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NATIONAL FOUNDATION ON THE ARTS
AND THE HUMANITIES ACT OF 1965
(Public Law 209—89th Congress*)
as amended thorough July 20, 1970

*20 U.S.C. 951 et seq.
AN ACT

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

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

DECLARATION OF PURPOSE

Sec. 2. (20 U.S.C. 951) The Congress hereby finds and declares—

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

(2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future;¹

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

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

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

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

(7) that, in order to implement these findings, it is desirable to establish a National Foundation on the Arts and the Humanities, and—

¹The National Foundation on the Arts and the Humanities Amendments of 1970, PL 91-546, add the following words "in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future".
DEFINITIONS

SEC. 3. (20 U.S.C. 952) As used in this Act—

(a) The term “humanities” includes, but is not limited to, the study of the following: language, both modern and classical;2 linguistics; literature; history; jurisprudence; philosophy; archeology; comparative religion; ethics;3 the history, criticism, theory, and practice of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life.

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

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

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

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

(f) The term “workshop” means an activity the primary purpose of which is to encourage the artistic development or enjoyment of amateur, student, or other nonprofessional participants, or to promote scholarship and teaching among the 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.

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2 Public Law 90-348 of June 18, 1968 substituted the word “classical” for “classic”.
3 The National Foundation on the Arts and the Humanities Amendments of 1970 added the words “comparative religion; ethics.”
4 Public Law 90-348 of June 18, 1968 added the words “and the study and application of the humanities to the human environment”.
5 The National Foundation on the Arts and the Humanities Amendments of 1970 added the following words “with particular attention to the relevance of the humanities to the current conditions of national life”.
6 Public Law 90-348 of June 18, 1968 added the words “and the study and application of the arts to the human environment”.
7 Public Law 90-348 of June 18, 1968 amended this paragraph by adding the words “or to promote scholarship and teaching among the participants”.

ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SEC. 4. (20 U.S.C. 953) (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. (20 U.S.C. 954) (a) There is established within the Foundation a National Endowment for the Arts.

(b) (1) The Endowment shall be headed by a chairman, to be known as the Chairman of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairman shall be four years and the Chairman shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairman. Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified.

(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 contracts with, or grants-in-aid to, groups or, in appropriate cases, individuals of exceptional talent 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, for example, or economic reasons;

3. projects that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;

The National Foundation on the Arts and the Humanities Amendments of 1970 inserted new language and deleted the former language of subsection (b) as follows: "The Endowment shall be headed by a Chairman, to be known as the Chairman of the National Endowment for the Arts".

Public Law 90-348 of June 18, 1968 amended this paragraph by adding the words "contracts with, or" before the words "grants-in-aid".

Public Law 90-348 of June 18, 1968 amended this paragraph by adding the words "of exceptional talent" following the word "individuals".

The National Foundation on the Arts and the Humanities Amendments of 1970 added the words "to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or" after the words "enable them".
(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, planning and publications relative to the purpose of this sub-

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

(e) The total amount of any grant to any group pursuant to subsection (c) of this section shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the National Endowment for the Arts for the purposes of subsection (c) for any fiscal year may be available for grants and contracts in that fiscal year without regard to such limitation.

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

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

(2) In order to receive 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 applications with a plan which the Chairman finds

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12 The National Foundation on the Arts and the Humanities Amendments of 1970 deleted subsection (d) which read as follows:

"(d) (1) In addition to performing any of the functions, duties, and responsibilities prescribed by the National Arts and Cultural Development Act of 1964, Public Law 88-579, approved September 8, 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.

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

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

Subsections (e), (f), (g), (h), (i), (j), (k), and (l) and all references thereto were redesignated as subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l), respectively, Public Law 90-83 of September 11, 1967 amended the former subparagraph (d) (1) by deleting a sentence reading: '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 the 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.' The Chairman's salary is now governed by the Federal Executive Pay Act (5 U.S.C. 5315 (49); see 2 U.S.C. 558 and recommendations made thereunder).

13 Public Law 90-348 of June 18, 1968 substituted the words 'for the purposes of subsection (e)' in place of 'for this purpose' following the word 'Arts'.

