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March 2, 1989

Senator Sandi Crary

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

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

Sincerely,

Rex O. Arney
General Counsel

Enclosures
NATIONAL FOUNDATION ON THE ARTS AND
THE HUMANITIES

Questions and Answers

PREPARED AT THE REQUEST OF
Senator CLAIBORNE PELL, Chairman
OF THE
SPECIAL SUBCOMMITTEE ON ARTS AND
HUMANITIES
OF THE
COMMITTEE ON LABOR AND
PUBLIC WELFARE
UNITED STATES SENATE

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

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U.S. SENATE
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PREFACE

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

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

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

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

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

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

CLAIBORNE PELL,
Chairman, Special Subcommittee on Arts and Humanities of the Committee on Labor and Public Welfare.
Question: How is the new Foundation structured?

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

Question: How is this coordination provided?

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

Question: Who are the members of the Federal Council?

Answer: There are nine members, as follows:
- The Chairman of the National Endowment for the Arts;
- The Chairman of the National Endowment for the Humanities;
- The U.S. Commissioner of Education;
- The Secretary of the Smithsonian Institution;
- The Director of the National Science Foundation;
- The Librarian of Congress;
- The Director of the National Gallery of Art;
- The Chairman of the Commission of Fine Arts; and
- A member designated by the Secretary of State (to include the Department’s international experience in cultural and educational affairs).

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

Answer: The definition of the humanities in the act includes those aspects of the social sciences—such as sociology, for example—which relate to the study of man in relation to his environment. The National Science Foundation provides, through a small part of its total budget, some support for studies and research related to these areas. Duplication of effort can thus be avoided by establishing cooperation with NSF through its Director.
Question: How is the new Foundation funded?
Answer: Each Endowment is authorized $5 million for each of 3 fiscal years, 1966, 1967, and 1968. After this the authorizations would be subject to review by the Congress.

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

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

Question: Are museums included in the term “group”?
Answer: Yes, museums are specifically included.

Question: We propose to remodel a building in order to convert it into a community cultural center for plays and concerts. Can we seek financial assistance from the Arts Endowment?
Answer: Yes. Grants-in-aid for construction, including remodeling and repairs, are authorized under the law. It should be noted, however, that funds for all purposes are limited, and final decision as to priorities has been left to the wisdom of the National Council on the Arts ($10.7 million has been appropriated for the Foundation's beginning activities, including administrative costs).

Question: Are there protections against domination and control of the arts and the humanities by either of the respective Chairman?
Answer: Yes. There is a system of checks and balances built into the law:

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

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

Third, the National Council on the Humanities, composed of private citizens chosen on the basis of distinguished service and scholarship or creativity, serves in relationship to the Chairman of the Humanities Endowment in precisely the same manner.
Question: Where do we apply for a grant?
Answer: To the Chairman of the National Endowment for the Arts, or the Chairman of the National Endowment for the Humanities, depending on the nature of the application, who are authorized to carry out grants-in-aid programs. It is implicit in the law that the procedures and criteria shall be guided by the two Councils of private citizens—the National Council on the Arts and the National Council on the Humanities.

Question: May a State, with Federal matching funds, jointly with one or more other States, support projects of a regional nature in the arts?
Answer: Yes. One of the purposes of the act specifies support for the advancement of cultural progress by “local, State, regional, and private agencies.”

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

Question: What are the general guidelines for the activities which the National Endowment for the Arts will support?
Answer: They are very broad in scope and include the following:

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

Question: May a State arts council, a community arts council, or other appropriate State or local agency, apply for a grant now?
Answer: Yes; applications may be submitted for appropriate processing. For States to receive grants under the earmarked allocations, applications must be filed prior to the first day of the fiscal year in which such grant will be made. Funds under this earmarked program could not be available prior to July 1, 1966.

Question: Must all grants to groups be limited to 50 percent of the total cost?
Answer: No; but in most cases 50 percent is the maximum ceiling on a grant to a group from the National Endowment for the Arts. Not more than 20 percent of the funds allotted to support projects and productions may be reserved for grants without regard to the 50-50 matching limitation and evidence must be submitted that the sponsoring group has attempted to obtain its share of the cost of the production or project. The National Endowment for the Humanities is not required to make grants on a matching basis.
Question: What is the function of the National Endowment for the Humanities?
Answer: To develop and encourage scholarship, and research in and greater public understanding of the humanities.

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

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

Question: What are the guidelines for activities to be supported the National Endowment for the Humanities?
Answer: As with the Arts Endowment's guidelines, they are broad in concept and include authorization to—

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

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

Question: How are the arts defined in the legislation?
Answer: As in the case of the humanities definition, the definition of the arts is intended to be as comprehensive as possible. The term "the arts" includes the following: "music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields,
Question: Will governmental assistance to the arts diminish the amounts of private funding available for their support?

Answer: Experience shows that quite the opposite is true. Perhaps the best example to demonstrate that governmental support for the arts serves to stimulate private funding is found in the 4-year history of the New York State Council on the Arts. During its first year (1961-62) the Council operated with a budget of $450,000, over 70 percent of which was supplied by its State appropriation, the remainder coming from private sources. During 1964-65 the ratio was entirely reversed, with almost 75 percent of a larger budget ($562,000) coming from private funding and the remainder from the State. During the same period the number of communities served by the council doubled, from 46 to 92; the number of performances assisted by the council tripled, from 92 to 277; and the number of touring companies supported by the council increased almost twelvefold, from 6 to 71.
TEXT OF PUBLIC LAW 89-209, 89TH CONGRESS, S. 1483, SEPTEMBER 29, 1965

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

Sec. 1. That this Act may be cited as the "National Foundation on the Arts and the Humanities Act of 1965".

