Arts, Humanities, and Museums Amendments: Reports with Minority Views (1990): Report 06

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would like to be compensated during their lifetimes. Additionally, we wish to avoid the inflationary effect within Micronesia which would probably result from the payment of all claims at once; Micronesia's economy cannot easily absorb an unstructured input of $25-30 million in a short period.

This amendment would give the Secretary of the Interior the flexibility to make at least some payments prior to the adjudication of all claims and their certification by the Commission. It is our intention that as the claims are adjudicated and certified over the next three or four years, the Secretary will make at least partial payment on each. The exact percentage of such payments must, of course, take into consideration the total amount of awards made and claims yet to be adjudicated at any particular time. (For example, let us suppose that the total of awards made and claims yet to be adjudicated under Title I stands, at a certain point in time, at $40 million. Since the fund is limited to $10 million, no early payment would exceed 25 percent of the award.) Indeed, we would not expect any payments with the exception of the initial payments on death claims to be made until the completion of the claims filing period in October 1973, at which time will be known the total amount of claims sought under each title of the Act. Final payments will not be made, of course, until it is determined how the total of claims awarded relates to available funds under each title of the Claims Act.

We believe that the use of a formula that varies according to conditions of the funds and the pending claims will meet fully with a chief purpose of the original Act—to insure that all claimants are treated equitably, if the amount of awards should exceed available funds. In addition, claimants will be compensated more quickly and the Micronesian economy will not be disrupted unnecessarily.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

John Ky
t,  
Assistant Secretary of the Interior.
The committee considered two bills, S. 795 and S. 916. S. 795 represents proposals introduced by Senator Pell and co-sponsored by Senators Eagleton, Javits, Mondale, and Taft.

S. 916 contained proposals made by the Administration and introduced by Senator Javits, with Senators Eagleton, Mondale, Pell, and Taft as co-sponsors.

S. 795, as amended, contains the major features of the Administration proposals and thus is an amalgam of the best features contained in the bills considered.

As the result of hearings held jointly between the Special Subcommittee on Arts and Humanities of the Committee on Labor and Public Welfare of the Senate, and the Select Subcommittee on Education of the Committee on Education and Labor of the House of Representatives, extensive and comprehensive testimony was received from the chairman of the two Endowments and from leaders in the States involved in the development of State programs in the arts and humanities areas, as well as comprehensive testimony from leading representatives of independent research libraries. The testimony emphasized the progress made to date by both Endowments and forms the basis for the increased levels of funding contained in the bill as approved by the Committee. The Committee commends the leadership abilities of Miss Nancy Hanks, Chairman of the National Endowment for the Arts, and of Dr. Ronald S. Berman, Chairman of the National Endowment for the Humanities, and of their respective 26-member private citizens councils who continue to guide the programs toward increasing purpose.

Both Chairmen testified to the growing diversity of their programs and to the wider geographical distribution of these programs. Such growth is in keeping with the initial purpose of the legislation, to make the benefits of the arts and humanities available to all our citizens, while maintaining the criteria of quality and excellence.

The Committee, in its oversight role, noted with favor the efficient operation of both Endowments, and the involvement of panels of experts who aid the two Endowments and Councils in reaching their decisions, and which broaden the base of private citizen participation.

It should be noted that the levels of funding for fiscal 1974 are consistent with proposals made by the Administration. These proposals did not specify total funding levels for subsequent years. Careful consideration was given to the amounts in S. 795 for fiscal 1975 and 1976.

For the three years, contained in the present reauthorization bill, these sums are as follows:

<table>
<thead>
<tr>
<th>ARTS AND HUMANITIES</th>
<th>[in millions of dollars]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorizations</td>
<td>1974</td>
</tr>
<tr>
<td>Arts grants programs (Sec. 5(c))</td>
<td>39</td>
</tr>
<tr>
<td>Humanities grants program (Sec. 3(c))</td>
<td>73</td>
</tr>
<tr>
<td>VI State programs (Sec. 5(c))</td>
<td>11</td>
</tr>
<tr>
<td>&amp; R. matching - Sec. 100(K)</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>160</td>
</tr>
</tbody>
</table>

It is noted that, on a per capita basis these amounts for each Endowment now represent approximately 40 cents per person per year in fiscal 1974, 70 cents per person per year in fiscal 1975 and $1 per person per year in fiscal 1976.

The Committee believes that these amounts represent a sound investment in the future well-being of our country, and that the broad cultural areas involved have a central significance to our nation's development, and to the encouragement of a climate in which the contributions of creative thought and expression, wisdom and the lasting achievements of the human mind and spirit, may flourish.

It should also be emphasized that the funding levels recommended are in accord with the rate of growth to date, with the needs expressed by both Endowments reflecting the numbers of applications of high quality which they are presently unable to support, and with the basic principles that federal funds provide a most important incentive toward engendering greater private support.

National Endowment for the Arts

Since enactment in 1965, the National Endowment's authorizations have grown from $7,300,000 to $40,000,000 in fiscal year 1973. The increase in funds made it possible for the Endowment to work more effectively toward its Congressional mandate of encouraging the highest quality while making the arts more widely available. Highights of development since the last reauthorization of the statute are:

- Assistance programs for museums, orchestras, opera companies, regional professional theatre and dance companies, and for community-based groups, professionally-directed and many with minority or ethnic orientation (Expansion Arts Program). Jazz, too, is a new program endeavor.

- Fellowships are available to individuals of exceptional talent in painting, sculpture, crafts, literature (including playwrights), photography, music composition, jazz artists, librettists, museum professionals, also to outstanding opera singers and composers through the National Opera Institute and to exceptionally gifted filmmakers through the American Film Institute (both National Endowment for the Arts grantees). National Endowment for the Arts funds also assist with fellowships, through institutions, for arts administration trainees and for participants in professional music and theatre training programs.

- New directions have been taken. The program formerly titled "Architecture, Planning, and Design" is now "Architecture + Environmental Arts" to reflect its new breadth of concern and scope of action. Also, the Endowment has moved to encourage and assist the growing trend toward regional programs through matching grants to regional groups, and coordinators to assist with planning, liaison, coordination, and information exchange among artists, State Arts Agencies, other governmental bodies, school systems, cultural organizations, and the Endowment.

- Major emphasis has been placed on residencies—artists-in-schools; in colleges; in community centers. Touring programs particularly in dance, have been augmented to make this exciting art form available throughout the country.

Each State Arts Agency's Federal-State Partnership (Sec. 5(g)) grant has grown from $36,363 to $127,250. And an important new thrust has
seen the State Agencies receiving significant additional funding under the Endowment's national programs (Sec. 5c).

The Endowment's impact has been extended into all States and regions of the Country through greatly expanded programs such as touring, media programming in the arts, and Works of Art in Public Places; its activities now affect millions of Americans heretofore unable to participate in cultural activities.

Professional advisory panels now play a major role in Endowment planning, with 185 individuals residing in 68 communities in 31 States assisting ten different Endowment program areas, in addition to the expertise of the 26 Presidential-appointed members of the National Council on the Arts. Thus, the Endowment now has the benefit of professional advice from over 200 private citizen experts from all over the country.

As the result of a major Presidential initiative, the Endowment is now monitoring a range of activities aimed at up-grading design in the federal government, with State Agencies planning similar activities for their own States.

The Endowment has established an Evaluation Office, has stepped up information services through its Program Information Office, has produced and distributed a number of major publications, has commissioned and helped make available a series of films on Endowment programs (specifically Artists-in-Schools), has launched research efforts through a limited number of grants and contracts, and has secured a staff economist to investigate methods of increasing cash flows to artists and cultural groups.

National Endowment for the Humanities

Since its establishment, with authorizations equal to the Arts Endowment, the National Endowment for the Humanities, the Endowment for the Humanities and the national topic of the humanities requires education of the American public and the education and awareness of the American public about the mission of the humanities and the importance of the humanities and the participation and education of the American public.

The Endowment's national concern (e.g., the ethical and value questions resulting from biological and medical discoveries, the background of our urban and rural problems, the questions relating to our environment and the quality of American life) and, secondly, that the Endowment initiated this year a fellowship program directed at nonacademic professionals—lawyers, journalists, engineers, etc.—whose work and decisions have significant impact on our society and its institutions.

Efforts like these will extend the Endowment's reach, a reach which is already broad as is indicated by a few statistics from fiscal year 1972: grants have been made to more than a thousand institutions and individuals in all 50 States and three territories; film and television programs on American history and society have been viewed by millions; support has been provided for the work of thousands of professional scholars and teachers; and $3.5 million has been secured in private gifts from scores of individuals and organizations on behalf of Endowment-sponsored projects. In this regard, it is important to note that private gifts to the Endowment have in each of the last three years matched to the utmost the limit the fund authority established by the Congress.