14 Public Law 90-348 of June 18, 1968 substituted the words 'for grants and contracts' for the words 'for such grants' following the word 'available'.

15 Public Law 90-348 of June 18, 1968 deleted the words 'in the case of any group which submits evidence to the Endowment that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such group' following the word 'limitation' in this paragraph.
(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, or any successor designated for the purpose of this Act by the Commissioner of the District of Columbia, shall be the "State agency";

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

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

(2) From the sums appropriated to carry out the purposes of this subsection for any fiscal year, not less than $65,000 shall be allotted to each State. That part of such sums as may remain after such allotment shall be allotted among the States in equal amounts, except that for the purposes of this sentence the term "State" shall not include Guam and American Samoa. If the sums appropriated for any fiscal year to carry out the purposes of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts.

(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) 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).

(h) 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

18 The National Foundation on the Arts and the Humanities Amendments of 1970 added the following words, "or any successor designated for the purpose of this Act by the Commissioner of the District of Columbia.".

17 The National Foundation on the Arts and the Humanities Amendments of 1970 inserted new language and deleted the former language of subsection (g) (3) as follows: "Funds appropriated to carry out the purpose of this section 5(h) for any fiscal year shall be equally allotted among the States." Further, Public Law 90-348 of June 13, 1968 substituted the above quoted language for the sentence "The funds appropriated pursuant to section 11(e) for any fiscal year shall be equally allotted among the States."
(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 no further grants will be made under this section to such group or agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until such group or agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(i) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent\(^\text{19}\) or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel (other than laborers and mechanics with respect to whom labor standards are prescribed in subsection (j) of this section) employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have the authority to prescribe standards, regulations, and procedures as he may deem necessary or appropriate to carry out the provisions of this subsection.

(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent\(^\text{20}\) or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less that those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

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

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\(^{19}\) Public Law 90–348 of June 18, 1968 added the words “of exceptional talent” following the word “individual”.

\(^{20}\) Public Law 90–348 of June 18, 1968 added the words “of exceptional talent” following the word “individual”.
NATIONAL COUNCIL ON THE ARTS

SEC. 6. 21 & 22 (20 U.S.C. 955) (a) There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the "Council").

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, who shall be Chairman of the Council, and twenty-six other members appointed by the President who shall be selected—

(1) from among private citizens of the United States who are widely recognized for their broad knowledge of, or expertise 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.

The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to him by leading national organizations in these fields.

21 The National Foundation on the Arts and the Humanities Amendments of 1970 repealed all of section 6, which is set out below and substituted new language.

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

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

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

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

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

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

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

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

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

The above sentence in italics was added by Public Law 90-348 of June 18, 1968.

22 Section 5(d) of the National Foundation on the Arts and the Humanities Amendments of 1970 provides:

"(1) The National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, as amended by subsection (b) [new section 6 language], shall, for any purpose determined to be necessary by the Chairman of the National Endowment for the Arts, be deemed to be a continuation of the National Council on the Arts established under the National Arts and Cultural Development Act of 1964, without interruption.

(2) Members appointed to the National Council on the Arts pursuant to section 5 of the National Arts and Cultural Development Act of 1964 shall be deemed to have been appointed as members of the National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, with such terms of office as may be remaining under the prior appointment on the effective date of the amendments made by subsection (b) [new section 6 language]."

(A) The amendments made by subsections (a) and (b) [of the new Section 6 language] shall be effective June 30, 1970.

(B) Effective July 1, 1970, the National Arts and Cultural Development Act of 1964, Public Law 88-579, is repealed."
(c) Each member shall hold office for a term of six years, and the terms of office shall be staggered. No member shall be eligible for reappointment during the two-year period following the expiration of his term. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(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 shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities under this Act, and (2) review applications for financial assistance 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. In the case of an application involving $10,000, or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council.

ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 7. (20 U.S.C. 956) (a) There is established within the Foundation a National Endowment for the Humanities.