DECLARATION OF PURPOSE

Sec. 2. The Congress hereby finds and declares:

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

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

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

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

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

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

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

DEFINITIONS

Sec. 3. As used in this Act—

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

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

(c) The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, and tape and sound recordings, and any other activities involving the execution or rendition of the arts and meeting such standards as may be approved by the National Endowment for the Arts established by section 6 of this Act.
(d) The term "project" means programs organized to carry out the purpose of this Act, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts and includes, where appropriate, rental, purchase, renovation, or construction facilities, purchase or rental of land, and acquisition of equipment.

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

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

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

Establishment of a National Foundation on the Arts and the Humanities

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

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

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

Establishment of the National Endowment for the Arts

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

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

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

(1) productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence;

(2) productions meeting professional standards or standards of authenticity, irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;

(3) projects that will encourage and assist artists and enable them to achieve standards of professional excellence;

(4) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

(5) other relevant projects, including surveys, research, and planning in the arts.

(d) In addition to performing any of the functions, duties, and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, Public Law 88-579, approved September 3, 1964, the individual appointed under such Act as Chairman of the National Council on the Arts shall serve as the Chairman of the National Endowment for the Arts. In lieu of receiving compensation at the rate prescribed by section 6(c) of such Act, such individual serving as Chairman of the National Council on the Arts and Chairman of the National Endowment for the Arts shall receive compensation at the same rate prescribed by law for the Director of the National Science Foundation.

(A) The first sentence of section 6(c) of the National Arts and Cultural Development Act of 1964 is hereby amended to read as follows: "The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment."
organized to carry out the purposes of artistic creativity, to promote public agency, and any museum, or establishment for the primary purpose of which is an amateur, student, or other several States of the Union, Columbia, Guam, American Arts and the Humanities purpose on the Arts and the (A) which shall be composed for the Humanities; hereinafter established and promote a broadly the arts in the United States, or employee, or control over the stimulation or implication, or association.

The National Endowment known as the Chairman, which shall be composed because the Humanities and the National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to assist the several States in supporting existing projects and productions which meet the standards enumerated in section 5(c) of this Act, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to the people and communities in each of the several States. (2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Chairman finds—

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

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

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

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

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

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

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

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

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

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

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

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

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

TRANSFER OF THE NATIONAL COUNCIL ON THE ARTS

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

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

(c) The function of the Secretary of the Smithsonian Institution with respect to serving as an ex officio member of the National Council on the Arts, now derived from section 8(a) of the National Arts and Cultural Development Act of 1964, is hereby abolished.

(d)(1) The first sentence of section 8(a) of the National Arts and Cultural Development Act of 1964 is amended by striking out "twenty-four" and inserting in lieu thereof "twenty-six".

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

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

(4) Section 7(d) of such Act is hereby repealed.
ARTS AND THE HUMANITIES

which such finding was made that a section to such group or agency unobtainable, until such group or general funds which have been improperly

any grant under this section that the agency receiving such grant furnish that (1) all professional personnel (other than laborers and

Sec. 10 of such Act is hereby repealed.

Except as inconsistent with the provisions of this Act, the provisions of the National Arts and Cultural Development Act of 1964 shall be applicable with

established within the Foundation a National Endowment for the Humanities.

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

of the Act, and (c) there shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairman.

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

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

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

The total amount of any grant under subsection (c)(2) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 per centum of the total cost of such activities.

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

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

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

(6) support the publication of scholarly works in the humanities without regard to the provisions of section 87 of the Act of January 12, 1905 (28 Stat. 422), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111).

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

The total amount of any grant under subsection (c)(2) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 per centum of the total cost of such activities.

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

Each member shall hold office for a term of six years, except that (1) the members first taking office shall serve, as designated by the President, nine for terms of two years, nine for terms of four years, and eight for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of his term.
(d) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Fourteen members of the Council shall constitute a quorum.

(e) Members not otherwise employed by the Federal Government shall receive compensation and be allowed travel expenses in the same manner as is provided in section 6 of Pubic Law 85-579 for the National Council on the Arts.

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

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

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

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, and a member designated by the Secretary of State.

(c) The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organizations.

(c) The Council shall—

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

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

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

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

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

(7) rent or lease property in the District of Columbia;

(8) make other necessary expenditures.

In any case in which any money or other property is devoted to the Foundation (A) without the benefit of which such property is intended to be used for the purposes of such property shall not be deemed to have been donated, bequeathed, or devised to the Endowment within the scope of paragraph (a) of subsection (4) of any law, the Council shall have authority to determine an equitable manner for disposition of the property so donated, bequeathed, or devised;

of such paragraph, to that Endowment purpose or purposes described or referred to in paragraph (c) of subsection (4) of any law; and

(b) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, respectively, may each submit a petition to the President for transmission to Congress on or before the end of the fiscal year, and the President may by order create an Endowment, or authorize such a request, if such Endowment be deemed by the Council necessary to carry on the functions of the Endowment, and the Council shall

(c) The National Council on the Arts, in performing its functions, respectively, may each submit a petition to the President for transmission to Congress on or before the end of the fiscal year, and the President may authorize such a request, if such Endowment be deemed by the Council necessary to carry on the functions of the Endowment, and the Council shall

(d) The National Council on the Arts may, in performing its functions, respectively, may each submit a petition to the President for transmission to Congress on or before the end of the fiscal year, and the President may authorize such a request, if such Endowment be deemed by the Council necessary to carry on the functions of the Endowment, and the Council shall
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

(6) accept and utilize the services of voluntary and un compensated personnel and reimburse them for travel expenses, including per diem, as authorized by law (5 U.S.C. 731-2) for persons in the Government service employed without compensation;

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

(8) make other necessary expenditures.

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

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

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

AUTHORIZATION OF APPROPRIATIONS

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

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

There is hereby authorized to be appropriated to the National Endowment for the Arts the sum of $2,750,000 for each fiscal year, beginning with the fiscal year beginning on July 1, 1966, for the purposes of section 5(b). Sums appropriated under this subsection shall remain available until expended.
(d) There are authorized to be appropriated such sums as may be necessary to administer the provisions of this Act.