Bicentennial Involvement

The presentation of both the National Endowment for the Arts and the National Endowment for the Humanities had, as one of its major features, the future involvement of both Endowments in the nation's Bicentennial Celebration. Evidently growing out of an agreement between the Endowments and the Office of Management and Budget, the Endowments are expected to become a major factor in the Bicentennial Celebration.

Concern has been raised as to the effect that such a Bicentennial involvement would have on the activities of the Endowments. The underlying hallmark of Endowment funding to date has been quality. The addition of a Bicentennial factor could well bring about political pressures which would lessen the quality of Endowment grants. Each Chairman, in testimony, assured the Committee that there will be no change in funding procedures with respect to quality.

The Committee considered language limiting the Bicentennial involvement of each Endowment but did not adopt such language, because of the assurances provided. The Committee wishes to emphasize that the highest quality must be maintained by both Endowments and that in assessing applications such quality should continue to be the paramount factor involved. The Committee calls attention to a major purpose of the Act which is to encourage the development of a climate in which the arts and humanities may flourish. In this regard, long-range goals are essential, rather than goals which relate to a specific period of time, no matter how important that given limited time period may be. With respect to the Endowments' work, the Committee
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believes that the Bicentennial should be considered in terms of lasting and abiding values, rather than in terms which have only temporary or limited meaning to future cultural growth.

Chairman's Grants

Both the Endowment for the Arts and the Endowment for the Humanities supported an amendment changing the present language which authorizes a "chairman's grant" of up to $10,000, without the prior approval of the respective Council, to $25,000 per grant. The Committee, while recognizing the time and effort the Councils expend on grants of such size, believes the very reason for success in encouraging high quality in the programs supported by the Art and Humanities Endowments is the result of this diligence and therefore modified the $25,000 figure. Recognizing, however, the present inflationary spiral, language is recommended which raises the present $10,000 "chairman's grant" to $15,000. A further limitation to the "chairman's grant" authority was a total limitation of 10 percent of the amount of program (sections 5(c) and 7(c)) funds which the Chairman could utilize for the "chairman grants". The 10 percent figure was adopted after study of the grant history of each Endowment. When consideration is given to the growth of authorization (sections 5(c) and 7(c)), 10 percent is an equitable amount.

Individual Grants

Testimony indicated that the percentage of individual grants made by the Arts Endowment to individuals not affiliated with organizations or institutions has diminished since the previous reauthorization of the legislation. This is a trend which the Committee hopes will be reversed in the future. One of the underlying reasons for adopting the initial legislation was to give individual assistance to those artists in all fields who may not be affiliated with a group. In this regard, it should be noted that in the hearing, there was discussion about the funding of deficits for arts groups and institutions. The Committee was assured that this has not been the practice in the past and will not be in the future.

It is urged that both Endowments give consideration to some type of recognition ceremony or appropriate written document for individuals and groups or organizations who have been selected for national recognition of achievement in the arts or the humanities. It is believed that such a document would serve as a permanent testimonial of achievement to supplement an official letter of grant which is at best only transitory.

Renovation and Construction

Present law provides within the definition of "project" the authority for grants and contracts for renovation and construction of facilities by the Endowment for the Arts. The Committee, while not disapproving of any past activities of the Endowment for the Arts, adopted a provision which makes more specific the authority for renovation and construction.

In the case of renovation, the Committee notes with approval the policy of the Endowment which provides that all renovation grants

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will be awarded on the basis of at least $3 from non-Federal sources for every $1 from Federal sources.

The Committee recommends language which provides that renovation in excess of $250,000 must be approved by two-thirds of the National Council on the Arts in attendance at the meeting at which such project is discussed.

With regard to construction, while recognizing the proven need for construction throughout the country, the Committee recommends language which limits grants or contracts for construction to demonstrative purposes or unusual circumstances where there is no other means in which to accomplish an artistic purpose. The granting of these construction funds must also be approved by two-thirds of the National Council on the Arts in attendance at the meeting at which such project is discussed.

Council Membership

The Committee received correspondence relating to the membership of the National Council on the Arts alleging that one section of the present law provides that the members of the Council representing all fields of achievement to serve a term of two years. The Committee recommends an increase in the total number of Council members to be fully representative of the arts, and interested groups in the future. The Committee strongly urges that any failure to be fully representative will be corrected in the next nominations for the National Council.

State Arts Agencies

Testimony received emphasized the highly encouraging growth in scope, quality and effectiveness of the State arts agencies outlined in sections 5(c) and 10(a). The Committee recommended an increase in the amount of matching funds for both State arts agencies and the Arts Endowment for the Arts is considered to be the State arts agency program. Under sections 5(c) and 10(a), a specific amount of matching funds are provided each year to the States. The Committee recommends an increase in the amount of these funds from the present $100,000 per year to $200,000 in fiscal year 1974 and $350,000 in fiscal year 1975. This present level of these funds is only available to the States which have established a State arts agency program. Present law also requires a one-to-one ratio of matching funds, state funds to the present $100,000 per year.

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to be utilized as provided by section 5(c). The Committee considered language redirecting those funds, but declined to change the present statute. It is the continuing Committee view that should excess funds be available, they would be utilized in state or regional programs.

**LABOR PROVISIONS AND REPORTS**

The Committee received correspondence indicating that some programs supported by the Arts Endowment, within the performing arts area, do not yet fully comply to the labor provisions set forth in the Act (section 5(d)), with reference to minimum wage, other such benefits, and underlying conditions. The committee believes that the present language is adequate to protect all those involved. Those who may feel aggrieved at present are to be commended for their continuing desire to cooperate with the Endowment to correct any difficulties.

The committee requests the Endowment to conduct a study of this problem along with those studies requested in Senate Report number 91-879, which have not yet been carried out. The report stated:

The committee suggests that the Council consider additional similar studies in other areas; among those which have been suggested to the committee are the problems of the theater, profit as well as non-profit; how public policy, such as, for example, tax laws, affects the arts and the humanities; and the areas of manpower training and resources for the arts and the humanities.

**STATE AND LOCAL HUMANITIES PROGRAMS**

When the legislation was initially established, there was debate about the advisability of the mandatory establishment of State Humanities Councils. Language was not adopted. During the 1970 reauthorization hearings and in the report accompanying that legislation, the Committee urged that state-based humanities programs be funded on a demonstration level. The Committee notes with approval the work of the National Endowment for the Humanities in this area. From the initial six state programs there are now state-based programs in 40 states.

Witnesses representing state humanities programs were unanimous in their approval of the Humanities Endowment’s voluntary efforts and also unanimously expressed the opinion that the State humanities programs will best develop at this time without mandatory provisions. The Committee therefore did not adopt mandatory language with the understanding that the Humanities Endowment would continue its exemplary work in encouraging the humanities activities at the state and local level.

**INCLUSION OF THE INDEPENDENT RESEARCH LIBRARIES UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT**

The National Endowment for the Humanities has been supportive of the independent research libraries throughout the nation. There are approximately 20 of these libraries which are defined as libraries whose resources are available to the public free of charge, which are not an integral part of an institution of higher education, which have extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries and engage in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities.

These libraries are not included under the definition of “public library” and therefore are not eligible for benefits under the Library Services and Construction Act. A study of the legislative history of that act does not indicate a reason for that exclusion.

The term “public” in reference to a research library means that the library admits readers without fee and with reference only to reasonable qualifications related to reasons for using the library’s materials. A reader need not be a stockholder or dues-paying member of the library nor are there any restrictions based on race or sex.

The need to screen readers on the basis of qualifications stems from the following consideration. Research libraries provide specialized services for their readers. A policy which admitted readers without services for their readers. A policy which admitted readers without seeking qualification of research librarians would require a substantial lowering of these services. In most research libraries the overcrowding would be so great that space would have to be provided on a first-come-first-served basis. This arrangement would exclude many qualified readers and discourage out-of-towners from using the research libraries at all.

Criteria for qualification vary from library to library. Typically, a research library admits readers automatically, after proper identification, if they have an advanced degree (MA and beyond). Readers are also admitted who have the professional equivalent of an advanced degree, or who have attained a high degree of self-taught expertise.

This category includes library personnel, book collectors, and individuals whose vocations have made them familiar with research procedures in their special fields. A novelist or film director, for example, might not have a BA but might be well qualified to use a research library as a university professor. In these cases the determination of qualification is usually made on an ad hoc basis by a member of the library’s administration.

The Committee, while recognizing the limitations discussed above, does find that these libraries have become national centers of excellence for the humanities, and therefore are deserving of federal support. The Committee recommends an amendment to the Library Services and Construction Act which enlarges the definition of the word library to include the independent research libraries.

The Endowment for the Humanities gave assurance that the inclusion of these libraries under the Library Services and Construction Act would not detract in any way from the Endowment’s authority to assist the humanities program in research libraries.

As in the past the Endowment for the Humanities could continue to support humanities research and other programs at research libraries as it does at other libraries.

**COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970**

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress) the Committee
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estimates that the new obligatory authority which would be incurred in carrying out S. 795 would be as follows:
For the fiscal year ending June 30:

<table>
<thead>
<tr>
<th></th>
<th>Millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>$160</td>
</tr>
<tr>
<td>1976</td>
<td>280</td>
</tr>
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</table>

**EXECUTIVE OFFICE OF THE PRESIDENT,**
**OFFICE OF MANAGEMENT AND BUDGET,**

Hon. Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U. S. Senate,
Washington, D.C.

Dear Mr. Chairman: This is in reply to your letters of February 15, 1973, and February 26, 1973, in which you request the views of this Office on S. 795 and S. 916, respectively, bills “To amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.”

S. 916 is identical to draft legislation submitted to the Congress by the Foundation on February 4, 1973.

In a report to your committee on the subject bills, the National Foundation on the Arts and the Humanities recommends against enactment of S. 795, favoring instead S. 916, the Administration’s proposal. We concur with these views and also recommend against enactment of S. 795.

Accordingly, we strongly urge prompt action on S. 916, enactment of which would be in accord with the program of the President.

Sincerely,

Wilfred H. Rommel,
Assistant Director for Legislative Reference.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES,
Washington, D.C.

Hon. Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare, U.S. Senate,
Washington, D.C.

Dear Mr. Chairman: This letter responds to your requests of February 15, 1973, and February 26, 1973, soliciting comments on S. 795 and S. 916, respectively, bills to amend the National Foundation on the Arts and Humanities Act of 1965. S. 916 is identical to draft legislation submitted to the Congress by the Foundation on February 7, 1973.

With respect to funding levels, we support the budget proposals for Fiscal Year 1974 contained in the President’s budget and strongly favor the indefinite authorizations contained in S. 916. Regarding later fiscal years, it is difficult to determine precisely the funding requirements, hence the added desirability of indefinite authorizations rather than specific amounts as provided in Section 2 of S. 795.

Section 2 of S. 795 would also add a new clause (3) to subsection 11(b) of the NEA Act to provide for an automatic extension of the maximum for appropriations for Fiscal Year 1974 at Fiscal Year 1976 rates. The Administration opposes such a provision because it further extends funding expectations far in advance of a careful consideration of the requirements for the Foundation in the context of the President’s overall budget for Fiscal Year 1977. As noted above, we support indefinite authorizations contained in S. 916.

Furthermore, Section 2 of S. 795 would add a new clause (3) to subsection 11(b) of the NFAH Act which would authorize forward funding—it would authorize inclusion in the Fiscal Year 1974 appropriation bill of appropriations for both Fiscal Year 1974 and Fiscal Year 1975, and inclusion in the Fiscal Year 1975 appropriation bill of appropriations for both Fiscal Year 1975 and Fiscal Year 1976. The Administration believes this forward funding provision, as well as automatic extension of appropriation levels, to be unwise. It limits both the Congress and the President in determining appropriate funding levels, in contrast with the necessary and desirable flexibility provided in S. 916, which would continue reliance on the appropriations process.

Section 3 of S. 795, dealing with Regional Arts Programs, would provide that all amounts allotted among the States during a fiscal year, and not actually granted to them prior to 60 days before the end of the fiscal year, shall be granted to combinations of States in accordance with standards established by regulations issued by the National Council to pay not more than 662/3 per centum of the cost of carrying out regional projects and productions meeting objectives of Section 5(c).

The National Council on the Arts and the National Endowment for the Arts strongly support efforts toward regional development in areas that are apparently in need. As a matter of fact, it is because we do believe in the importance of such efforts that the Endowment is opposed to this amendment. In our view it would be restrictive rather than helpful in achieving national objectives. For example: (1) it would appear to delay any regional planning until 60 days before the end of the fiscal year, when in fact regional planning requires a longer lead time than state activity; (2) it would appear to indicate that regional planning would be undertaken with money “left over” whereas we believe a far more positive approach is needed; and (3) if funding is provided in the block grants to State arts agencies at realistically rising levels, experience has proven that there will be little monies returned at the end of the year—(e.g. in Fiscal Year 1972, $244,000 was returned from four State agencies and it is estimated that in Fiscal Year 1973, $18,000 will be returned from perhaps five agencies). The Administration’s bill would provide that sums appropriated for 5(g) purposes would be available for States or regional groups. This would mean that regional projects could move forward in an orderly manner during the fiscal year as programs are developed by the State agencies for the benefit of an entire region.

Further, although we strongly favor regional cooperation among the States and other groups and intend to support such cooperative efforts, we are opposed to any change in the principle set forth in the original legislation of Federal government support being matched at least dollar for dollar by private or other sources, except in very unusual circumstances. We have in our judgment the needed flexibility in our current legislation to meet the need inasmuch as we are allowed to utilize 30% of our 5(e) funds on a non-matching basis or at less than a dollar for dollar match. Also, as you know, the Administration bill would authorize the States agencies to administer in their discretion up to 20% of their funds in a non-matching manner.

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The first circumstance under which a project may include renovation of facilities relates to special actions of the National Council on the Arts in approving a specific grant or contract which involves Federal expenditures for the renovation of facilities. Under existing law, the Chairman of the National Endowment for the Arts may not disapprove a grant or contract under section 5(c) of the Act unless the National Council on the Arts has made recommendations with respect to the approval of such application. Under the amendment, the recommendation of the Council with respect to an application for a grant or contract which involves an expenditure of Federal funds for renovation in excess of $250,000 must be an affirmative recommendation. The second circumstance under which a project may include renovation of facilities relates to special actions of the National Council on the Arts in approving a specific grant or contract which involves Federal expenditures for the renovation of facilities. Under existing law, the Chairman of the National Endowment for the Arts may not disapprove a grant or contract under section 5(c) of the Act unless the National Council on the Arts has made recommendations with respect to the approval of such application. Under the amendment, the recommendation of the Council with respect to an application for a grant or contract which involves an expenditure of Federal funds for renovation in excess of $250,000 must be an affirmative recommendation.
that such other projects may include surveys, research, planning, and publications where such activities relate to the other purposes of subsection (c).

Subparagraph (D) of such paragraph (3) adds a new sentence to subsection (c) of section 5 of the Act. The preceding amendment to clause (5) of such subsection (c) gives the endowment a new authority: to support its own publications. The new sentence added by subparagraph (D) creates a limited exemption from section 501 of title 44, United States Code for the publication authority added under such clause (5).

(Such section 501 requires that Government publications be carried out through the Government Printing Office.) The exemption is available if two conditions are met: (1) the Chairman of the National Endowment for the Arts consults with the Joint Committee on Printing of the Congress; and the Chairman must submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate, which report must justify the use of the exemption.

Subparagraph (4) of subsection (a) amends subsection (g) of section 5 of the Act. Such subsection (g) authorizes grants to the States for State arts programs. Under existing law, the Chairman of the National Endowment for the Arts is authorized, with the advice of the National Council on the Arts and the Federal Council on the Arts and the Humanities, to assist the States in supporting State arts programs; the States must apply for grants and have a State agency for the administration of the States' arts programs; such programs must meet the standards of the national program under section 5(c); the funds appropriated for the State programs are allotted among the States in equal and reasonable proportion; the requirements that Guam and American Samoa are each limited to $55,000; and the allotments to the States may not be used to pay more than 50 per cent of the cost of any project or production assisted under any State arts program. Any funds available to the States which are not used by them are available at the end of the fiscal year for the national arts program under section 5(e).

Subparagraph (A) of such paragraph (4) amends paragraph (1) of subsection (c) to delete the requirement that the Chairman have the advice of the Federal Council on the Arts and the Humanities in the administration of the State arts program.

Subparagraph (B) of such paragraph (3) makes a technical amendment and grants to the Chairman of the National Endowment for the Arts the authority to specify the application date for the States. The amendment made by clause (i) of subparagraph (B) makes clear that the assistance to which reference is made in that part of paragraph (2) of such subsection (g) which precedes clause (A) is the assistance under such subsection. With respect to the amendment made by clause (ii) of such subparagraph (B), present law requires that applications from the States be submitted prior to the first day of the fiscal year for which application is made. The amendment gives the Chairman the authority to set the application date.

Subparagraph (C) of such paragraph (3) amends paragraphs (3) and (4) of such section 5(g). Such paragraphs (3) and (4) relate to allotments among States and the Federal share of the costs of projects and productions.

Paragraph (3) of section 5(g), under existing law, provides that all sums appropriated for the purposes of subsection (g) of section 5 of the
of the Council. Clause (B) of paragraph (9) adds a proviso which limits the obligations for expenditure of funds under applications for projects and productions funded pursuant to applications approved and disapproved under the delegation provided for under such third sentence for any fiscal year to 10 percent of an amount equal to the amount appropriated for such fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a), the authorization of appropriations for the purposes of section 5(c).

