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Rex O. Arney

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March 2, 1989

To: Alexander Crary

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,

Rex O. Arney
General Counsel

Enclosures
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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1965
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.
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 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 $3 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.
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 any 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.
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 by 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,
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—

(a) 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;

(b) 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;

(c) 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;

(d) 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;

(e) that the practice of art and the study of the humanities requires constant dedication and devotion 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;

(f) 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

(g) 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 6 of this Act.
(d) The term "project" means programs organized to carry out the purpose 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 art and includes, where appropriate, rental, purchase, renovation, or construction 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 Union, 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 broad, well-conceived national public 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, formulation, or administration of the Foundation or its programs, by 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 Humanities, shall be 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) In addition to performing any of the functions, duties, and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, Public Law 88-579, 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) The first sentence of section 6(c) 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 fostering artistic creativity, to come in contact with the public or to stimulate public interest in the arts or the humanities; (hereinafter established and promote a broadly defined and the arts in the United States of America, or employee and control over this subsection shall not exceed 20 per centum of the total cost of such project or production, except that not more than 20 per centum of the Public, or employee and control over the establishment or operation of such an organization, or association.

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section 11(c) of the Internal Revenue Code of 1954. (B) The amendment made by clause (A) of this paragraph shall be applicable with respect to the Chairman or other public agency, and any other public agency, and any other public agency, and any

NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES

subsection (c), and (2) donations to such group are allowable as a charitable contribution under the standards of subsection (e) of section 170 of the Internal Revenue Code of 1954. (b)(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 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—

(1) designates or provides for the establishment of a State agency (hereinafter 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 Recreation Board shall be the State agency

(2) 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

(3) 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.

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

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 50 per centum of the cost of conducting a study and establishing a State agency under paragraph (2)(B) of this subsection.

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 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).

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
group or State agency with respect to which such finding was made that
further grants will be made under this section to such group or agency and
there is no longer any default or failure to comply or the diversion has been
corrected, or, if compliance or correction is impracticable, 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 furnishes
adequate assurances to the Secretary of Labor that (1) all professional persons
and related or supporting professional personnel (other than laborers and me-
chanics with respect to whom labor standards are prescribed in subsection (i)
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 rela-
don any account, not less than the minimum compensation as determined by the
Secretary of Labor to be the prevailing minimum compensation for person
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 per-
formance or part thereof is to take place shall be prima facie evidence of compli-
ance. 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 furnishes
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 Number 14 of 1950
(15 F.R. 7176; 5 U.S.C. 133-15) and section 2 of the Act of June 13, 1934, as
(l) The Chairman shall terminate the programs of the National Endowment for
the Arts as far 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 the performance of the
duties and responsibilities prescribed by the National Arts and Cultural Develop-
ment 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 Chair-
man 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 functions 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,
1985."
(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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which such finding was made that
section to such group or agency un-
comply or the diversion has been
possible, until such group or gen-
eral funds which have been improper-
ly used.

any grant under this section that the
agency receiving such grant furnish
that (1) all professional perform-
ance (other than laborers and
operators) are prescribed in subsec-
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without subsequent deduction or rebate
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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

(3) Section 10 of such Act is hereby repealed.
(4) 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
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 Chair-
man 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 (25
Stat. 422), 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 under other public agencies or private groups, and shall
develop the programs of the Endowment with due regard to the contribution
of these agencies under this Act which can be made by other Federal agencies under
existing programs.
(e) The total amount of any grant under subsection (c)(2) to any group en-
gaged 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 Endow-
ment 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 shall be chosen 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.

ARTS AND THE HUMANITIES

which such finding was made that a
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any grant under this section that the
agency receiving such grant furnish
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without subsequent deduction or rebate
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ON THE ARTS

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

(3) Section 10 of such Act is hereby repealed.
(4) 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
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 Chair-
man 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 (25
Stat. 422), 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 under other public agencies or private groups, and shall
develop the programs of the Endowment with due regard to the contribution
of these agencies under this Act which can be made by other Federal agencies under
existing programs.
(e) The total amount of any grant under subsection (c)(2) to any group en-
gaged 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 Endow-
ment 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 shall be chosen 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 B of Public Law 58-579 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 organizations.