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

FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN THE HUMANITIES AND THE ARTS

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

(b) Sums appropriated pursuant to subsection (a) shall be allotted in the same manner as provided in subsections (a) and (c) of section 302 of the National Defense Education Act of 1958, as amended (72 Stat. 1388; 20 U.S.C. 442).

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

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

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

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

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

(d) The Commissioner shall approve any State plan and any modification thereof which comply with the provisions of subsection (c) of this section and the provisions of subsections (b) and (c) of section 1004 of the National Defense Education Act, as amended (72 Stat. 1603; 20 U.S.C. 442), apply to this section in the same manner as applied to State plans under that Act.

(e) Payments to States from allotments made under subsection (b) shall be made in the same manner as provided in section 304 of the National Defense Education Act of 1958, as amended (72 Stat. 1388; 20 U.S.C. 444).

Sec. 13. There is authorized to be appropriated to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years the sum of $500,000; but for the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Such sums shall be used to enable the Commissioner of Education to arrange, through grants or contracts, with institutions of higher education for the operation by them within the United States of short term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged in
or preparing to engage in the teaching or supervising or training of teachers, of such subjects as will, in the judgment of the Commissioner, after consultation with the Chairman of the National Endowment for the Humanities, strengthen the teaching of the humanities and the arts in elementary and secondary schools.

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

PRESIDENTIAL APPOINTMENTS

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

Approved September 29, 1965.

LEGISLATIVE HISTORY


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

Congressional Record, volume 111 (1965):

June 10, considered and passed Senate.

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

September 16, Senate concurred in House amendment.
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The proposal that the Council should control the arts by the Foundation is that the scope for the Council extends far beyond the Foundation's functions. It would seem logical to recall the various qualifications of the Council and the arts. The impact and usefulness of the Foundation not only on the artists but also on the public at large is significant. By and large, the artists' qualifications for the arts are different from those of other artists. Consequently, the new factors merit consideration.

The purposes of this legislation are serious enough to make the arts and the Foundation controlled by a single board. Although 10 states have agreed to the 12 trustees proposed in Senate Bill 2379 approved by the Senate of the 88th Congress, the national art is separated into one or more boards to establish clear lines. Important, if not more, as those of the State Board of Education, the duties of the Council can focus in the development and enjoyment of national interest in how their gifts are used. The gift is often prompted by a desire to help a particular objective or at least a certain field. The change is that both Foundations would receive more support from private sources if donations did not need to be divided between the humanities and the arts.

It seems pertinent to state here that the NCAG has had many years of experience in working with congressional sponsors of legislation for the arts. In efforts to perfect measures we could support and to discourage proposals or bills considered unsound or conflicting with any of the basic principles. To cite a single example: In 1958, the late Senator Herbert H. Lehman agreed to sponsor legislation to create a Federal Advisory Commission on the Arts on the condition that I prepare, with the assistance of the NCAG amendments to clarify this legislation. As you know, Senator Lehman's S. 3410 was unanimously approved by the Senate of the 84th Congress. The House Committee on Labor and Education voted it down partly because, as then Congressman Leo McNeill told me, too much power over the arts would be given to one man—the Secretary of the Department of Health, Education, and Welfare. Later, the NCAG suggested a more specific outline of the functions and duties of this proposed advisory body, substantially those contained in section 7(b) of Public Law 88-579.

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

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

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

Page 3, line 2: National Arts Foundation.

Page 3, lines 7-12: Suggest transposition of assurance against Federal interference to the text so that it will apply to both Foundations.

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

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

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

Page 3, line 25: Same reasons as above.

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

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

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

Page 5, lines 8-12: transpose to earlier section 3.

Page 6, lines 20-24: Concerns humanities, included in title II.

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

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

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

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

Page 7, line 11: Re "and the Department of State"—the value of the cultural presentations program for the performing arts tours depends on a large degree upon high quality of performance. The Department may wish to call attention of the Foundation to certain areas of the arts where aid from the Foundation would be helpful in providing the caliber of performance desired by the Department.
...in the arts and humanities. This effort began when action to encourage the development of the arts by Government at all levels was a comparatively new and often resisted concept in our country. The National Council on the Arts and Government has frequently assisted Members of both Houses in drafting or clarifying legislative measures affecting the arts. It has influenced policy decisions of Government administrators. It has advised cultural leaders in several States concerning the creation of State agencies. It has convinced many artists of all fields as to the value to them of governmental participation in the arts. It has provided the essential freedom of the arts in previously undreamed-of, and bureaucratic tendencies firmly discouraged. Through National Council on the Arts and Government's annual reports, widely distributed, it has promoted public awareness that the arts are increasingly en-

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

The opinions expressed and the action thus inspired are the result of study by and consultation with...America, after all, are the citizens who cast decisions may be reached by the Senate and the House Committee on Education and the National Council on that in the spirit in which they are...
HUMANITIES FOUNDATIONS

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provided the essential freedom of the arts is

ular tendancies are firmly discouraged.

and Government's annual reports, widely

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

that development.

The opinions expressed and the amendment suggested in this testimony were

not hastily improvised. They are the result of countless hours over the years of

study by and consultation with spokesmen for all art fields. The artists of

America, after all, are the citizens who will be most directly affected by what-

ever decisions may be reached by Congress on this legislation. Even though

a different position on this legislation may be taken by others, we are con-

fident that the members of the Senate Committee on Labor and Public Welfare

and the House Committee on Education and Labor will examine and weigh

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

ness and in the spirit in which they are respectfully presented.