Subparagraph (6) of such subsection (a) contains amendments to section 7 of the Act. Such section 7 provides for the establishment and operation of the National Endowment for the Humanities with authority similar to that for which provision is made under section 6 of the Act for the National Endowment for the Arts, except that there is no specific provisions for State programs as is provided under section 5(g) of the Act. Such section 7 provides for the requirement that the National Endowment be authorized to make grants to States for matching funds for the Endowments received in accordance with the Act.

Subparagraph (A) of paragraph (6) makes the same amendments to section 7(c) of the Act. Such clause (2) includes, among other types of assistance, the authority to make loans. The amendment made by such subparagraph (B) makes clear that any such loans must be made in accordance with terms and conditions approved by the Secretary of the Treasury.

Subparagraph (C) of paragraph (6) amends clause (6) of section 7(c), which clause (6) authorizes support for the publication of scholarly works in the humanities without regard for the requirement that the publications must be printed by the Government Printing Office. Such subparagraph (C) deletes the exemption from the Government Printing Office requirement.

Subparagraph (D) of paragraph (6) adds a new sentence to section 7(c) of the Act. Such new sentence exempts publications of the National Endowment for the Humanities from the Government Printing Office printing requirement under the same conditions as the Arts Endowment is so exempted by the amendment made by subparagraph (D) of paragraph (3) of section 2(a) of the bill.

Paragraph (7) of such section 2(a) amends section 8 of the Act. Such section 8 provides, with respect to the National Council on the Humanities, authority comparable with that provided by section 6 for the National Council for the Arts. Subsection (f) of section 8 sets forth the functions of the National Council on the Humanities. The amendments made by paragraph (7) alter the authority of the National Council on the Humanities in the same manner as the authority of the National Council on the Arts is altered by the amendments made by paragraph (5) of section 2(a) of the bill.

Such section 9(b) specifies the membership of the Federal Council on the Arts and the Humanities. Paragraph (8) amends such section to add two new members to the Federal Council: the Commissioner of the Arts and Humanities, a representative of the National Council on the Humanities, and a representative of the National Endowment for the Humanities. The amendments made by paragraph (9) of such section 2(a) amends section 10 of the Act. Such section 10 contains the administrative provisions for the two Endowments established under the Act. Clause (2) of subsection (a) of such section 10 authorizes the President of each of the Endowments, in the discretion of the endowment, the recommendations of their respective National Councils, to receive gifts. The amendment made to section 10 authorizes the President of each of the Endowments, in the discretion of the endowment, the recommendations of their respective National Councils, to receive gifts. The amendment made to section 10 authorizes the President of each of the Endowments, in the discretion of the endowment, the recommendations of their respective National Councils, to receive gifts. The amendment made
(B), and (C) of such paragraph (2). Such clauses limit the total amount appropriated pursuant to such paragraph (2) to—

1. $20,000,000 for the fiscal year 1974;
2. $30,000,000 for the fiscal year 1975; and
3. $40,000,000 for the fiscal year 1976.

Subsection (b) of such section 11 relates to the availability of appropriations under subsection (a), the authorization for such appropriations for fiscal year 1977, and the timing of such appropriations. Paragraph (1) of such subsection (b) provides that, notwithstanding any other provision of law, unless such law is enacted with a statement specifically and expressly limiting the terms of such subsection (b), any sums appropriated to the Endowments in the National Foundation for any fiscal year shall remain available for obligation and expenditure until such sums are expended. Such paragraph (1) is similar to, and has the same meaning as, section 415 of the General Education Provisions Act (title IV of the Elementary and Secondary Education Amendments of 1967).

Paragraph (2) of such subsection (b) relates to the authorization of appropriations for the fiscal year 1977. Such paragraph (2), in subparagraph (A), provides that, unless, during the period beginning July 1, 1975, and ending July 1, 1976, the Congress passes or formally rejects legislation extending the authorizations of appropriations for the fiscal year 1977, for which provisions made in subsection (a) of such section 11, each of the authorizations of appropriations contained in such subsection (a) is automatically exempted for the fiscal year 1977. The amount of each of such authorizations of appropriations for the fiscal year 1977, under the terms of such paragraph (2) would be the same as such amount is for the fiscal year 1976.

Such paragraph (2), in subparagraph (B), makes clear that no legislation extending the authorizations of appropriations for the Endowments for the fiscal year 1977 will be considered, for the purposes of subparagraph (A) of such paragraph (2) as having been passed unless such legislation becomes law.

Paragraph (3) relates to advanced funding of appropriations to the Endowments. Such paragraph (3) provides that, in order to afford interested persons adequate notice of assistance available under the Act, funds authorized to be appropriated under section 11(a) of the Act are authorized to be appropriated one year in advance of the year during which such funds are to be obligated for expenditure.

Paragraph (11) of section 2(a) of the bill repeals sections 13 and 14 of the Act. Such section 13 authorized appropriations to the Office of Education, during the fiscal years 1966, 1967, and 1968, for teacher training institutes. This authority was consolidated with other teacher training authority under the Education Professions Development Act and therefore has become obsolete. Such section 14 requested the President to make such appointments for which provision is made by the Act within ninety days after the enactment of the Act. Section 14 has not been executed.

Subsection (b) of section 2 of the bill contains effective date for the amendments made by subsection (a). Such subsection (b) provides that the amendments made by section 2(a) shall be effective on and after July 1, 1973.


**ARTS AND HUMANITIES AMENDMENTS**

P.L. 93-133

The House amendment provides beginning in fiscal year 1975 for a single authorization to carry out section 5(c) (General Art Grants) and section 5(g) (State and Regional Art Programs). The Senate recedes.

Further, the House amendment provides that not less than 20 percent of the funds appropriated for section 5 shall be used to carry out section 5(g). The Senate recedes.

The Senate amendment also provides that of the sums reserved for section 5(g), 75 percent is to be allotted among the States in equal amounts, and 25 percent is to be available to the Chairman for making grants under subsection (g) to States and regional groups, except that in no event is a State to receive less than a $200,000 minimum allotment. If insufficient funds are appropriated to meet this $200,000 minimum allotment, each State is to be allotted an equal amount. If the amount appropriated is sufficient to meet the $200,000 minimum State allotment but is insufficient to provide the Chairman with an amount equal to 25 percent of the total amount available for section 5(g), then the full amount in excess of the amount necessary to meet the $200,000 minimum State allotment is available only to the Chairman for making grants to States and regional groups. The Senate recedes with a clarifying amendment to assure that each State receive at least $200,000 before any moneys are available to the Chairman for making grants to States and regional groups.

The Senate bill provides that in any State’s allotment which exceeds $125,000 and is not in excess of 20 percent of such State’s total allotment is to be expended from the 50 percent matching requirement. The Senate amendment exempts 20 percent of the total of a State’s allotment from the matching requirement of that State, if the State matches its minimum allotment of $200,000. The conference agreement retains the Senate provision. The Committees wish to stress that the waiver of matching is applicable only to the amounts allotted to the States. Matching may not be waived at any time with respect to grants made by the Chairman to the States and regional groups. The Senate bill provides that the discretion to expend funds without regard for the matching requirement be the State’s, while the House amendment gives that authority to the Chairman. The Senate recedes.

Under existing law, any funds available to the States under section 5(g) which are not used by the States revert to the Chairman to be used under section 5(c) (the regular endowment program). The Senate bill leaves this provision unchanged. The House amendment provides that amounts allotted to the States which are unused sixty days prior to the end of a fiscal year shall be available for grants to regional groups. Any funds then remaining revert to the Chairman under existing law. The Senate recedes, and the conference agreement adopts a definition of regional groups under which such groups need not be representative of contiguous States.

Grants without Council Recommendation.—Under existing law, Chairman of the Endowments may make grants not in excess of $10,000 without the recommendations of their respective Councils. The Senate bill raises the $10,000 limit on such grants to $15,000, while the House amendment raises that limit to $20,000. The conference agreement raises such limit to $17,500.
INDIANS—JUDGMENTS—FUNDS
P.L. 93-134

Contingent extension of authorization of appropriations.—The Senate bill contains language which provides that, unless the Congress during the period beginning July 1, 1975, and ending July 1, 1976, passes or formally rejects legislation extending the authorities of appropriations under the bill, each of the authorities of appropriations is automatically extended for one fiscal year. The House amendment contains no comparable provision. The Senate recedes.

Research libraries.—The Senate bill, but not the House amendment, amends the Library Services and Construction Act to include in its definition of public libraries research libraries. The conference agreement adopts this provision of the Senate bill.

Carl D. Perkins, John Brademas, Patsy T. Mink, Lloyd Meeds, S. Chisholm, Albert H. Quie, Orval Hansen,
Managers on the Part of the House.
Claiborne Pell, Gaylord Nelson, Tom Eagleton, Walter F. Mondale, Jacob K. Javits, Robert Taft, Jr.,
Managers on the Part of the Senate.