(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 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 production 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 funds shall be expended;

(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 purpose 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);
(6) accept and utilize the services of voluntary and unremunerated personnel and reimburse them for travel expenses, including per diem, as authorized by law (5 U.S.C. 731-2) 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 Chairman 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, bequeathed, 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 Endowments 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 Endowment for the preceding year, and shall include such recommendations as the Chairman deems appropriate.

(c) The National Council on the Arts and the National Council on the Humanities, 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 recommendations 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 appropriated 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 as may be appropriated as the Congress may hereafter authorize by law. Sums appropriated under the authority 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 such amounts shall be transferred to the National Endowment for the Arts under this subsection 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) The Congress is hereby authorized to appropriate to the National Endowment for the Arts the sum of $8,000,000 for each fiscal year, beginning with the fiscal year beginning on July 1, 1966, for the purposes of section 5(b). Sums appropriated under this subsection shall remain available until expended.
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 as 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 instruction 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 (e) 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 therefore 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 furnished 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 (e) of section 1004 of the National Defense Education Act, as amended (72 Stat. 1603; 20 U.S.C. 444), as applicable 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. 1588; 20 U.S.C. 444).

(f) The Commissioner shall allot and administer loans under subsection (b) shall be made in the same manner as provided in section 305 of the National Defense Education Act of 1958, as amended (72 Stat. 1588; 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 as 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 in 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. 9450 (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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proposal that the Council should control the arts by the Foundation is that the scope is for the Council extends far beyond the Foundation’s functions. It would seem logical to recall for very different qualifications, a Foundation. The impact and usefulness of it depend on large measure only on the the Council’s decisions. By and large, are personalities who have won public renown of vision and soundness of judgment. members of the Board of the Foundation their professional and organizational knowl-

dence. They should be aware of the special country to a considerable degree and at the problems of other fields. Consequently, the factors merit consideration.

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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 1958, the late Senator Herbert H. Lehman agreed to sponsor legislation to create a Federal Advisory Commission on Arts and the condition 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 88-575.

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 obvious due to the proposed separation of the arts and humanities. This makes easy comparison with the original and the proposed redraft can be examined without interruptions or comments by the NCAG.

Page 1, line 6: Statement about freedom and initiative, same as in Public Law 88-575) strongly recommended.

Page 3, line 2: National Arts Foundation.

Page 3, lines 7-12: Suggest transposition of the phrase “and enjoyment of” would call attention to the arts in the legislation to the average citizen or the public generally.

Page 3, line 17: Adding “or encourage” would prevent undue influence on artists 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 I.

Page 3, line 25: Same reasons as above.

Page 5, line 28: The word “programs” seems a bit limited when repeated in this paragraph; suggest adding “and other endeavors.”

Page 5, line 29: The 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(b), which is contained in S. 316.

Page 6, line 13: Since any group eligible to receive aid must be nonprofit—section 107(c) (1), it seems clearer to indicate this limitation here.

Page 7, line 8: The phrase “other than Federal” is omitted.

Page 8, line 10: Concerns humanities, included in title II.

Page 8, line 12: Concerns humanities, included in title II.

Page 9, line 13: Concerns humanities, included in title II.

Page 9, line 17: Concerns humanities, included in title II.

Page 9, line 21: Concerns humanities, included in title II.

Page 9, line 25: 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 reject. Such guidelines from the advisory agency might prove most useful to the Foundation. It is hoped that this amendment will be seriously considered.

Page 10, line 11: The “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 from which aid from the Foundation would be helpful in providing the caliber of performance desired by the Department.
The opinions expressed and the action not hastily improvised. They are the result of study by and consultation with various committees in the United States. They are the result of the careful consideration of the views of the Senate Committee and of the House Committee on Education. We hope that the views of the National Council on the arts and the humanities will be realized in that development.

The National Council on the Arts and Humanities appreciates the thoughtful attention which may Members of both Senate and House are giving to the arts and the humanities. We have been informed of the principal recommendations which the National Council on the Arts and Government is submitting. They do not correspond with views held by some Members of Congress and some administration officials. Nevertheless, 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 to the Federal Government concerning the presentation of the arts and humanities. We believe that the life of an artist should be treated with equity and have their own organizational structure. We recommend similar treatment to the fields of the arts. We are reluctantly opposed to any method of administration that might lead to bureaucratic centralization. This we submit it is correct to the free spirit of our country and of our cultural heritage.