APPENDIX A

AMENDMENTS TO S. 316 AND H.R. 2943 SUGGESTED BY THE NATIONAL COUNCIL
ON THE ARTS AND GOVERNMENT

A BILL To provide for the establishment of a National Arts Foundation and a National

Humanities Foundation to promote progress and scholarship in the arts and humanities,

and for other purposes

Be it enacted by the Senate and House of Representatives of the United States

of America in Congress assembled, That this Act may be cited as the "National

Arts Foundation and National Humanities Foundation Act of 1965".

Sec. 2. The Congress hereby finds and declares—

(1) That the growth and flourishing of the arts and humanities depend

upon freedom, imagination, and individual initiative;

(2) That the encouragement and support of the humanities and the arts,

while primarily a matter for private and local initiative, is also an appro-

priate matter of concern to the Federal Government;

(3) That a leading civilization must not limit its efforts to science and

technology alone but must give full value and support to the other great

branches of man's scholarly and cultural activity;

(4) That democracy demands wisdom and vision in its citizens and that it

must therefore foster and support a form of education designed to make men

masters of their technology and not its unwitting servants;

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

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

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

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

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

(6) That it is the national interest that the resulting social, cultural, and

educational imbalance be redressed;

(7) That the world leadership which has come to the United States cannot

rest solely upon superior power, wealth, and technology, but must be solidly

founded upon worldwide respect and admiration for the Nation's high qual-

ities as a leader in the realm of ideas and of the spirit;

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

a National Arts Foundation and a National Humanities Foundation.

ASSURANCE AGAINST FEDERAL INTERFERENCE

Sec. 3. In the administration of this Act, no department agency, agency officer,

or employee of the United States shall exercise any direction, supervision, or

control over the policy determination, personnel, curriculum, or the administra-

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

tion, or association.

TITLE I

ESTABLISHMENT OF A NATIONAL ARTS FOUNDATION

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

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

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

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

"Board") and a Director (hereinafter in this title referred to as "Director").
PREAMBLE

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

DEFINITION

Sec. 102. As used in this title--
(a) The term "the arts" includes all art areas and fields covered by the National Arts and Cultural Development Act of 1964, such as (1) music (instrumental and vocal), drama, dance, folk art, creative writing, architecture and allied fields, painting, sculpture, craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording; and (2) the arts related to the presentation, performance, execution, and exhibition of such major art forms.
(b) The term "production" means plays (with or without music), ballet, dance, and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, tape and sound recordings; and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.
(c) The term "project" means programs organized by groups, States, and State agencies to carry out the purposes of title I of this Act, including programs and other endeavors to foster American artistic creativity and to develop and enhance knowledge and understanding of the arts.
(d) The term "group" includes any nonprofit society, institution, organization, association, museum, or establishment, whether or not incorporated.

FUNCTIONS OF THE FOUNDATION

Sec. 104. (a) The Foundation is authorized and directed--
(1) to develop and encourage the pursuit of a national policy for the promotion of creative work and performance in the arts;
(2) to foster, as practicable, to carry out the purposes of title I of this Act in a manner consistent with, and in support of, the activities and general policy recommendations of the National Council on the Arts established by the National Arts and Cultural Development Act of 1964;
(b) to encourage the authorship, production, and disbursement, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording; and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.
(c) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to nonprofit professional groups (and nonprofit groups meeting professional standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts.
(2) No payment may be made to any group under this section except upon application therefor which is submitted to the Foundation in accordance with regulations prescribed by the Foundation.
(3) The amount of any grants allotted to any group pursuant to this subsection shall not exceed 50 per cent of the total cost of such project or production, except that not more than 20 per cent of the funds allocated by the Foundation for the purposes of subsections (c) and (d) of this section for any fiscal year may be available for allotment by the Foundation for the purposes of subsections (c) and (d) of this section for any fiscal year without regard to such limitation in the case of any group which submitted evidence to the Foundation an amount of funds equal to 10 per cent of the proportion of funds applied for by such group.
(4) Any group shall be eligible only if (A) no part of its net worth, or stockholder, or individual groups are allowable as a charitable deduction (c) of section 170 of the Act.
(5) Except as otherwise provided in this section, the total amount of grants for any fiscal year shall be determined by the Foundation for grants-in-aid to States, not to exceed an amount equal to the maximum allowed in the prior fiscal year.
(d) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to nonprofit professional groups (and nonprofit groups meeting professional standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts.
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(4) Any group shall be eligible only if (A) no part of its net worth, or stockholder, or individual groups are allowable as a charitable deduction (c) of section 170 of the Act.
(5) Except as otherwise provided in this section, the total amount of grants for any fiscal year shall be determined by the Foundation for grants-in-aid to States, not to exceed an amount equal to the maximum allowed in the prior fiscal year.
0 HUMANITIES FOUNDATIONS

NATIONAL ARTS AND HUMANITIES FOUNDATIONS

OF THE FOUNDATION

National Arts Foundation shall be to develop
policy of support for and enjoyment of the
arts, music, dance, theater, sculpture, painting,
sculpture, photography, graphic and
costume and fashion design, motion picture,
and recording; and (2) the arts related to the
teaching and exhibition of such major art
means plays (with or without music), ballet,
symphonic concerts, recitals, operas, exhibitions,
radio, tape and sound recordings; and
the execution or rendition of the arts and the
Foundation may establish.

programs organize the groups, States, and
the purposes of title I of this Act, including
fostering American artistic creativity and
and understanding of the arts;
which any nonprofit society, institution, organi-
cr establishment, whether or not incorporated.

S OF THE FOUNDATION

authorized and directed—
the purpose of a national policy for the
performances in the arts:

to carry out the purposes of title I of this
4th, and in support of, the activities and pur-
of the National Council on the Arts estab-
Cultural Development Act of 1964;
ly and discharging the functions referred to
shall be one of the objectives of the founda-
and performance in the arts throughout the
, and to operate, insofar as practicable, in co-
programs, including those conducted by the
ed States Office of Education and the Depart-
ctorized to establish and conduct a program of
donal groups (and nonprofit groups meeting
city) engaged in or concerned with the arts, for
provisions which have sub- 

ence, giving emphasis to American creativity,
ights which are of significant merit and which
herein be unavailable to our citizens in many
will encourage and support artists who are
ition to become citizens of the United States,
, and develop the appreciation and enjoyment
other relevant projects including surveys.