LEGISLATIVE HISTORY
P.L. 93-133

Use of State humanities agencies.—The Senate bill, but not the House amendment, requires the Chairman of the National Endowment for the Humanities to correlate programs of that Endowment with State humanities agencies, to the extent practicable. The House recedes.

Membership of the Federal Council on the Arts and Humanities.—The Senate bill, but not the House amendment, expands the membership of the Federal Council on the Arts and the Humanities to include a member designated by the Senate Committee on Arts and Antiquities and a member designated by the Speaker of the House. The conference agreement adopts the provision of the Senate bill, with the understanding that the term "member" refers to a member of the Federal Council on the Arts and the Humanities, and not to a Member of the House or Senate (although a Member of the House or Senate may be designated a member of such Council by the appropriate authority).

Geographical representation of advisory panel.—Existing law authorizes the Chairmen of the Endowments to utilize experts and consultants. The House amendment, but not the Senate bill, requires that any advisory panel appointed under such authority to review or make recommendations with respect to the approval of applications or projects have broad geographic representation. The Senate recedes.

Authorization of appropriations.—The Senate bill and the House amendment provide authorizations for the Endowments as indicated in the following chart:

<table>
<thead>
<tr>
<th>[in millions of dollars and fiscal years]</th>
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<tr>
<td>1974</td>
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<tr>
<td>Senate</td>
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<tr>
<td>Sec. 5(b)</td>
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<tr>
<td>Sec. 5(d)</td>
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<tr>
<td>Sec. 10(c)</td>
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<tr>
<td>Sec. 10(d)</td>
</tr>
</tbody>
</table>

1 Not less than 20 percent of the total amount appropriated to carry out secs. 5(b) and 5(d) may be used only to carry out sec. 5(c).
2 "Such sums.".

The conference agreement provides such authorizations as indicated in the following chart:

<table>
<thead>
<tr>
<th>[in millions of dollars and fiscal years]</th>
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<tbody>
<tr>
<td>1974</td>
</tr>
<tr>
<td>Sec. 5(c)</td>
</tr>
<tr>
<td>Sec. 10(c)</td>
</tr>
<tr>
<td>Sec. 10(d)</td>
</tr>
</tbody>
</table>

1 Not less than 20 percent of the amount appropriated to carry out sec. 5(c) may be used only to carry out sec. 5(d).

It is the position of the conference agreement that the equality in authorization between the National Endowment for the Arts and the National Endowment for the Humanities, which has been present in the National Foundation on the Arts and the Humanities Act of 1965 since its enactment, has been maintained in such agreement, with the hope and the expectation that appropriations for the two endowments will be approximately equal.

2310
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

For Legislative History of Act, see p. 2289

PUBLIC LAW 93-133; 87 STAT. 461

[S. 725]

An Act to amend the National Foundation on the Arts and the Humanities Act of 1966, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1966

Sec. 2. (a) The National Foundation on the Arts and the Humanities Act of 1966 is amended in the following respects:

(1) Clause (7) of section 2 of such Act 1 is amended by striking out all that appears after “a National Foundation on the Arts and the Humanities” and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act 2 is amended by striking out “purchase, renovation, or construction” and inserting in lieu thereof “or purchase”, and by adding at the end thereof the following new sentence: “Such term also includes—

“(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000, or (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

“(2) the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose, and (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose.”

(3) (A) That part of subsection (c) of section 5 of such Act which precedes clause (1) 3 is amended by striking out “the Federal Council on the Arts and the Humanities and”.

(B) In clauses (1) and (2) of subsection (c) such Act 4 is amended by striking out “production” each time it appears and inserting in lieu thereof “projects and productions”; and, in clause (3) of such subsection, such Act 5 is amended by striking out “projects and productions” and inserting in lieu thereof “projects and productions”.

(C) Clause (2) of such subsection (c) 6 is further amended by striking out “in many areas of the country” and inserting in lieu thereof “for geographic or economic reasons”.

(D) Clause (5) of such subsection (c) 7 is amended by striking out “and planning in the arts” and inserting in lieu thereof “planning, and publications relating to the purposes of this subsection”.

(E) Such subsection (c) 8 is amended by adding at the end thereof the following new sentence: “In the case of publications under clause (5) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501.”.

(4) (A) Paragraph (1) of subsection (g) of section 5 of such Act 9 is amended by striking out “the Federal Council on the Arts and the Humanities and”.

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) 10 is amended (i) by striking out “such assistance” and inserting in lieu thereof “assistance under this subsection” and (ii) by striking out “prior to the first day of such fiscal year” and inserting in lieu thereof “at such time as shall be specified by the Chairman”.

(C) Clause (B) of paragraph (2) of such subsection (g) 11 is amended by striking out “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 may be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency;”.

(D) Such subsection (g) 12 is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

“(3) Of the sums available to carry out this subsection for any fiscal year, each State which has a plan approved by the Chairman shall be allotted at least $200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full, such sums shall be allotted among such States in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph—

“(A) the amount of such excess which is no greater than 25 per centum of the sums available to carry out this subsection for any fiscal year shall be available only to the Chairman for...”
making grants under this subsection to States and regional groups, and

(B) the amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under clause (A) shall be allotted among the States which have plans approved by the Chairman in equal amounts but in no event shall any State be allotted less than $200,000.

(4) (A) The amount of any allotment made under paragraph (3) for any fiscal year which exceeds $125,000 shall be available, at the discretion of the Chairman, to pay up to 100 per cent of such cost of projects and productions if such project and productions would otherwise be unavailable to the residents of that State: Provided, That the total amount of any such allotment for any fiscal year which is exempted from such 50 per centum limitation shall not exceed 20 per centum of the total of such allotment for such fiscal year.

(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not obligated by the State prior to 60 days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups.

(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.

(D) For the purpose of paragraph (3) and paragraph (4) of this section the term ‘regional group’ means any multistate group, whether or not representative of contiguous States.

(E) Paragraph (5) of such subsection (g) is amended by inserting after ‘allotted’ the following: ‘or made available’.

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out ‘$10,000’ and inserting in lieu thereof ‘$17,500.’; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ‘; Provided, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a).’

(6)(A) That part of subsection (e) of section 7 of such Act which precedes clause (1) is amended by striking out ‘the Federal Council on the Arts and the Humanities and’.

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: ‘any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.’

(C) Clause (6) of such subsection is amended by striking out all that follows ‘the humanities’ and inserting in lieu thereof a period.

(D) Such subsection (c) is amended by striking out ‘and’ at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word ‘and’, and by adding after paragraph (6) the following new paragraph:

‘(7) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons.’

(E) Such subsection (c) is further amended by adding at the end thereof the following new sentence: ‘In the case of publications under clause (6) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501.’

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out ‘$10,000’ and inserting in lieu thereof ‘$17,500.’; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ‘; Provided, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).’

(8) Section 9(b) of such Act is amended to read as follows:

‘(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, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Committee on Art and Antiquities, and a member designated by the Speaker of the House: The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.’

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after “purposes of the gift” the following:

except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of $15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time.

(10) Clause (4) of subsection (a) of section 10 is amended by deleting the semicolon at the end thereof and by inserting in lieu thereof the following: "Provided, however, That any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding shall have broad geographic representation;".

(11) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"Sec. 11. (a)(1)(A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts, $64,000,000 for the fiscal year ending June 30, 1974, $90,000,000 for the fiscal year ending June 30, 1975, and $113,500,000 for the fiscal year ending June 30, 1976. For the purpose of carrying out section 5(g), there are authorized to be appropriated to the National Endowment for the Arts $11,000,000 for the fiscal year ending June 30, 1974. Not less than 20 per centum of the funds appropriated under the first sentence of this paragraph for the fiscal years ending June 30, 1975, and June 30, 1976, may be used only for the purpose of carrying out section 5(g).

(B) For the purposes of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $65,000,000 for the fiscal year ending June 30, 1974, $90,000,000 for the fiscal year ending June 30, 1975, and $113,500,000 for the fiscal year ending June 30, 1976.

(2) There are authorized to be appropriated for each fiscal year ending prior to July 1, 1976, to the National Endowment for the Arts and to the National Endowment for the Humanities, an amount equal to the total amounts received by each Endowment under section 10(a)(2), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

(A) For the fiscal year ending June 30, 1974, $15,000,000.

(B) For the fiscal year ending June 30, 1975, $20,000,000.

(C) For the fiscal year ending June 30, 1976, $25,000,000.

(b)(1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

(2) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation."

30. 20 U.S.C.A. § 560(a), (b).

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(12) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

HUMANITIES GRANTS

Sec. 3. Section 7(d) of the National Foundation on the Arts and the Humanities Act of 1965 is amended by adding after the phrase "Federal programs" a comma and then the words "designated State humanities agencies".

AMENDMENT TO THE LIBRARY SERVICES CONSTRUCTION ACT, INCLUDING RESEARCH LIBRARIES IN THE DEFINITION OF "PUBLIC LIBRARY"

Sec. 4. (a) Section 3(5) of the Library Services and Construction Act is amended by adding at the end thereof the following sentence: "Such term also includes a research library, which, for the purposes of this sentence, means a library which—

(A) makes its services available to the public free of charge;

(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

(D) is not an integral part of an institution of higher education."

