$430,000 of public or from private sources due to the

In the visual arts, exhibitions arranged by the American Federation of Arts which is sponsoring groups. The number of exhibitions in 1961-62 was 33; the third, including 34 exhibitions in 1962-63. The number of exhibitions in 1961-62 was 33; the third, including 34 exhibitions in 1962-63. The number of exhibitions in 1961-62 was 33; the third, including 34 exhibitions in 1962-63.

An important project in this area is the preservation or restoration of historical buildings, etc. This technical assistance is provided by the Council.

During the past year more emphasis has been placed on special demonstrations, abbreviated performances, and other projects which are being carried out in the schools. Another recent and important development is the stimulation and guidance in the formation of new community organizations. There are now at least 25 community organizations in various stages of development; 80 percent of these are receiving assistance by the Council. During the current year the Council has

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1965

Mr. PELL (for himself, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GRUENING, Mr. HART, Mr. HARTKE, Mr. INOUE, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Humanities
4 Foundation Act of 1965".

5 SEC. 2. The Congress hereby finds and declares—

6 (1) that the encouragement and support of the
7 humanities and the arts, while primarily a matter for

1 private and local initiative, is also an appropriate matter
2 of concern to the Federal Government;

3 (2) that a leading civilization must not limit its
4 efforts to science and technology alone but must give full
5 value and support to the other great branches of man's
6 scholarly and cultural activity;

7 (3) that democracy demands wisdom and vision in
8 its citizens and that it must therefore foster and support a
9 form of education designed to make men masters of their
10 technology and not its unthinking servants;

11 (4) that, during our early history, the Nation was
12 largely engaged in mastering its physical environment
13 while, more recently, advancing technology, defense,
14 and space needs have put a claim on energies that might
15 have gone into humane and artistic endeavors, with the
16 result that our social, moral, and esthetic development
17 has lagged behind our material advance;

18 (5) that it is the national interest that the resulting
19 social, cultural, and educational imbalance be redressed;

20 (6) that the world leadership which has come to
21 the United States cannot rest solely upon superior power,
22 wealth, and technology, but must be solidly founded
23 upon worldwide respect and admiration for the Nation's
24 high qualities as a leader in the realm of ideas and of the
25 spirit;

1 (7) that, in order to implement these findings, it is
2 desirable to establish a National Humanities Foundation.

3 ESTABLISHMENT OF A NATIONAL HUMANITIES
4 FOUNDATION

5 SEC. 3. There is hereby established in the executive
6 branch of the Government an independent agency to be
7 known as the National Humanities Foundation (hereinafter
8 in this Act referred to as the "Foundation"). The Founda-
9 tion shall consist of a National Humanities Board (herein-
10 after referred to as the "Board") and a Director.

11 PURPOSE OF THE FOUNDATION

12 SEC. 4. The purpose of the National Humanities Foun-
13 dation shall be to develop and promote a broadly conceived
14 policy of support for the humanities and the arts, but it shall
15 not attempt to supervise, control, or otherwise direct the
16 scholarship, teaching, research, or artistic endeavors which it
17 supports.

18 DEFINITION

19 SEC. 5. As used in this Act—

20 (a) The term "humanities and the arts" includes all
21 those cultural areas which widen the understanding of man
22 in relation to his environment as well as to other men, and
23 encompasses all areas and fields referred to in subsections
24 (b) and (c) of this section.

25 (b) The term "humanities" includes, but is not limited

1 to, the study of language, literature, history, and philosophy;
2 archeology; the history, criticism, and theory of the arts;
3 the history of law, religion, and science; and those aspects
4 of the social sciences which have humanistic content and
5 employ humanistic methods.

6 (c) The term "the arts" includes all art areas and fields
7 covered by the National Arts and Cultural Development Act
8 of 1964, such as (1) music (instrumental and vocal),
9 drama, dance, folk art, creative writing, architecture and
10 allied fields, painting, sculpture, photography, graphic and
11 craft arts, industrial design, costume and fashion design,
12 motion pictures, television, radio, tape and sound recording;
13 and (2) the arts related to the presentation, performance,
14 execution, and exhibition of such major art forms.

15 (d) The term "production" means plays (with or with-
16 out music), ballet, dance, and choral performances, concerts,
17 recitals, operas, exhibitions, readings, motion pictures, tele-
18 vision, radio, and tape and sound recordings; and any other
19 activities involving the execution or rendition of the arts
20 and meeting such standards as the Foundation may establish.

21 (e) The term "project" means programs organized by
22 groups, States, and State agencies to carry out the purposes
23 of this Act, including programs to foster American artistic
24 creativity, to train artists, to commission works of art, and to

1 develop and enhance knowledge and understanding of the
2 arts.

3 (f) The term "group" includes any society, institution,
4 organization, association, museum, or establishments, whether
5 or not incorporated.

6 ASSURANCE AGAINST FEDERAL INTERFERENCE

7 SEC. 6. In the administration of this Act, no department,
8 agency, officer, or employee of the United States shall exer-
9 cise any direction, supervision, or control over the policy
10 determination, personnel, curriculum, or the administration
11 or operation of any school or other non-Federal agency,
12 institution, organization, or association.