(b) (1) The Endowment shall be headed by a chairman, who shall be appointed by the President, by and with the advice and consent of the Senate.23

(2) The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairman. Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified.24

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

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

(2)25 initiate and support research and programs to strengthen the

23 Public Law 90-83 of September 11, 1967 amended this section to delete the sentence reading: "The Chairman shall receive compensation at the rate prescribed by law for the Director of the National Science Foundation." The Chairman's salary is now governed by the Federal Executive Pay Act (5 U.S.C. 5316 (a)) see 2 U.S.C. 358 and recommendations made thereunder.

24 The National Foundation on the Arts and the Humanities Amendments of 1970 added the following sentence: "Upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

25 The National Foundation on the Arts and the Humanities Amendments of 1970 substituted new language for the following:

"(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;"
research and teaching potential of the United States in the humanities by making arrangements (including contracts, 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, education in, and 28 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, 1906 (39 Stat. 632), and section 11 of the Act of March 1, 1910 (40 Stat. 870; 44 U.S.C. 111).

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

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

ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE HUMANITIES

SEC. 8. (20 U.S.C. 957) (a) There is established in the National Endowment for the Humanities a National Council on the Humanities.

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

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

(d) The Council shall meet at the call of the Chairman but not less often

28 The National Foundation on the Arts and the Humanities Amendments of 1970 added the words "education in, and".
than twice during each calendar year. Fourteen members shall constitute a quorum.

(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.27

(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application 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.28 In the case of any application involving $10,000 or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council.29

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

Sec. 9. (20 U.S.C. 958) (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, the Archivist of the United States,30 and a member designated by the Secretary of State. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.

(c) The Council shall—

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

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

27 The National Foundation on the Arts and the Humanities Amendments of 1970 substituted new language for the following: "Members not otherwise employed by the Federal Government shall receive compensation and be allowed travel expenses in the same manner as is provided in section 8 of Public Law 88-679 for the National Council on the Arts."

28 Public Law 90-348 of June 18, 1968 substituted this sentence for the sentence reading: "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."

29 The National Foundation on the Arts and the Humanities Amendments of 1970 added the following words: "the Archivist of the United States".

30 The National Foundation on the Arts and the Humanities Amendments of 1970 substituted the following: "United States Commissioner of Education," for the following: "Commissioner of Education of the United States."
promote coordination between the programs and activities of the Foundation and related programs and activities of other Federal agencies; and

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

**ADMINISTRATIVE PROVISIONS**

**Sec. 10. (20 U.S.C. 959) (a)** In addition to any authorities vested in them by other provisions of this Act, the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, in carrying out their respective functions, shall each have authority—

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

(2) in the discretion of the Chairman of an Endowment, after receiving the recommendation of the National Council of that Endowment, to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, including a condition that the Chairman use other funds of that Endowment for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purpose of carrying out sections 5(c) and 7(c);

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

(4) to 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); B. Broad Gross. Rep.

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by law (5 U.S.C. 73b-2)

(6) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

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

(8) to make other necessary expenditures.

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3 The National Foundation on the Arts and the Humanities Amendments of 1970 deleted the following words from section 10(a)(2): "and the functions transferred by section 6(a) of this Act". Further, Public Law 90-548 of June 18, 1968 substituted the present section 10(a)(2) for previous sections 10(a)(2) and (3) which read as follows: "(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;" "(8) 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;" Public Law 90-548 of June 18, 1968 also renumbered former paragraphs "(4)", "(5)", "(6)", "(7)", and "(8)" of this section as paragraphs "(2)", "(4)", "(5)", "(6)", and "(7)", respectively.

3 The National Foundation on the Arts and the Humanities Amendments of 1970 added the word "to" before the words "appoint", "utilize", "accept", "rent", and "make" in clauses (3), (4), (5), (7), and (8) of subsection 10(a).

3 The National Foundation on the Arts and the Humanities Amendments of 1970 added a new clause (10(a)) of the National Foundation on the Arts and the Humanities Act of 1965 and redesignated the former clauses (6) and (7), and all references thereto, as clauses (7) and (8), respectively.
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 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 and each Chairman of an Endowment shall have authority to receive such property. In any case in which any money or other property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to that Endowment whose function it is to carry out the purpose or purposes described or referred to by the terms of such condition or restriction, and each Chairman of an Endowment shall have authority to receive such property. 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 purpose 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.