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

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

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

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

(2) In order to receive such assistance in any fiscal year, a State shall submit
an application for such grants prior to the first day of such fiscal year and
accompany such application with a plan which the Foundation finds
(A) submitted to a State agency (hereinafter in this subsection referred to as the “State agency”) as the sole agency for the administration of the
State plan;

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

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

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

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

(e) Whenever the Foundation, after reasonable notice and opportunity for
hearing to any group or State agency, finds that—
(1) any such group is not complying substantially with the provisions of
this section;

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

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

(f) The Foundation shall render an annual report to the President for sub-
mmission on or before the fifteenth day of January of each year to the Congress.
NATIONAL ARTS AND HUMANITIES FOUNDATIONS

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

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

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

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

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

The Board shall have the powers granted by section 109. The Board shall confer with the Secretary of the Smithsonian Institution, the Librarian of Congress, and the Commissioner of Education to discuss the needs of arts, the arts policy, and related matters. The Board shall confer with the Chairman of the National Council on the Arts and the Chairman of the National Council on the Humanities as to the performance of the duties of such councils. The Board shall confer with the President, the Secretary of the Smithsonian Institution, and the Librarian of Congress to discuss matters relating to the arts. The Board shall confer with the Commissioner of Education to discuss matters relating to the arts.

The Board shall have the power to make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as a voting ex officio member of the Board.

The Board shall have the power to make recommendations to the Board of Directors of the Foundation, the United States Commissioner of Education, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Chairman of the National Council on the Arts and the National Council on the Humanities, and the Commissioner of Education, as to the performance of the duties of such councils. The Board shall confer with the President, the Secretary of the Smithsonian Institution, and the Librarian of Congress as to the performance of the duties of such councils. The Board shall confer with the Commissioner of Education as to the performance of the duties of such councils.

The Board shall have the power to make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations.


**HUMANITIES FOUNDATIONS**

indation and making such recommendations
port shall include minority views and recom-
Board,

omitted, loaned, or otherwise provided as assist-
ted to the purchase, creation, preservation, or
choose or rental of any land.

If produce or present any project or produc-
tion works of art, but it may insist such group

**ARTS BOARD**

a list of (1) twenty members to be appointed
rise and consent of the Senate, and (2) the
ited States Commissioner of Education, the
the Smithsonian Institution, the Chair-
Arts, and the Chairman of the National
whom shall be voting members of the Board
founded on the Humanities and the Director
on be nonvoting members of the Board
as otherwise provided in this Act, exercise
by the Board. The persons nominated by
members shall be selected (1) from among pri-
are widely recognized for their broad knowl-
profund interest in, the arts; (2) so as to
ral leaders, members of the museum profes-
port engaged in the arts; and (3) so as col-
stitution of membership among the major
title. The President is requested in the
consideration to such recommendations as
him by leading national organizations in
lone the Arts.

appointed member of the Board shall be six
appointed to fill a vacancy occurring prior to
his predecessor was appointed shall be ap-
(1) and (2) the terms of office of the mem-
shall expire, as designated in this Act, shall
f the Board who has not been a member of the
shall thereafter be ineligible for appointment
him to the expiration of his term of office
the first meeting of the Board, at which the first
on of a Chairman and a Vice Chairman, who
cate of membership of this Act. The Chairman
shall not be eligible for election as Chairman
hereafter, each Chairman and Vice Chairman
duration and each such election shall
occurring at the end of such term,
be duties of the Chairman in his absence.
ship or vice chairmanship, the Board shall
the call of the Chairman, but not less than four
all also call a meeting whenever one-third of
in writing. A majority of the voting mem-
quorum. Each member shall be given notice,
mail a copy of his last known address of record
my meeting, of the call of such meeting.

**IF THE FOUNDATION**

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

recommendations. The Director shall serve
as a voting ex officio member of the Board. In addition, he shall be the chief
executive officer of the Foundation. The Director shall receive compensation at
the same rate as provided for the Director of the National Science Foundation,
and shall serve for a term of six years unless sooner removed by the President.
(b) In addition to the powers and duties specifically vested in him by this Act,
the Director shall, in accordance with the policies established by the Board, exer-
cise the powers granted by section 106 of this Act, together with such powers and
and duties as may be delegated to him by the Board; but no final action shall be
taken by the Director in the exercise of any power granted by section 106 of this Act
unless in each instance the Board has reviewed and approved the action proposed
to be taken, or such action is taken pursuant to the terms of a delegation of au-
thority from the Board or the Executive Committee to the Director.

**POWER TO CREATE COMMITTEES**

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

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

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

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

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

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

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

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

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

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

(3) The terms of members of each divisional committee shall be two years.

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

**GENERAL AUTHORITY OF THE FOUNDATION**

Sec. 109. The Foundation shall have the authority, within the limits of available
appropriations, to do all things necessary to carry out the provisions of this
Title, including, but without being limited thereto, the authority—

(1) To prescribe such rules and regulations as it deems necessary govern-
ing the manner of its operations and its organization and personnel;
(2) To make such expenditures as may be necessary for administering the provisions of this title, and enter into contracts or other arrangements, without regard to the provisions of section 3030 of the Revised Statutes (4 U.S.C. 3 or of section 2648 of the Revised Statutes (29 U.S.C. 202));

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

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

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

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

**MISCELLANEOUS PROVISIONS**

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

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

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

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

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

(f) All artists employed by persons, organizations, or institutions to present public performances which are not title shall be paid, without subseq less than the minimum wages as the prevailing minimum wages for activities in the Nation. Further shall take place nor will any other wages under conditions which are unsafely and sanitary laws of the State is to take place shall be prima facie Labor shall have, with respect to such functions set forth in Reorganization Act (U.S.C. 152–15)). Notwithstanding minimum wages, this section shall where the beneficiary of Federal assen tional institution and the audience the auspices of such an institution or others employed by the institution of study at the institution.