(b) The amendment made by subsection (a) shall be effective on June 30, 1973, and only with respect to appropriations for fiscal years beginning after such date.


INDIANS—JUDGMENTS—DISTRIBUTION OF FUNDS

For Legislative History of Act, see p. 2311

PUBLIC LAW 93–134; 87 STAT. 466

[S. 1014]

An Act to provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

Notwithstanding any other law, all use or distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as "Indian tribe"), together with any interest earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this Act.

30. 20 U.S.C.A. § 560(a), (b).
developing the same critical backlog that has developed in the severely overworked Fifth Circuit.

4. 10th Circuit
This circuit of six judges last received an additional judge in 1961. The total caseload per judgeship is 91 as compared with the national average of 74, and the refined caseload per judgeship is 64 as compared with the national average of 62. The projection for refined caseload per judgeship for 1972 is 80.

The backlog in this circuit rose from 135 cases in fiscal 1960 to 400 cases at the beginning of fiscal 1967. During fiscal 1967 the court was able to reduce its backlog to 354 cases, but this was the result of a special drive that enlisted the assistance of visiting judges, and more than 31 percent of the workload in fiscal 1967 was handled by outside help. In fiscal 1966, about 13 percent of the docket was handled by visiting judges. The circuit has been able to maintain reasonable promptness in the disposition of cases, and the median time is less than 6 months, somewhat below the national average. Only one case on the docket has been pending for more than 3 months.

Your committee believes that an additional judge is needed in the 10th Circuit at this time to permit the circuit to hold its own in the face of rising caseloads. In fiscal 1967 there were 100 appeals per judgeship commenced in this circuit as compared with the national average of 90.

EDUCATION—ARTS AND THE HUMANITIES
P.L. 90–345, see page 223
Conference Report No. 1511, June 3, 1968 [To accompany H.R. 11308]
Cong. Record Vol. 114 (1968)

DATES OF CONSIDERATION AND PASSAGE
House Feb. 27, June 5, 1968
Senate May 7, May 29, 1968
The Senate Report and the Conference Report are set out.

SENATE REPORT NO. 1103
The Committee on Labor and Public Welfare, to which was referred the bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

ARTS AND THE HUMANITIES
PURPOSE OF THE BILL
The National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209) was the enabling legislation which authorized the establishment of the National Endowment for the Arts and the National Endowment for the Humanities. As enacted, Public Law 89–209 provided funding authorization for the 3 fiscal years 1966, 1967, and 1968. The reported bill, H.R. 11308, provides for further funding of programs under the National Foundation on the Arts and the Humanities Act of 1965 through fiscal 1970, and makes certain other changes of a technical nature.

BACKGROUND OF THE LEGISLATION
Establishment of the National Foundation on the Arts and the Humanities Act of 1965 was the evolutionary product of many proposals and extended efforts to secure federal recognition of and assistance to those cultural and intellectual values which are the hallmark of a mature nation. Public and private groups had long pressed the need for federal involvement in support of both the arts and the humanities, the formal establishment of two federally funded Endowments, whose central mission was support of the arts and humanities throughout the United States, was widely commended. Congressional action thus recognized the unique value of the arts and the humanities to the Nation, and what is perhaps more important, funds were made available to support that recognition.

Due to the landmark nature of the original legislation, it was deemed proper that the initial activities growing from it would be looked upon as a type of pilot project. Accordingly, step increases in funding over the life of the bill were not authorized; funding was kept on the same level for the 3 fiscal years of 1966, 1967, and 1968.

During this initial 3-year period of operation, the National Endowment for the Arts and the National Endowment for the Humanities—the operative agencies for the National Foundation on the Arts and the Humanities—experimented with various methods of mounting a truly national program in the arts and the humanities. In addition, each Endowment gradually entered broader areas of program activity. In the process of developing effective programs, ways to improve the enabling legislation came to light. Therefore, with the 3-year authorization coming to a close, and with knowledge of the desirability of continuing and extending Federal support for the arts and the humanities through the established Endowments, an administration proposal was transmitted to the Senate and was duly introduced for consideration.

COMMITTEE CONSIDERATION OF THE BILL
In the 1965 consideration of the legislation which led to enactment of Public Law 89–209, joint hearings were held by the Senate Special Subcommittee on Arts and Humanities and the House Special Subcommittee on Labor. Both the Senate and House subcommittees noted that joint hearings prevented duplication of effort. Therefore, upon introduction of the administration's bills, S. 2061 and H.R. 11308, to amend the National
LEGISLATIVE HISTORY

Foundation on the Arts and the Humanities Act of 1965, joint hearings were conducted on July 12 and 13, 1967, by these same subcommittees. Thereafter, the Senate Special Subcommittee on Arts and Humanities held 2 days of hearings on August 15 and 16, 1967.

Witnesses at the joint hearings were enthusiastic about the achievements of the National Endowment for the Arts and the National Endowment for the Humanities during the past 3 years. Discussion then turned to the present status of the arts and humanities in our country, and the need for increased Federal support. There was general agreement among the witnesses that, during their first years of operation, each Endowment had fully carried out its mandate as set forth by the Congress. It was also noted that the present efforts, while admirable, do not begin to meet the need for Federal support of the arts and humanities.

In the area of the humanities, the extent of the need can be seen in the quantity of applications received by the National Endowment for the Humanities. Applications totaling $56.8 million were received in fiscal 1967, but the total sum available for program expenditures was $4.5 million. The same pattern is present in fiscal 1968: the Endowment expects to receive $90 million in applications during the fiscal year with less than $5 million available for program expenditures. Many projects with a high potential for return to the public have been rejected for lack of funds.

A notable feature of witness testimony regarding the humanities was the disparity between Federal funding and the number of applications received. The total of $56.8 million in applications exceeded the $4.5 million available for program expenditures.

Another feature of witness testimony was the need for Federal support of the arts and humanities as a way of stimulating public interest in these fields. The witnesses emphasized the importance of the arts and humanities in the development of a democratic society, and the need for support in order to achieve the goals set forth by the Endowment.

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which presents greater opportunity but is a heavy economic burden on museums, schools, and other organizations in the arts. The committee again noted with interest the support voiced by representatives of the business community, who spoke of the relationship between business and the arts—a relationship which brings benefits to both sides. But again the need for funds was expressed as of the overriding issue.

When hearings were first held on the desirability of establishing a National Foundation on the Arts and the Humanities, the fear was expressed that Federal support would bring about Federal control. Testimony at the joint hearing indicated that neither Endowment was open to criticism on this point.

The major purpose of the National Endowment on the Arts and the Humanities Act of 1965 is to fund the arts in such a way as to encourage the development of new ideas and techniques. The Endowment is not an art museum, but an instrument for encouraging the arts.

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 arts or the Humanities Endowment have, by their actions over the past 3 years, reassured even those who were skeptical in 1965 when the National Foundation on the Arts and the Humanities Act was being initially considered.

During the 2 days of hearings conducted by the Senate special subcommittee, the administration's witnesses, the Chairman of the Endowment, were heard. The hearing record contains much of the testimony and backup material which detailed the future plans of each Endowment. The need for programs in new areas as well as the continuation and expansion of present programs was documented, and the level of funding necessary to accomplish these ends was studied in detail.

One matter which received attention was the awards made by the National Endowment for the Arts to which artists (painters and sculptors) were given in 1967. Testimony was received which indicated that there was a great disparity over the predominant number of awards which were scattered very unevenly as opposed to concentrating on a few institutions or individuals. The committee considered the judgment on this point of artistic discrimination, and noted that any budgetary decision of recommendation would have to be made carefully. The committee supported the concentration of funding on institutions which have an established record of achievement, and on individuals who have demonstrated a commitment to the arts.

The Endowment took note of the committee's concern and reassured it that merit would continue to be the sole consideration in making such awards.

Subsequent to the hearings, the Senate Special Subcommittee on Arts and Humanities met in executive session to consider S. 2681. After noting
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the general vitality of the Endowments and the desirability of continuation of the program, discussion was held on the following matters and various amendments were considered.

The committee has noted with approval the accomplishments of the State arts agencies authorized by the National Foundation on the Arts and the Humanities Act of 1965, and urges the National Endowment for the Humanities to initiate programs which will achieve similar goals. The "public programs" described in the hearings document "Programs of the National Endowment for the Humanities, Present and Planned" look in that direction, and the committee urges that these public programs be developed in a manner which will extend Federal assistance as broadly as possible.

The committee also noted favorably the efforts being made to broaden audience support of the performing arts and suggests consideration of parallel efforts in the area of the visual arts. Increased public attendance at showings of paintings, for example, would serve to bring to wider public attention the works of individual artists, thus affording an opportunity to broaden the base of public support.