We are convinced that, if the principal recommendations of Sections 316 and 317 are supported by the National Council on the Arts and Government, the various 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 agencies. It has convinced many artists of all fields that the value of their participation in the arts is properly recognized. It is also strongly encouraged. Through National Council on the Arts and Government's annual reports widely distributed, it has promoted public awareness that the arts can increasingly en-
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subsection (b), mentioned above.

...one voting member and two nonvoting mem-

bers. I strongly recommend the format in Public
proper in the Committee and provisions for recom-

mittee. Council should be mentioned as a source for

do not prevent concentration of authority, the

to the Senate Committee on Labor and Public

eral Committee on Education and Labor will examine

the views of the National Council on the Arts and Government with the serious-

ness and in the spirit in which are respectfully presented.

APPENDIX A

AMENDMENTS TO S. 318 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. 1. 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 unwitting servants;

(5) That, during our early history, the Nation was largely engaged in

mastering its physical environment while, more recently, advancing tech-

nology, defense, and space needs have put a strain on energies that might

have gone into humane and artistic endeavors, with the result that our social,

moral, and aesthetic development has lagged behind our material advance;

(6) That it is 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 qual-

ities as a leader in the realm of ideas and of the spirit. The

(T) That, in order to implement these findings, it is desirable to establish

a National Arts Foundation and a National Humanities Foundation.

ASSURANCE AGAINST FEDERAL INTERERENCE

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 adminis-

tration or operation of any school or other non-Federal agency, institution, organiza-

tion, or association.

TITLE I

ESTABLISHMENT OF A NATIONAL ARTS FOUNDATION

Sec. 101. There is hereby established in the executive branch of the Govern-

ment an independent agency to be known as the National Arts Foundation (here-

after referred to in this title to as the "Foundation"). The Foundation shall

consist of a National Arts Board (hereafter referred to in this title to as the

"Board") and a Director (hereafter in this title referred to as "Director")
Pursuit 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 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, 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) to operate 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) to operate, 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 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 an amount of funds equal to 1 of a statement of the proportion funds applied for by such group.
(d) Any group shall be eligible only if (A) no part of its net assets, and no part of its funds, shall be used for purposes other than those specifically described in this Act or (B) any organization of State shall furnish adequate funds to any group to participate in the program.

(2) The Foundation shall be established as a State agency, or as the "State agency") as State plan:
(E) provides that funds paid expended solely on projects which carry out one or more purposes of States as the State and containing such information as equitable:
(3) Each State which has a plan which first day of the fiscal year shall be made available to a maximum of only to the total amount allotted in this Act:
(4) 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, 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
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(b) to operate, 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.

NATIONAL ARTS AND HUMANITIES FOUNDATIONS

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 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, 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) to operate 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) to operate, 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 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 an amount of funds equal to 1 of a statement of the proportion funds applied for by such group.
(d) Any group shall be eligible only if (A) no part of its net assets, and no part of its funds, shall be used for purposes other than those specifically described in this Act or (B) any organization of State shall furnish adequate funds to any group to participate in the program.

(2) The Foundation shall be established as a State agency, or as the "State agency") as State plan:
(E) provides that funds paid expended solely on projects which carry out one or more purposes of States as the State and containing such information as equitable:
(3) Each State which has a plan which first day of the fiscal year shall be made available to a maximum of only to the total amount allotted in this Act:
(4) 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, 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.
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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

DEFINITION

includes all art areas and fields covered by Federal Development Act of 1961, such as (1) drama, dance, painting, sculpture, photography, graphic and costume, and fashion design, motion pictures, and recording; and (2) the arts related to the exhibition and publication of such major art

means plays (with or without music), ballets, concerts, recitals, operas, exhibitions, records, radio, tape and sound recordings; and the execution or rendition of the arts and Foundation may establish

programs organized for groups, States, and the purposes of title I of this Act, including to foster American artistic creativity and

dass of such organizations, Institution, organization, establishment, whether or not incorporated

S OF THE FOUNDATION

authorized and directed—age the pursuit of a national policy for the performance in the arts;

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 establish

artistic policy of 1964;

and discharging the functions referred to shall be one of the objectives of the Foundation and performance in the area through the

and, to operate, insofar as practicable, in accordance with those conducted by the

art programs and meeting of that will encourage and assist artists who are section to become citizens of the United States; and

d of such other relevant projects including surveys

to any group under this section except upon attached to the Foundation in accordance with

section to this subsection of the total cost of such project or production;

subsection (e) of this section or State agency for projects and productions which the Foundation 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) of this section.