**ESTABLISHMENT OF A NAT**

Sec. 201. There is hereby establish an independent agency to be known (hereinafter in this title reference shall consist of a National Human "Board") and a Director (hereinafter

**PURPOSE OF 1**

Sec. 202. The purpose of the Nation and to develop and promote a broadly conce the arts, but it shall not attempt the scholarship, teaching, research, or encourages.

**DEF**

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

(a) The term "humanities" and "which witen the understanding as well as to other men, and encompass sections (b) and (c) of this section.

(b) The term "humanities" in languages, literature, history, and pohs, and the theory of the arts; and the various aspects of the social relations employ humanistic methods.

(c) The term "the arts" includes National Arts and Cultural Develop- (instrumental and vocal) drama, public performance, execution.

(d) The term "production" means dance, and choral performances, con- choral, distribution, television, radio, film, and other activities involving the public performances which are not title shall be paid, without subseq less than the minimum wages as the prevailing minimum wages for activities in the Nation. Further shall take place nor will any other wages under conditions which are unsafely and sanitary laws of the State is to take place shall be prima facie Labor shall have, with respect to such functions set forth in Reorganization Act (U.S.C. 152–15)). Notwithstanding minimum wages, this section shall where the beneficiary of Federal assen tional institution and the audience the auspices of such an institution or others employed by the institution of study at the institution.

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...in accordance with such policies, the "foundations' expenses shall be paid and shall be not over such amount as is agreed to by the Board of Directors in its discretion, in any case. The term "director" includes any person to whom the by-laws of the foundation may as a director. The term "foundations' expenses" shall mean such amount as is agreed to by the Board of Directors in its discretion, in any case.
FUNCTIONS OF THE FOUNDATION

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

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

(2) To establish standards (including grants, loans, and other forms of assistance) for educating and developing scholars and teachers in the humanities and the arts, and artists, at any stage of their growth;

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

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

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

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

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

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

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

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

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

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

(1) The President, by and with the advice and consent of the Senate, shall appoint a Trustee,

(2) The Board of Directors of the Foundation, the United States Commissioner for Education, the Secretary of the Smithsonian Institution, and the Director of the National Park Service shall each appoint a Trustee, and

(3) No portion of any monies granted, except under this section, shall be applied to the repair or maintenance of buildings, or for the purpose of providing a scholarship to an individual.

(b) The Board shall not itself propose, and it shall not itself commission what it may assist by such undertakings to be carried out.

(c) The President shall be ex officio a member of the Board.

(d) The Board shall make rules to govern its proceedings.

(e) The Board shall have the power to establish and conduct a program of grants-in-aid to assist groups in carrying on educational, research, and creative work and performance in the humanities and the arts.
NATIONAL ARTS AND HUMANITIES FOUNDATIONS

4 AND HUMANITIES FOUNDATIONS

Section 511. (a) The Foundation is authorized to establish and conduct a program of grants-in-aid to assist groups in carrying out existing projects, productions and other undertakings which are making a significant contribution in the humanities or the arts, and in developing these endeavors in such manner as will furnish adequate programs, facilities, and services in the humanities and the arts for the people and communities throughout the United States. (b) In order to receive such assistance in any fiscal year, a group shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Foundation finds—

1. Designates a sole agency for the administration of the plan;
2. Provides that funds paid to a group or designated agency under this subsection will be expended solely on projects, productions, or other undertakings approved by the Foundation which carry out one or more of the objectives of this plan; and
3. Provides that the group or designated agency will make such reports, in such form and containing such information, as the Foundation may from time to time require, in order to assure continuing effectiveness and efficiency of the efforts being made in the area of the humanities and the arts, and to establish the desirability of the continuance of the grant or grant-in-aid. (c) In making grants to any group pursuant to this subsection, the Foundation shall require matching funds in accordance with the provisions of subsection (a) of this section.

Whoever the Foundation, after reasonable notice and opportunity for hearing to any group, finds that—

1. Any such group or designated agency is not complying with the provisions of this section:
2. Any funds granted to such group or designated agency under this section have been diverted from the purposes for which they were allotted or paid—

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

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

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

(d) The Foundation shall not itself produce or present any project or production, and it shall not itself commission works of art other than publications, but it may assist such undertakings initiated by groups or other governmental sponsors.

NATIONAL HUMANITIES BOARD

Sec. 205. (a) The Board shall consist of (1) twenty members to be appointed by the President, by and with the advice and consent of the Senate; and
2. The Librarian of Congress, the Secretary of the Smithsonian Institution, the chairman of the National Council on the Humanities, and the chairman of the Council of the Arts, each of whom shall be voting members of the Board ex officio. The Chairman of the National Arts Foundation and the Director of the National Arts Foundation shall be nonvoting members of the Board ex officio. The Board shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated by the President for appointment as members (A) shall be eminent in the fields of the humanities or the arts; (B) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity; and (C) shall be so selected as to provide a comprehensive representation of the views of professional practitioners in the humanities and the arts throughout the United States. The President is requested, in making such appointments, to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations and institutions in the humanities and the arts, and by the National Council on the Humanities.

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

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

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

DIRECTOR OF THE FOUNDATION

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

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

POWER TO CREATE COMMITTEES

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

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

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

(3) Any person who has been a member of the Board shall be ex-officio a member of the Executive Committee.

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

(5) The Executive Committee shall have the authority to do all acts necessary and proper to administer the provisions of this Act.