Public Law 90-348 of June 18, 1968 deleted the words "within the scope of paragraph (2) of this subsection" following the words "to each Endowment".

Public Law 90-348 of June 18, 1968 deleted the words "under such paragraph" from the end of the sentence.

Public Law 90-348 of June 18, 1968 deleted the words "covered by paragraph (3) of this subsection" following the word "restriction".

Public Law 90-348 of June 18, 1968 deleted the words "within the scope of such paragraph" following the word "devised".

Public Law 90-348 of June 18, 1968 deleted the words "under such paragraph" following the word "property" at the end of the sentence.
AUTHORIZATION OF APPROPRIATIONS

Sec. 11. (20 U.S.C. 960) (a) For the purpose of carrying out section 5(c) there is hereby authorized to be appropriated to the National Endowment for the Arts $6,000,000 for the fiscal year ending June 30, 1969, $6,500,000 for the fiscal year ending June 30, 1970, $12,875,000 for the fiscal year ending June 30, 1971, $21,000,000 for the fiscal year ending June 30, 1972, and $28,625,000 for the fiscal year ending June 30, 1973; for the purpose of carrying out section 7(e) of this Act there is hereby authorized to be appropriated to the National Endowment for the Humanities $8,000,000 for the fiscal year ending June 30, 1969, $9,000,000 for the fiscal year ending June 30, 1970, $17,000,000 for the fiscal year ending June 30, 1971, $26,500,000 for the fiscal year ending June 30, 1972, and $35,500,000 for the fiscal year ending June 30, 1973. In addition, there is hereby authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(g) the sum of $2,000,000 for the fiscal year ending June 30, 1969, $2,500,000 for the fiscal year ending June 30, 1970, $4,125,000 for the fiscal year ending June 30, 1971, $5,500,000 for the fiscal year ending June 30, 1972, and $6,875,000 for the fiscal year ending June 30, 1973. Sums appropriated under the authority of this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection.

(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act, except that the amounts so appropriated for the fiscal year ending June 30, 1969, and the amounts so appropriated for the fiscal year ending June 30, 1970, 1971, 1972, and 1973.

30 Public Law 90-348 of June 18, 1968 substituted new paragraphs (a) and (b) for previous paragraphs (a), (b), and (c) which read as follows:

"(a) For the purpose of carrying out sections 5(c) 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, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums appropriated under the authority of this subsection shall be equally divided between the Endowments of the Foundation, and shall remain available until expended."

"(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act, except that 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.

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

31 The National Foundation on the Arts and the Humanities Amendments of 1970 deleted the following words: "and the functions transferred by section 6(a) of this Act.".

32 The National Foundation on the Arts and the Humanities Amendments of 1970 struck out "and $6,500,000 for the fiscal year ending June 30, 1970" in the first sentence of such section and inserted in lieu thereof the following: "$6,500,000 for the fiscal year ending June 30, 1970, $12,875,000 for the fiscal year ending June 30, 1971, $21,000,000 for the fiscal year ending June 30, 1972, and $28,625,000 for the fiscal year ending June 30, 1973".

33 The National Foundation on the Arts and the Humanities Amendments of 1970 struck out "and $2,500,000 for the fiscal year ending June 30, 1970" in the first sentence of such section and inserted in lieu thereof the following: "$2,500,000 for the fiscal year ending June 30, 1970, $6,500,000 for the fiscal year ending June 30, 1971, $26,500,000 for the fiscal year ending June 30, 1972, and $35,500,000 for the fiscal year ending June 30, 1973".