The amount of any grants allocated to any State or State agency pursuant to this subsection for any project or production shall not exceed 20 per cent 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 allocated 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 agency or the Foundation also makes 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 rental 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 collectively 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 be made 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 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 as a voting ex officio member of the Council on the Arts for the term of his appointment and such term shall expire two years after the date of so-called emergency appropriation provided for by this Act.

(b) In addition to the powers the Director shall, in accordance with the powers granted by section 103, be authorized and directed in accordance with the powers granted by said section to make recommendations to the Board on the allocation of funds and to exercise such additional powers and duties as may be delegated to him by the Board.

(c) The Director shall issue such regulations as may be necessary to carry out the provisions of this Act.

Sec. 107. (a) The Board shall, as soon as practicable, establish a national arts plan, and shall report thereon to the President and Congress. Such plan shall be the result of the deliberations of the Board and shall be in the form of a national arts program, to be carried out through the National Foundation on the Arts and the National Council on the Arts.

(b) The Board shall, as soon as practicable, establish a national cultural plan, and shall report thereon to the President and Congress. Such plan shall be the result of the deliberations of the Board and shall be in the form of a national cultural program, to be carried out through the National Foundation on the Humanities and the National Council on the Humanities.

(c) The Board shall, as soon as practicable, establish a national arts and humanities plan, and shall report thereon to the President and Congress. Such plan shall be the result of the deliberations of the Board and shall be in the form of a national arts and humanities program, to be carried out through the National Foundation on the Arts and the National Council on the Humanities.

Sec. 108. (a) There shall be within the Foundation such advisory committees and other organizations as it may deem necessary for the conduct of its affairs.

(b) Each advisory committee shall consist of not less than five persons who shall be selected from among the persons who are professionally engaged in the arts, and the members of such committee shall be appointed by the Board, and shall report to the Board.

(c) The Board shall have full power to establish such units for the conduct of its affairs as may be necessary and proper for the conduct of its affairs.

(d) The Board shall have full power to establish such units for the conduct of its affairs as may be necessary and proper for the conduct of its affairs.
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 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 authority 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 functions 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 voting 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 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 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 established 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 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. 109. 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, and enter into contracts or other arrangements, without regard to the provisions of section 303 of the Revised Statutes (U.S.C. 2, 5) or of section 264 of the Revised Statutes (11 U.S.C. 520) ;
(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; 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 hereunder 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 Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director enter into any business, 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 other such 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 the title shall be paid, without subseq least than the minimum wages as the prevailing minimum wages for activities in the National. Further shall take place nor will any prep under conditions which are unsuit and safety of employees engaged safety and sanitary laws of the Su to take place shall be prima fac Labor shall have, with respect to en functions set forth in Reorganization (3 U.S.C. 238-15). Notwithstanding to minimum wages, this section shall where the beneficiary of Federal as national institution and the audience the purports of such an institution; others employed by the institution of study at the institution.

ESTABLISHMENT OF A NATION

Sec. 201. There is hereby establish an independent agency to be known (hereinafter in this title referred as the National Arts and Humanities Council) and a Director (hereinafter

NATIONAL ARTS AND HUMANITIES FOUNDATIONS

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 hereunder 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 Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director enter into any business, 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 other such 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 the title shall be paid, without subseq least than the minimum wages as the prevailing minimum wages for activities in the National. Further shall take place nor will any prep under conditions which are unsuit and safety of employees engaged safety and sanitary laws of the Su to take place shall be prima fac Labor shall have, with respect to en functions set forth in Reorganization (3 U.S.C. 238-15). Notwithstanding to minimum wages, this section shall where the beneficiary of Federal as national institution and the audience the purports of such an institution; others employed by the institution of study at the institution.
HUMANITIES FOUNDATIONS

as may be necessary for administering inter heterogeneous or other arrangements.

c of section 2709 of the Revised Statutes the

the Revised Statutes (31 U.S.C. 329):

and to use such funds to carry out the pur-

provident (United States Code) ii.

services of voluntary and uncompensated

or resulting from, the

bequested or devised by others, if such

or devised, without restriction other than

or of the general purposes of the

carry out the purposes of this title:

form of

1946 (5 U.S.C. 733-2), for persons serving

approval of the Comptroller General of the

subventions provided for in subsection (2) of this section,

substantiation prior to payment. Without

laws relating to the expenditure of public

the provisions of this title.