DIVISIONS WITHIN THE FOUNDATION

Sec. 209. (a) There shall be within the Foundation a Director of Arts and Humanities, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(b) There shall be within the Foundation a Director of Education, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(c) There shall be within the Foundation a Director of Cultural Affairs, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(d) There shall be within the Foundation a Director of Community Services, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(e) There shall be within the Foundation a Director of Social Services, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(f) There shall be within the Foundation a Director of Economic Development, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(g) There shall be within the Foundation a Director of International Cooperation, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(h) There shall be within the Foundation a Director of Environmental Protection, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(i) There shall be within the Foundation a Director of Public Health, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.

(j) There shall be within the Foundation a Director of Public Safety, who shall be appointed by the President with the concurrence of the Senate. The Director shall have the authority to make recommendations to the Board with regard to the activities of the Foundation.
Any person who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of his term of office.

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

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

DIVISIONS WITHIN THE POPULATION

Sec. 260. (a) There shall be within the Foundation such divisions as the Board may, from time to time, deem necessary in order to carry out the powers and duties of the Foundation as set forth in this Act. Among the divisions established pursuant to this section there shall be included divisions concerned with those aspects of the humanities and the arts which pertain to the development of educational excellence as related to the purposes of this Act and which pertain to creative, interpretative, and professional performance as related to the purposes of this Act.

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

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

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

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

GENERAL AUTHORITY OF THE FOUNDATION

Sec. 260. The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited thereto, the authority—

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

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

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

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

(5) to make advances, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3048 of the Revised Statutes (31 U.S.C. 772):—

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

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

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

(8) to accept and utilize the services of the voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 752-2), for persons serving without compensation ; and

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

MISCELLANEOUS PROVISIONS

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

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

(c) The members of the Board and the members of the divisional committees shall receive compensation at the rate of $75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 3 of the Act of August 2, 1946 (5 U.S.C. 732-2).

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

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

(f) All artists employed by persons, organizations or institutions to present public performances which are wholly or in part federally assisted under this title shall be paid, without subsequent reduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons professionally employed in similar activities in the Nation. Furthermore, no part of such artistic performances shall take place nor will any preparations for such performances be engaged in under conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in such activities. Compliance with the safety and sanitary laws of the State in which the performance of part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have, with respect to establishing such conditions, the Reorganization Plan Numbered 1 of 1939. Notwithstanding the first sentence of this subsection, no person shall lose any Federal assistance under this title in reason of any standards or conditions established by the Secretary of Labor for public performances or any part thereof.

UTILIZATION OF FUNDS

Sec. 14. Section 104 of the Agricultural Act of 1954 (7 U.S.C. 1704) is amended by adding a comma after the word "such" to read: "... to accommodate..."

Ante-Postponed: Section 14.

AMENDMENTS TO PUBLIC

To amend the National Arts and Cultural Development Act of 1937 (1937), as amended, as follows:

(a) Amend paragraph 5 of section 2 by striking out, after the words "in the...", and by inserting, in the end of the section, the words "in the end of this section throat the words..."

(b) Amend section 2 by inserting, in the end of the section, the words "to the end of section 3, the title of the..."

(c) Amend section 3, the title of the..."

(d) Amend section 3 by striking out, after the words "in the...", and by inserting, in the end of the section, the words "in the end of this section throat the words..."

(e) Amend section 3, the title of the..."

(f) Amend section 3 by striking out, after the words "in the...", and by inserting, in the end of the section, the words "in the end of this section throat the words..."

(g) Amend section 3, the title of the..."
AND HUMANITIES FOUNDATIONS

S Stat. 622), and section 11 of the Act of March 1, C.111); the services of the voluntary and uncompensated transportation and subsistence as authorized by March 2, 1946 (5 U.S.C. 73b-5), for persons serving the approval of the Comptroller General of the which vouchers for funds expended under humanities and the arts, as provided in subsection subject to itemization or substantiation prior to the limitation of other laws relating to the ex-

classes of provisions.

1. In accordance with such policies as the Board of Science Foundation, that the Foundation for the purposes of such an appropriation is made for general administrative expenses of the following: "and the Foundation for the purposes for which such time as an appropriation is made for such in the provisions of facilities hereafter the approval of the head of the depart- in part, to the Foundation for such use or which such funds were provided, and funds the Foundation for the purposes for which such time as an appropriation is made for such general administrative expenses of the Foundation or any account, not shall be allowed travel expenses as authorized the Secretary of Labor to be the for the arts, or the provisions of facilities hereafter the approval of the head of the depart- in part, the Foundation for such use or which such funds were provided, and funds by the Foundation for the purposes for which such time as an appropriation is made for such general administrative expenses of 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respect to establishing such conditions, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (44 Stat. 1267; 5 U.S.C. 133a-15). Notwithstanding the first sentence of this section relating to minimum wages, this section shall not apply with respect to minimum wages where the beneficiary of Federal assistance under this title is a bona fide educational institution and the expenses for public performances organized under the auspices of such an institution are comprised solely of faculty members or others employed by the institution and students enrolled in a regular course of study at the institution.

UNITIZATION OF FOREIGN CURRENCY

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

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

AUTHORIZATION OF APPROPRIATIONS

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

(1) to the National Arts Foundation for the fiscal year ending June 30, 1968, the sum of $5,000,000; for the fiscal year ending June 30, 1967, the sum of $10,000,000; and for each succeeding fiscal year such sums as the Congress may determine;

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

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

AMENDMENTS TO PUBLIC LAW 88-670

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

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

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

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

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


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

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

(1) In subsection (a) insert, after "institutions", the following: "and the Chairman of the National Arts Foundation", before the words "in each office";

(2) In subsection (a) strike out and insert in lieu thereof "102". (If needed, add here of this title);"

(3) In subsection (a) insert, at the end of the first sentence, the following sentence: "The Director of the National Humanities Foundation shall be a nominating member of the Council ex officio";"
(4) In subsection (a) insert, between the words "such" and "members", the following "appointed".