34 The National Foundation on the Arts and the Humanities Amendments of 1970 struck out "and $2,250,000 for the fiscal year ending June 30, 1970" in the second sentence of such section and inserted in lieu thereof the following: "$2,000,000 for the fiscal year ending June 30, 1970, $4,125,000 for the fiscal year ending June 30, 1971, $5,500,000 for the fiscal year ending June 30, 1972, and $6,875,000 for the fiscal year ending June 30, 1973".
1970, shall not aggregate more than $13,500,000, and the amounts so appropriated for the fiscal year ending June 30, 1971, shall not exceed $6,000,000, the amounts so appropriated for the fiscal year ending June 30, 1972, shall not exceed $7,000,000, and the amounts so appropriated for the fiscal year ending June 30, 1973, shall not exceed $9,000,000.45

(c) 45 There are authorized to be appropriated such sums as may be necessary to administer the provisions of this Act.

(d) 45 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.

SEC. 12. 46 (20 U.S.C. 961) (This section was repealed by Public Law 91-230, 84 Stat. 121, April 13, 1970.)

"The National Foundation on the Arts and the Humanities Amendments of 1970 added the following language before the period at the end of subsection (b) of section 11, "and the amount so appropriated for the fiscal year ending June 30, 1971, shall not exceed $6,000,000 the sum so appropriated for the fiscal year ending June 30, 1972, shall not exceed $7,000,000, and the amount so appropriated for the fiscal year ending June 30, 1973, shall not exceed $9,000,000."

Public Law 90-448 of June 18, 1968 repealed subsection "(c)" and redesignated former subsections "(d)" and "(e)" as subsections "(c)" and "(d)". Former subsection "(e)" read as follows:

"There is hereby authorized to be appropriated to the National Endowment for the Arts the sum of $2,760,000 for each fiscal year beginning on July 1, 1966, for the purposes of section 5(b). Sums appropriated under this subsection shall remain available until expended."

The section of former section 12 is as follows:

"(a) There is authorized to be appropriated to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the four succeeding years the sum of $600,000; but for the fiscal year ending on June 30, 1971 and each subsequent fiscal year, other than the fiscal year referred to in the preceding sentence, as the Congress may hereafter authorize by law. Such sums shall be used for (1) making payments to State educational agencies under this section for the acquisition of equipment (suitable for use in providing education in the humanities and the arts) and for minor remodeling described in subsection (c) (1) of this section, and (2) making loans authorized in subsection (f) of this section.

"(b) Sums appropriated pursuant to subsection (a) shall be reserved, allotted and reallocated in the same manner as provided in subsections (a) and (b) of section 302 of the National Defense Education Act of 1968, as amended (72 Stat. 1688; 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. 1688; 20 U.S.C. 584), and which 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 instructional materials and equipment, and printed and published materials (other than textbooks), suitable for use in providing education in the humanities and the arts, and (B) minor remodeling of laboratory or other space used for such materials or equipment.

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

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

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

"(d) The Commissioner shall approve any State plan and any modification thereof which complies with subsection (e) of this section and the provisions of subsections (b) and (c) of section 1004 of the National Defense Education Act, as amended (72 Stat. 1688; 20 U.S.C. 584), shall apply to this section in the same manner as applicable to State plans under that Act.

"(e) Payments to States from allotments made under subsection (b) shall be made in the same manner as provided in section 384 of the National Defense Education Act of 1958, as amended (72 Stat. 1590; 20 U.S.C. 444).

"(f) The Commissioner shall administer loans to nonprofit private schools in the same manner as provided in section 305 of the National Defense Education Act of 1968, as amended (72 Stat. 1969; 20 U.S.C. 445)."

The Higher Education Amendments of 1968 amended this section as follows:

(a) By substituting "four" for "two" in the first sentence of paragraph "(a)".
(b) By substituting "1971" for "1969" in the first sentence of paragraph "(a)".
(c) By substituting the words "reserved, allotted and reallocated" for the word "allotted" in paragraph "(b)".
(d) By substituting "(b)" for "(c)" in paragraph "(b)".

The Higher Education Amendments of 1968 deleted the words "allot and" following the word "shall" in the first line of paragraph "(f)"."
TEACHER TRAINING INSTITUTES

Sec. 1347 (20 U.S.C. 902) (a) There is authorized to be appropriated to the Commissioner of Education for the fiscal year ending June 30, 1966, and each of the two succeeding years the sum of $500,000 but for the fiscal year ending on June 30, 1969, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Such sums shall be used to enable the Commissioner of Education to arrange, through grants or contracts, with institutions of higher education for the operation by them within the United States of short term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals who are engaged in 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 (20 U.S.C. 963) 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.