such compensation shall be fixed in accord-

service laws and regulations and the Clas-

or circumstances require it, may, in accordance with such policies

honor technical and professional

without regard to such laws, as be

of the responsibilities of the Foundation

or hereinafter provided for, and the mem-

be appointed without regard to the civil

the Director or Deputy Director shall

employment than that of the person

as the case may be, by or to the Director or

the Board, hold any office in, or

agency, or institution with which the

with the approval of the Board a Deputy Di-

the Acting Director during the absence or

term of a vacancy in the Office of the Di-

receive compensation at the same rate as

National Science Foundation,

the members of the divisional committees

of $75 for each day engaged in the busi-


In the executive branch of the Federal

of the divisional committees, but they shall

services as such members during any period

for their services in such other offices,

ment or agency of the United States for

provisions of facilities therefore, shall be

or the head of the department or

Foundation for such use as is em-

such funds were provided, and funds so

Foundation for the purposes for which

such appropriation is made avail-

s, 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 (8 Stat. 1297;

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 educa-

tional 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 de-

velop 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 sub-

sections (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, archi-

tecture and allied fields, painting, sculpture, photography, graphic and craft

arts, industrial design, costume and fashion design, motion pictures, tele-

vision, 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,

circus, 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

Local 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, organi-

zation 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 assist by institutional grants, loans, and other means of assistance other than grants and loans, including grants, loans, and other forms of assistance 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 carry out such programs by contracts or other arrangements, including grants, loans and other forms of assistance, programs for the improvement of teaching in the humanities and the 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 encouraging such groups to produce (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 allocated to any group pursuant to this subsection shall not exceed 30 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 allotted by the Foundation to 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, of 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.

DISTRIBUTION OF FUNDS

Sec. 205. (a) The Board shall consist of:

(b) The Director of the Foundation, the Librarian of Congress, the Secretary of the National Council on the Arts, the President of the National Foundation shall also attend the Board, and the Board of the National Arts Foundation shall be ex officio. The Board shall, except as otherwise provided in this chapter, have the power to authorize the expenditure of funds for the purposes of this chapter.

(c) The Board of the Foundation may, in its discretion, determine the amounts to be expended and the manner of expenditure of funds for the purposes of this chapter.

(d) The Board of the Foundation shall be responsible for the administration of the laws relating to the Foundation, and shall have the power to make rules and regulations for the better carrying out of the provisions of this chapter.

(e) The Board of the Foundation shall, in its discretion, determine the amounts to be expended and the manner of expenditure of funds for the purposes of this chapter.

(f) The Board of the Foundation shall, in its discretion, determine the amounts to be expended and the manner of expenditure of funds for the purposes of this chapter.

(g) The Board of the Foundation shall, in its discretion, determine the amounts to be expended and the manner of expenditure of funds for the purposes of this chapter.

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ARTS AND HUMANITIES FOUNDATIONS

NATIONAL ARTS AND HUMANITIES FOUNDATIONS

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 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 by virtue of the office. The Chairman of the National Arts Foundation and the Director of the National Council on the Humanities is designated agency will make the following recommendations as the same are appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

(2) Any such group or designated agency is not complying with the provisions of this section; or

(3) Any funds granted for such group or designated agency under this section have not been used for the purpose for which they were allotted or paid.

(f) 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 doubt that failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until the group or State resents or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(g) 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.

The Board shall not itself produce or present any project or production, 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 FOUNDATION

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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.

The Board shall not itself produce or present any project or production, and it shall not itself commission works of art other than publications, but it may assist such undertakings initiated under group or governmental sponsorship.
(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 each four 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 and Vice Chairman are elected by the members of the Board, and 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, at his last known address. No record 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, and shall, 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 five 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 powers established by the Board, administer the funds granted to the Board by this Act, and in the exercise of his powers shall have full power to make such expenditures as are necessary to carry out the provisions of this title.

POWERS 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 the only voting member, and not less 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.
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its members and shall prescribe its own rules of procedure subject to
restrictions as may be prescribed by the Board.
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necessary for administering the
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ARTICLE V

Sect. 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 such 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, 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 or 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 3 of the Act of August 2, 1946 (5 U.S.C. 733-2).