The committee found some indication of geographical imbalance in the distribution of grants to foster and develop artistic endeavors. Recognizing that there necessarily was a concentration of artistic talent in such national art centers as New York City, the committee nonetheless strongly urges the National Endowment for the Arts to make a special effort to find and promote the artistic talent in other areas, such as the South, Western, and Western United States, where there are singular cultures with inherent artistic values. The inclusion of the science of "ekistics" within the definition of "arts" and "humanities" was considered. "Ekistics" has been defined by its founder, Constantinos Doxiades, the noted city planner, as the science of human settlement. It aims to treat the problems of human environment utilizing many disciplines working together through the use of modern systems analysis. While noting with favor the work of Doxiades and the value of the ekistical approach, for the time being, the committee felt that adding the phrase "and the study and application of the [arts/humanities] to the human environment" to the definition of arts and humanities would accomplish the end desired.

COMMITTEE AMENDMENTS

The committee ordered reported H.R. 11308 after substituting the text of S. 2061, amended as follows:

As originally introduced, section 4 of S. 2061 amended sections 6(b) and 8(f) of Public Law 89-209 by providing that the Chairman of each Endowment could approve or disapprove a grant application if the Council of that Endowment had not made a recommendation within a reasonable time or had waived the requirement of approval below a specific amount with enunciated policy terms. An amendment to S. 2061 was accepted which made certain the terms under which the Chairman of each Endowment could approve or disapprove a grant application.

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As originally introduced, section 6 of S. 2061 amended section 11(a) and 11(b) of Public Law 89-209 by providing an open-ended authorization of funds for an unlimited number of years. An amendment to S. 2061 was accepted which set specific funding authorizations for a 2-year period.

A new section 7 to S. 2061 was accepted which modified the definitions of "the arts" and "the humanities" contained in sections 3(a) and 3(b) of Public Law 89-209.

In addition, various minor technical amendments were made in the bill S. 2061.

MAJOR PROVISIONS OF THE AMENDED BILL

Section 1

Section 1 of H.R. 11308 amends section 3(f) of Public Law 89-209 by broadening the definition of the term "workshop." Section 3(f) as presently written limits the definition of "workshop" to those conducted in the arts. The amended section 3(f) will allow for workshops in the humanities as well as in the arts, thereby utilizing this tool for the dissemination of academic knowledge.

Section 2

Section 2 of H.R. 11308 amends section 5(c) of Public Law 89-209 by providing the National Endowment for the Arts with authority to support, through contracts, projects for which the present grant-in-aid procedure is not feasible. In this connection, contracts could be made with groups and individuals to conduct programs and projects for which matching funds are not available, as in the case of a study to be made or a new organization to foster. Therefore section 5(f) of Public Law 89-209 is also amended to allow the Endowment to utilize up to 20 percent of its general program 5(c) money on a nonmatching basis, without requiring that the applicant demonstrate its unsuccessful attempts to raise an equal amount of matching funds as is presently required by the act.

Section 3

Section 3 of H.R. 11308 amends section 5(h) (3) and section 5(h) (5) of Public Law 89-209 by providing that funds allotted, but not granted, to the State arts councils would be made available to fund general program activities of the National Endowment for the Arts under section 5(c) of the public law. As presently written, 5(h) (5) provides that allotted but ungranted State arts council funds are available to carry out general program activities only to the extent that the value of gifts received by the Endowment pursuant to section 10(a) (2) exceeds those funds appropriated under section 11(b).

Section 4

Section 4 of H.R. 11308 amends section 6(b) and section 8(f) of Public Law 89-209 by granting to the Chairman of each Endowment the authority to approve or disapprove an application for a grant, without individual action by the Endowment Council at one of its meetings if (1) the grant application is for $5,000 or less; (2) the Council has delegated such au
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authority to the Chairman; and (3) each such action by the Chairman is reviewed by the Council.

While the committee agrees that this new procedure is necessary to allow a more effective administrative disposition of applications for grants, it does not understand that the Council will abrogate its function to make recommendations on grants.

Section 5

Section 5 of H.R. 11308 amends section 10 of Public Law 89-209 to permit that funds appropriated pursuant to section 11(b), which are to be used for matching purposes, may be used to match either restricted or unrestricted donations. While the matching gift program has been successful (since the passage of the act $2.5 million has been donated), it is felt that more funds could be attracted to each Endowment if the donor could specify the area in which his gift is to be utilized. However, before such restricted gifts are accepted, the Endowment Council must make a recommendation on the gift and the Endowment Chairman must approve the matching of the gift.

Section 6

Section 6 of H.R. 11308 amends section 11 of Public Law 89-209 to authorize the appropriation for the National Endowment for the Arts of $6 million for general programs for fiscal year 1969 and $6.5 million for fiscal year 1970. In addition, $2 million is authorized to be appropriated to the National Endowment for the Arts for fiscal 1969 for State arts programs and $2.5 million is authorized to be appropriated for fiscal 1970 for State arts programs; for fiscal 1969 $8 million is authorized to be appropriated to the National Endowment for the Humanities for general program purposes, and $9 million is authorized to be appropriated for fiscal 1970.

There is further authorized to be appropriated to each Endowment up to $3.25 million for fiscal 1969 and up to $3.5 million for fiscal 1970 for the matching of gifts pursuant to section 10(a)(2) of Public Law 89-209.

Authorization is also made for the appropriation of funds necessary for administrative expenses.

Section 7

Section 7 of H.R. 11308 amends section 3(a) and section 3(b) of Public Law 89-209; the sections setting forth the definitions of "the arts," and "the humanities," by providing that the terms "and the study and application of the humanities/arts" to the human environment" be added. This addition to the definitions was engendered by the committee's recognition of the unique role of "ethics," which seeks to relate all disciplines to the betterment of the human environment, and the pertineny which such involvement of the arts and humanities would have to social problems.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 3(f) of Public Law 89-209 is amended by defining a "workshop" as an activity which as one of its enumerated purposes is to promote scholarship and teaching.

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Section 2

Section 5(c) of Public Law 89-209 is amended to authorize the National Endowment for the Arts to contract with groups, or in appropriate cases, individuals for the purpose of enabling them to provide and/or support productions and programs in the arts.

Section 5(f) of Public Law 89-209 is amended to provide that a group may be granted nonmatching funds under this section's discretionary powers without meeting the present requirement that it supply evidence that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for.

Section 3

Section 5(h), (3) of Public Law 89-209 is amended to conform with changes made in section 6 of H.R. 11308.

Section 5(h), (3) of Public Law 89-209 is amended to provide that any allotment to a State under 5(h), (3) not utilized by that State shall be available at the end of the fiscal year for the purpose of carrying out the general programs of the Endowment for the Arts.

Section 4

Sections 6(b) and 8(f) of Public Law 89-209 are amended to provide that in the case of an application of $5,000 or less, the Chairman of each Endowment may approve or disapprove the application if the action is taken in accordance to the terms of a delegation of authority from the Endowment Council to the Chairman, and provided that each such action is reviewed by the Endowment Council.

Section 5

Section 10(a), (2) of Public Law 89-209 is amended to provide that, in his discretion, the Chairman of an Endowment, after receiving the recommendation of the Council that the Endowment is authorized to receive money and other property donated, bequested, or devised to that Endowment with or without a condition or restriction, including a condition that the Chairman use other funds of that Endowment for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purpose of carrying out sections 5(c) and 7(c) and the functions transferred by section 6(a) by the act.

Section 6

Section 11(a) of Public Law 89-209 is amended to provide that for the purpose of carrying out section 5(c) and the functions transferred by section 6(a), there is authorized to be appropriated to the National Endowment for the Arts $6 million for the fiscal year ending June 30, 1969, and $6.5 million for the fiscal year ending June 30, 1970. For the purpose of carrying out section 7(c) there is authorized to be appropriated to the National Endowment for the Humanities $8 million for the fiscal year ending June 30, 1969, and $9 million for the fiscal year ending June 30, 1970. There is also authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(h), (3) $2 million for the fiscal year ending June 30, 1969, and $2.5 million for the fiscal year ending June 30.
The proposed legislation is in harmony with these objectives; we would, therefore, recommend its enactment.

We are advised by the Bureau of the Budget that the enactment of the House bill would authorize the appropriation to the National Endowment for the Arts for the purpose of carrying out section 5(c) and the functions transferred by section 6(a) of $6 million for fiscal year 1969. As indicated above, it authorized no appropriation for these purposes for fiscal year 1970. The Senate amendment also authorized $6.5 million for these purposes for the fiscal year 1970. The conference substitute authorizes the appropriation to the National Endowment for the Arts for the purposes of section 5(c) and 6(a) of $6 million for the fiscal year 1969 and $6.5 million for the fiscal year 1970.