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

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

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

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

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

"REQUESTS, GIFTS, DONATIONS"

"Sec. 100. The Council is authorized to accept and receive from public or private sources, by devise, bequest, gift, donation, or otherwise, money and securities and real personal or mixed property; to hold the same absolutely or in trust; to invest, reinvest, manage, and dispose of the same; and to apply the same, in all pertinent matters, in the same manner as the United States income, estate, and gift tax laws, any gift, donation, devise, or bequest accepted by the Council under this section shall be deemed to be a gift, donation, devise, or bequest to or for the use of the United States."

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

"TITLE II—NATIONAL COUNCIL ON THE HUMANITIES"

"ESTABLISHMENT OF HUMANITIES COUNCIL"

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

"MEMBERSHIP OF THE COUNCIL"

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

"(b) Each member of the Council shall hold office for a term of six years except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, in the year of the second year, eight at the end of the second year, eight at the end of the fourth year, and each at the end of the sixth year after the date of the amendment of Public Law 89-170. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term."

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

"Sec. 205. Members of the Council shall be entitled to travel and subsistence expenses, including per diem in lieu of the United States Standardized Government Travel II"
AND HUMANITIES FOUNDATIONS

between the words "such" and "members", the
redesignated pursuant to subsection (a) of this
subsubsection in lieu there of "title":
redesignated pursuant to subsection (d) of this
out "Act" and insert in lieu thereof "title":
out "Act" the first time it appears and insert in
represented to subsection (b) of this section, add

ARTS, GIFTS, DONATIONS

authorized to accept and receive from public or
quest, gift, donation, or otherwise, money and
mixed property: to hold the same absolute
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the proceeds thereof, or the income derived
as and disbursements as the Council shall deter-
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1. COUNCIL ON THE HUMANITIES

established in the Executive Office of the President
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CHAIRMAN OF THE COUNCIL

shall be composed of the Chairman provided for
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NATIONAL ARTS AND HUMANITIES FOUNDATIONS

"CHAIRMAN OF THE COUNCIL"

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

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

(c) The Chairman shall receive compensation at the rate of $21,000 per annum, and shall be reimbursed for travel and subsistence expenses incurred by him while away from his home or regular place of business in accordance with the Travel Expense Act of 1949, as amended (5 U.S.C. 590a-592), and the Standardized Government Travel Regulations.

"DUTIES AND RESPONSIBILITIES OF THE COUNCIL"

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

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

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

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

"COMPENSATION OF MEMBERS OF THE COUNCIL"

"SEC. 205. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council, or while engaged in such studies, or while engaged in the conduct of studies authorized by this title, shall receive compensation at a rate to be fixed by the Chairman, but not exceeding $75 per diem and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 590a-2) for persons in the Government service employed intermittently.
"STAFF OF THE COUNCIL"

"Sec. 200. (a) The Chairman is authorized to appoint, subject to the civil service laws, such secretarial, clerical, and other staff assistance as is necessary to enable the Chairman and the Council, and its special committees, to carry out their functions and duties, and to fix the compensation of persons so appointed in accordance with the Classification Act of 1940.

(b) The Chairman is authorized to procure in accordance with such policies as the Council shall from time to time prescribe, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (3 U.S.C. 55a), but at rates for individuals not in excess of $75 a day.

"EXPENSES OF THE COUNCIL"

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

"GENERAL PROVISIONS"

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

(b) Nothing contained in this title shall be construed to authorize the Council to undertake any duty or responsibility which is the duty or responsibility of any other Federal advisory body established by law as of the date of adoption of this amendment to Public Law 88-579."

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

APPENDIX B

STATE ART AGENCIES TAKING STEPS UP

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

At least half of our State governments have awakened to the growing need for some participation in the arts by State governments. The situation is constantly changing. A 1964 survey is seen above and up-to-date data are most difficult to obtain. Furthermore, these State art agencies vary greatly in functions, source, and degree of authority and of available funds.

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

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

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

Utah has reactivated an old statute for its State Institute of Fine Arts, which with an annual budget of $77,000 administers a State art collection, sponsors art competitions, organizes traveling art exhibits, subsidizes the Utah Symphony and sponsors crafts programs.

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

NATIONAL ARTS AND SCIENCE"
IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1965

Mr. Pell (for himself, Mr. Bass, Mr. Bayh, Mr. Brewster, Mr. Burdick, Mr. Clark, Mr. Dodd, Mr. Douglas, Mr. Fong, Mr. Gruening, Mr. Hart, Mr. Hartke, Mr. Inogye, Mr. Kennedy of Massachusetts, Mr. Long of Missouri, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Metcalf, Mr. Mondale, Mr. Montoya, Mr. Morse, Mr. Moss, Mr. Muskie, Mr. Nelson, Mrs. Neuberger, Mr. Pastore, Mr. Randolphi, Mr. Ribicoff, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

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

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

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

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

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

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

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

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

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

(6) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation’s high qualities as a leader in the realm of ideas and of the spirit;
that, in order to implement these findings, it is desirable to establish a National Humanities Foundation.

ESTABLISHMENT OF A NATIONAL HUMANITIES FOUNDATION

SEC. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

PURPOSE OF THE FOUNDATION

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

DEFINITION

SEC. 5. As used in this Act—

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

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

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

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

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

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

ASSURANCE AGAINST FEDERAL INTERFERENCE

Sec. 6. In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

FUNCTIONS OF THE FOUNDATION

Sec. 7. (a) The Foundation is authorized and directed—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) provides that funds paid to the State under this subsection will be expended solely on projects and...
To: Sandy Crary 3/22/89

re: clause in the arts legislation dealing with tax exempt groups:

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

The Questions and Answers committee print is talking generally about the Foundation so it would appear that they are implying tax exempt would apply to both arts and humanities.

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

We hope this helps.

Susan Boren 707-6899
EPW