(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 similarly 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 insanitary 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 1939. Notwithstanding the first sentence of this subsection, the appropriations for public performances are available only to individuals or institutions that are cooperating with the National Arts and Humanities Foundations.

United States. The exceptions to which vouchers for funds expended under contracts for the arts 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

Sect. 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 such 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, 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 or 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 3 of the Act of August 2, 1946 (5 U.S.C. 733-2).

(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 similarly 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 insanitary 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 1939. Notwithstanding the first sentence of this subsection, the appropriations for public performances are available only to individuals or institutions that are cooperating with the National Arts and Humanities Foundations.

United States. The exceptions to which vouchers for funds expended under contracts for the arts 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

Sect. 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 such 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, 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 or 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 3 of the Act of August 2, 1946 (5 U.S.C. 733-2).

(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 similarly 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 insanitary 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 1939. Notwithstanding the first sentence of this subsection, the appropriations for public performances are available only to individuals or institutions that are cooperating with the National Arts and Humanities Foundations.
AND HUMANITIES FOUNDATIONS

S. Stat. 622), and section 11 of the Act of March 1, 
C. 111); 

the services of the voluntary and uncompensated 
transportation and subsistence as authorized by 
June 2, 1946 (5 U.S.C. 73b-2), for persons serving 
the approval of the Comptroller General of the 
whic vouchers for funds expended under commu-
"nities and the arts, as provided in subsection 
subject to limitation or substantiation prior to 
the limitation of other laws relating to the ex-
d accounting thereafter.

CITIZENSHIP PROVISIONS

1. In accordance with such policies as the Board 
e, appoint and fix the compensation of such per-
son and the provisions of this title.

Such compensation shall be fixed in accordance with the 
and regulations and the Classification Act of 
y, in accordance with such policies as the Board 
employ such technical and professional person-
without regard to such laws, as he may deem 
the responsibilities of the Foundation under this 
plan in accordance with the salary provided for, and the members of the 
appointed without regard to the civil service laws 
ctor nor the Deputy Director shall engage in any 
ament than that of serving as such Director or 
be, nor shall the Director or Deputy Director 
hold any office in, or act in any capacity 
stitution with which the Foundation makes 
under this title.

c. with the approval of the Board a Deputy 
functions as the Director, with the approval 
all be the Acting Director during the absence or 
event of a vacancy in the Office of the Director. 
compensation at the same rate as provided for 
Science Foundation.

1 and the members of the divisional commit-
the rate of $7.50 for such day engaged in the 
shall be allowed travel expenses as authorized 

ation or agency of the United States for 
the arts, or the provisions of facilities ther-
with the approval of the head of the depart-
or in part, to the Foundation for such use 
which such funds were provided, and funds 
by the Foundation for the purposes for which 
such time as an appropriation is made or 
for general administrative expenses of the 
ations otherwise applicable to such funds, 
ons, organizations or institutions to present 
ile or in part federally assisted under this 
tation or rebate on any account, not 
ained by the Secretary of Labor to be the 
us professionally employed in similar activi-
part of such artistic performances shall take 
such performances be engaged in under 
endous or dangerous to the health and safety 
es, Compliance with the safety and sanitary 
rance of such performances shall take place shall 
. The Secretary of Labor shall have, with 
respect to establishing such conditions, the authority and functions set forth in 

Notwithstanding the first sentence of this section relating to minimum wages, 
section shall not apply with respect to minimum wages where the beneficiary 
Federal assistance under this title is a bona fide educational institution and 
the salaries for public performances organized under the auspices of such an 
institutions are comprised solely of faculty members or others employed by 
the institution and students enrolled in a regular course of study at the institu-

UTILIZATION OF FOREIGN CURRENT

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 para-
graph (a) the following new paragraph:

“(a) 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. 272. 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, 1968, 
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;

(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 88-670

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 
monuments 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 1—NATIONAL 
COUNCIL ON THE ARTS”.

(d) Redesignate sections “4.”, “5.”, “6.”, “7.”, “8.”, “9.”, “10.”, and “11.” 
respectively.

(e) Amend section 101. as redesignated pursuant to subsection (d) of this 
section, by inserting, after the word “hereinbefore”, 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 “105.”. (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”.

NATIONAL ARTS AND HUMANITIES FOUNDATIONS 189
(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 (b) 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."

(2) After title I, as designated by subsection (b) 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 Chairperson 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 Institution, the Chairperson 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 89-770. 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.