13 FUNCTIONS OF THE FOUNDATION

14 SEC. 7. (a) The Foundation is authorized and di-
15 rected—

16 (1) to develop and encourage the pursuit of a na-
17 tional policy for the promotion of scholarship, education,
18 research, and creative work and performance in the
19 humanities and the arts;

20 (2) to insure that suitable means (including grants,
21 loans, and other forms of assistance) are provided for
22 educating and developing scholars and teachers in the
23 humanities and the arts, and artists, at any stage of
24 their growth;

1 (3) to assist by institutional grants, loans, and
2 other means of assistance public and other nonprofit
3 organizations, as defined in section 501 (c) of the In-
4 ternal Revenue Code of 1954, concerned with encourag-
5 ing and developing scholars and teachers in the hu-
6 manities and the arts, and artists, in order to enable
7 each institution to develop its own program of research
8 and instruction in the humanities and the arts; and to
9 initiate and promote by contracts or other arrangements,
10 including grants, loans, and other forms of assistance,
11 programs for the improvement of teaching in the hu-
12 manities and arts;

13 (4) to award scholarships and graduate fellowships,
14 including postdoctoral fellowships, and grants for re-
15 search and for creative work and performance in the
16 humanities and the arts;

17 (5) to foster the improvement of library and mu-
18 seum resources and services for research and for teaching
19 at all levels in the humanities and the arts, and to foster
20 the interchange of information in the humanities and the
21 arts in the United States and with other countries; and

22 (6) insofar as practicable, to carry out the purposes
23 of this Act in a manner consistent with, and in support
24 of, the activities of the National Council on the Arts

1 established by the National Arts and Cultural Development
2 opment Act of 1964.

3 (b) In exercising the authority and discharging the
4 functions referred to in subsection (a) of this section, it shall
5 be one of the objectives of the Foundation to strengthen
6 education, research, creative work and performance in the
7 humanities and the arts throughout the United States and its
8 possessions, and to operate, insofar as practicable, in coopera-
9 tion with existing Federal programs, including those con-
10 ducted by the Smithsonian Institution and the United States
11 Office of Education.

12 (c) (1) The Foundation is authorized to establish and
13 conduct a program of grants-in-aid to nonprofit professional
14 groups (and nonprofit groups meeting professional standards
15 or standards of authenticity) engaged in or concerned with
16 the arts, for the purpose of enabling such groups to provide
17 (A) productions which have substantial artistic and cultural
18 significance, giving emphasis to American creativity, (B)
19 productions irrespective of origin which are of significant
20 merit and which, without such assistance, would otherwise
21 be unavailable to our citizens in many areas of the country,
22 (C) projects that will encourage and assist artists who are
23 citizens or who have evidenced their intention to become
24 citizens of the United States, (D) projects that will en-

1 courage and develop the appreciation and enjoyment of the
2 arts by our citizens, and (E) other relevant projects includ-
3 ing surveys, research, and planning in the arts.

4 (2) No payment may be made to any group under this
5 section except upon application therefor which is submitted
6 to the Foundation in accordance with regulations prescribed
7 by the Foundation.

8 (3) The amount of any grants allotted to any group
9 pursuant to this subsection shall not exceed 50 per centum
10 of the total cost of such project or production, except that
11 not more than 20 per centum of the funds allotted by the
12 Foundation for the purposes of subsections (c) and (d) of
13 this section for any fiscal year may be available for allot-
14 ment by the Foundation in such fiscal year without regard
15 to such limitation in the case of any group which submits
16 evidence to the Foundation that it has attempted unsuccess-
17 fully to secure an amount of funds equal to the grant applied
18 for by such group, together with a statement of the pro-
19 portion which any funds it has secured represent of the funds
20 applied for by such group.

21 (4) Any group shall be eligible for financial assistance
22 pursuant to this section only if (A) no part of its net earn-
23 ings inures to the benefit of any private stockholder, or stock-
24 holders, or individual or individuals, and (B) donations to
25 such group are allowable as a charitable contribution under

1 the standards of subsection (c) of section 170 of the In-
2 ternal Revenue Code of 1954.

3 (5) Except as otherwise provided in the second sen-
4 tence of subsection (d) (3) of this section, the total amount
5 allotted by the Foundation for grants-in-aid to groups for any
6 fiscal year shall be equal to the total amounts allotted by the
7 Foundation for grants-in-aid to States for such fiscal year.

8 (d) (1) The Foundation is authorized to establish and
9 conduct a program of grants-in-aid to assist the several
10 States in supporting existing projects and productions which
11 are making a significant public contribution in one or more
12 of the arts, and in developing projects and productions in
13 the arts in such a manner as will furnish adequate programs,
14 facilities, and services in the arts to all the people and com-
15 munities in each of the several States.

16 (2) In order to receive such assistance in any fiscal
17 year, a State shall submit an application for such grants
18 prior to the first day of such fiscal year and accompany such
19 application with a plan which the Foundation finds—

20 (A) designates a State agency (hereinafter in this
21 subsection referred to as the "State agency") as the
22 sole agency for the administration of the State plan;

23 (B) provides that funds paid to the State under
24 this subsection will be expended solely on projects and

CONGRESSIONAL RESEARCH
SERVICE

To Sandy Crary 3/22/89
re; clause in the arts
legislation dealing with
tax exempt groups.

As per your request, see
the markings in hearings
describing the draft
legislation by the National
Council on Arts and
Government. The same
section on tax exempt group
appears in both the
arts section and the
humanities section. I have
poured through the early
hearings and reports and
find little other than
the fact that S. 316 con-
tained the tax exempt
language.

The Questions and Answers
committee print is talking

5-156d (rev 4/80)

CONGRESSIONAL RESEARCH
SERVICE

To generally about the
Foundation so it would
appear that they are
implying tax exempt would
apply to both arts and
humanities.

I have contacted the
General Counsel, NEH
who indicated generally
there would be no problem
with a parallel section.
The only problem might
be where to place it.

We hope this helps.

Susan Boren
707-6899
EPW

5-156d (rev 4/80)

*Because this
follows general
questions about tax
Foundation, it appears
that Pell and others
intended the clause to
apply to both education*