The House bill authorized the appropriation to the National Endowment for the Humanities for the purpose of carrying out section 7(c) of $4.1 million for fiscal year 1969. As indicated above, it authorized no appropriation for these purposes for fiscal year 1970. The Senate amendment authorized the appropriation to the National Endowment for the Humanities for the purpose of carrying out section 7(c) of $8 million for fiscal year 1969 and $9 million for fiscal year 1970. The conference substitute authorizes the appropriation to the National Endowment for the Humanities for the purposes of section 7(c) of $8 million for fiscal year 1969 and $9 million for fiscal year 1970.

The House bill did not authorize the appropriation of funds for the purpose of supporting State arts programs under section 5(h) for fiscal year 1970. The Senate amendment authorized $2.5 million for this purpose for fiscal year 1970. The conference substitute adopted the Senate provision on this point. In this connection, the conferees urge the National Endowment for the Arts to give sympathetic consideration to support of worthy State arts projects if the funds appropriated to carry out the purpose of section 5(h) prove inadequate to support such worthy projects.

The House bill authorized the appropriation to each Endowment of an amount equal to the total of amounts received by that Endowment under section 10(a) (2) of the Act. The Senate amendment provided a similar authorization, except that the amount appropriated to each Endowment for these purposes could not exceed $3,250,000 for fiscal year 1969, and $3,500,000 for fiscal year 1970. The conference substitute authorized the appropriation to each Endowment of an amount equal to the total of amounts received by that Endowment under section 10(a) (2) of the Act.
1970. Sums appropriated under the authority of this section remain available until expended.

Section 11(b) is amended to authorize the appropriation to each Endowment up to $3.25 million for fiscal 1969 and $3.5 million for fiscal 1970 for the purposes of carrying out section 10(a)(2) of Public Law 89-209.

Section 11(c) authorizes the appropriation of such sums as may be necessary to administer the provisions of Public Law 89-209.

Section 7

Sections 3(a) and 3(b) of Public Law 89-209 are amended to include within the definitions of the arts and the humanities the phrase "and the study and application of the [humanities/arts] to the human environment." In section 3(a) the reference to "language, both modern and classic" is amended to read "language, both modern and classical."

AGENCY REPORTS

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

WASHINGTON, D.C., JULY 24, 1967

Hon. Lister Hill,
Chairman, Committee on Labor and Public Welfare,
U. S. Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in reply to your recent requests to the National Endowment for the Arts and the National Endowment for the Humanities for a report on S. 2061 which would amend the National Foundation on the Arts and the Humanities Act of 1965.

S. 2061 would amend the National Foundation on the Arts and the Humanities Act of 1965 in accordance with legislative recommendations made jointly by the National Endowment for the Arts and the National Endowment for the Humanities. These recommendations are in accord with the program of the President. In our view, the amendments proposed are necessary in order to improve administration of the Endowment's programs and, more importantly, to provide sufficient appropriations in order to enable the Endowment, in some measure, to meet the very pressing financial needs in this country of those organizations and individuals engaged in artistic and scholarly pursuits.

On July 12 and 13, the Senate Special Subcommittee on Arts and Humanities and the House Special Subcommittee on Labor held joint hearings on S. 2061 at which representatives of both Endowments testified. At that time, a number of public witnesses presented convincing testimony as to the urgent needs in both of these areas.

It is our understanding that late in August the Special Subcommittee on Arts and Humanities of the Senate Committee on Labor and Public Welfare will be holding one day of hearings to discuss the details of this legislation and we look forward to the opportunity to further discuss the legislation with the subcommittee at that time.

We strongly urge that favorable consideration be given to the enactment of S. 2061 and will be happy to provide any additional information you may desire.

The Bureau of the Budget advises us that there is no objection to the submission of this report and that enactment of S. 2061 would be in accord with the program of the President.

Sincerely yours,

Roger L. Stevens,
Chairman, National Endowment for the Arts.

Barney C. Keeney,
Chairman, National Endowment for the Humanities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

WASHINGTON, D.C., AUGUST 22, 1967

Hon. Lister Hill,
Chairman, Committee on Labor and Public Welfare,
U. S. Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in further reply to your recent request of July 10, 1967, for a report on S. 2061, a bill to amend the National Foundation on the Arts and the Humanities Act of 1965.

The National Science Foundation endorses S. 2061 and believes that its enactment will facilitate the carrying out of the mission of the National Foundation on the Arts and the Humanities.

We should like to comment on three points which we believe are of particular significance:

(1) Section 4 of the bill would amend sections 6(b) and 8(f) of the act to provide that in cases where a Council has delegated authority to the Chairman, the Chairman may approve applications for financial assistance without securing the specific approval of the Council. The amendment would have the effect of also permitting the Chairman to reject applications without submitting them to the Council.

(2) Section 5 of the bill would amend section 10 of the act to permit an endowment to obtain sums from the special fund established under section 11(b) of the act to match funds donated with a condition that other funds of the endowment shall be used for the purposes of the gift. We believe that this expanded authority will be useful in encouraging private contributions to the Foundation.

(3) Section 6 of the bill would provide an authorization for appropriations in fiscal year 1969 and each subsequent fiscal year. We believe this change is desirable since it is obviously important that support of activities in the arts and humanities should be placed on a continuing basis.

The Bureau of the Budget has advised us that it has no objection to the submission of this report and that enactment of S. 2061 would be in accord with the President's program.

Sincerely yours,

Leland J. Haworth, Director.
Sec. 1. The first section of this Act shall apply with respect to amounts paid or incurred on or after January 1, 1968.

Approved June 18, 1968.

CIRCUIT JUDGES—INCREASE IN NUMBER

For Legislative History of Act, see p. 2086

PUBLIC LAW 90–347; 82 STAT. 183

[S. 2349]

An Act to provide for the appointment of additional circuit judges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

The President shall appoint, by and with the advice and consent of the Senate, one additional circuit judge for the third circuit, two additional circuit judges for the fifth circuit, one additional circuit judge for the sixth circuit, four additional circuit judges for the ninth circuit, and one additional circuit judge for the tenth circuit.

Sec. 2. Section 1(c) of the Act of March 18, 1966 (80 Stat. 75), pertaining to the appointment of four additional circuit judges for the fifth circuit is hereby amended in part by deleting the final sentence, providing, “The first four vacancies occurring in the office of circuit judge in said circuit shall not be filled.” These judgeships are hereby made permanent and the present incumbents of such judgeships shall henceforth hold their offices under section 44 of title 28, United States Code, as amended by this Act.

Sec. 3. In order that the table contained in section 44(a) of title 28 of the United States Code will reflect the changes made by sections 1 and 2 in the number of circuit judges for said circuits, such table is amended to read as follows with respect to said circuits:

<table>
<thead>
<tr>
<th>Circuits</th>
<th>Number of Judges</th>
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<tbody>
<tr>
<td>Third</td>
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<tr>
<td>Fifth</td>
<td>Fifteen</td>
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<tr>
<td>Sixth</td>
<td>Nine</td>
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<tr>
<td>Ninth</td>
<td>Thirteen</td>
</tr>
<tr>
<td>Tenth</td>
<td>Seven</td>
</tr>
</tbody>
</table>

Approved June 18, 1968.
Sec. 3. Section 5(h) (3) and section 5(h) (6) of the National Foundation on the Arts and the Humanities Act of 1965 11 are amended to read as follows:

"(3) Funds appropriated to carry out the purpose of this section 5(h) for any fiscal year shall be equally allotted among the States.

"(5) All amounts allotted under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available at the end of such year to the National Endowment for the Arts for the purpose of carrying out section 5(c)."

Sec. 4. Section 6(b) and section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 12 are amended to read as follows:

"(b) The National Council on the Arts shall, in addition to performing any of the duties and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities pursuant to the provisions of this Act, and (2) review applications for financial assistance made under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application unless he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of any application involving $10,000 or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council.

"(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 any such application unless he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of any application involving $10,000 or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."
out section 7(c) of this Act there is hereby authorized to be appropriated to the National Endowment for the Humanities $8,000,000 for the fiscal year ending June 30, 1969, and $9,000,000 for the fiscal year ending June 30, 1970. In addition, there is hereby authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(h) the sum of $2,000,000 for the fiscal year ending June 30, 1969, and $2,500,000 for the fiscal year ending June 30, 1970. Sums appropriated to an Endowment under this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection."

(b) amending subsection (b) to read as follows:

"(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 the amount so appropriated for the fiscal year ending June 30, 1969, and the amount so appropriated for the fiscal year ending June 30, 1970, shall not aggregate more than $13,500,000. Amounts appropriated to an Endowment under this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection."

(c) repealing subsection (c).

(d) redesignating subsections "(d)" and "(e)" as subsections "(e)" and "(d)".

Sec. 7. Section 3(a) and section 3(b) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

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

"(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, the arts related to the presentation, performance, execution, and exhibition of such major art forms, and the study and application of the arts to the human environment."

Approved June 18, 1968.

15. 20 U.S.C.A. § 952(a) and (b).