"COMPENSATION OF MEMBERS"

"Sec. 203. Members of the Council shall receive in making its studies, while attending in duties related to such use of studies authorized by this title, such fixed by the Chairman, but not exceeding expenses, including per diem in lieu of travel, for persons in the Government Travel Act of 1945, as amended.

"CHAI3"
AND HUMANITIES FOUNDATIONS

between the words "such" and "members", the
redesignated pursuant to subsection (c) of this
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

and gifts, donations"

authorized to accept and receive from public or
quest, gift, donation, or otherwise, money and
mixed property: to hold the same absolute
management, and dispose of the same; and to apply
the proceeds thereof, or the income derived
and disbursements as the Council shall deter-
rinate for the performance of its functions. For
incomes, estate, and gift tax laws, any gift,
eped by the Council under this section shall be evi-
dent, or bequest to or for the use of the United
led by subsection (b) of this section, add the

I. COUNCIL ON THE HUMANITIES

IN NATIONAL ARTS AND HUMANITIES FOUNDATIONS 191

"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 $2,000 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 Expenses Act of 1943, as amended (5 U.S.C. 595-599) 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) raise 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 in (b) The Council 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.

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"STAFF OF THE COUNCIL"

"Sec. 200. (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 1940.

(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 (3 U.S.C. 55a), 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 88-579."

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 Take 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 establishment of some State agency or 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 $7,000 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, Nebraska, 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 most interesting to record in the Annual Report what progress has been made by State art agencies since the Council was established.

NEW YORK'S DEMONSTRATION

At a recent hearing in Washington where key men in the arts through a N. C.R. recommended Congressmen asked what growth had been accomplished in the arts in the 1950's and what Federal aid agencies were doing to increase this effort. The New York State Council on the Arts has the largest budget of any State agency for the arts in the country, $350,000. The Johnson administration's budget recommended an increase of $200,000 in the Federal aid to the arts, but only $75,000 was passed as an increase. The New York State Council on the Arts is the only State agency in the world that has a permanent public art museum, the Metropolitan Museum, which is the largest in the world. The Council on the Arts has a permanent staff, a permanent program, a permanent financial support, a permanent public art museum, and a permanent public support for the arts. The Council on the Arts is the only State agency in the world that has a permanent public art museum, the Metropolitan Museum, which is the largest in the world. The Council on the Arts has a permanent staff, a permanent program, a permanent financial support, a permanent public art museum, and a permanent public support for the arts.
IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1965

Mr. Pell (for himself, Mr. Bask, Mr. Bayh, Mr. Bréwster, Mr. Burdick, Mr. Clark, Mr. Dodd, Mr. Douglas, Mr. Fong, Mr. Grunening, Mr. Hart, Mr. Hartke, Mr. Inouye, Mr. Kennedy of Massachusetts, Mr. Long of Missouri, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. MctCalf, Mr. Mondale, Mr. Montoya, Mr. Morse, Mr. Moss, Mr. Muskie, Mr. Nelson, Mrs. Neuberger, Mr. Pastore, Mr. Randolphi, 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 Representatives of the United States of America in Congress assembled,

2 That this Act may be cited as the “National Humanities Foundation Act of 1965”.

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

4 (1) 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;

(2) 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;

(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 servants;

(4) 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;

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

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

ESTABLISHMENT OF A NATIONAL HUMANITIES FOUNDATION

SEC. 3. 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 Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

PURPOSE OF THE FOUNDATION

SEC. 4. 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.

DEFINITION

SEC. 5. As used in this 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 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.

(d) The term “production” means plays (with or without
music), ballet, dance, and choral performances, concerts,
recitals, operas, exhibitions, readings, motion pictures, tele-
vision, 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 this Act, including programs to foster American artistic
creativity, to train artists, to commission works of art, and to
develop and enhance knowledge and understanding of the arts.

(f) The term “group” includes any society, institution, organization, association, museum, or establishments, whether or not incorporated.

ASSURANCE AGAINST FEDERAL INTERFERENCE

Sec. 6. 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, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

FUNCTIONS OF THE FOUNDATION

Sec. 7. (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 Act in a manner consistent with, and in support of, the activities 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 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 unavailable 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 en-
courage 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 in such fiscal year without regard to such limitation in the case of any group which submits 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 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.

(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
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 contained the tax exempt language.

The Questions and Answers committee print is talking 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