LEGISLATIVE HISTORY:
PUBLIC LAW 89-209:
HOUSE REPORT No. 618 accompanying H.R. 9460 (Comm. on Education and Labor).
SENATE REPORT No. 800 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 111 (1965):
June 19: Considered and passed Senate.
Sept. 15: Considered and passed House, amended in lieu of H.R. 9460.
Sept. 16: Senate concurred in House amendment.
Approved Sept. 29, 1965.

B. PUBLIC LAW 90-83:
HOUSE REPORT No. 124 accompanying H.R. 5876 (Judiciary Comm.).
SENATE REPORT No. 482 accompanying H.R. 5876.
CONGRESSIONAL RECORD, Vol. 113 (1967):
April 3: Considered and passed by House.
Aug. 4: Considered and passed by Senate.
August 24: House concurred in Senate amendment.
Approved September 11, 1967.

C. PUBLIC LAW 90-348:
HOUSE REPORTS: No. 1066 (Comm. on Education and Labor) and No. 1511 (Comm. of Conference).
SENATE REPORT No. 1108 (Comm. on Labor & Public Welfare).
CONGRESSIONAL RECORD, Vol. 114 (1968):
Feb. 27: Considered and passed House.
May 7: Considered and passed Senate, amended.
May 29: Senate agreed to conference report.
June 5: House agreed to conference report.
Approved June 18, 1968.

D. HIGHER EDUCATION AMENDMENTS of 1968. Public Law 90-575:
HOUSE REPORT: No. 1549 accompanying H.R. 15067 (Education & Labor Comm.).
SENATE REPORT: No. 1387 accompanying S. 3769 (Labor & Public Welfare Comm.).
CONFERENCE REPORT: No. 1919, accompanying S. 3769.
CONGRESSIONAL RECORD, Vol. 114 (1968):
Senate, July 15 and October 1.
Approved October 16, 1968.

47 The authorization contained in this section was not renewed. Aid for such institutes is provided for in the Higher Education Amendments of 1968.
E. PUBLIC LAW 91–230:
HOUSE REPORT No. 91–114 accompanying H.R. 514 (Education & Labor Comm.).
SENATE REPORT No. 91–634 accompanying H.R. 514 (Labor & Public Welfare Comm.).
CONFERENCE REPORT No. 91–937 accompanying H.R. 514.
Senate, Feb. 19, and April 1, 1970.
House, April 29, 1969 and April 7, 1970.
Approved April 13, 1970.

F. THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1970. PUBLIC LAW 91–346:
HOUSE REPORTS No. 91–936 accompanying H.R. 16065 (Comm. on Education and Labor), and No. 91–1292 (Comm. on Conference).
May 21, considered and passed by Senate.
June 30, S. 2015 considered and passed by House, amended, in lieu of H.R. 16065.
July 13, House and Senate agreed to conference report.
Approved July 20, 1970.

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APPENDIX A

NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

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

SHORT TITLE

SEC. 1. This Act may be cited as the "National Arts and Cultural Development Act of 1964."

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

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

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

(3) that the Nation's prestige and general welfare will be promoted by providing recognition that the arts and the creative spirit which motivates them and which they personify are a valued and essential part of the Nation's resources;

(4) that it is in the best interests of the United States to maintain, develop, and disseminate the Nation's artistic and cultural resources; and

(5) that, in order to implement these findings, it is desirable to establish a National Council on the Arts to provide such recognition and assistance as will encourage and promote the Nation's artistic and cultural progress.

ASSURANCE AGAINST FEDERAL INTERFERENCE IN THE ARTS

SEC. 3. 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 or program determination of any group, State, or State agency involved in the arts.

ESTABLISHMENT OF THE COUNCIL

SEC. 4. There is hereby established in the Executive Office of the President a National Council on the Arts (hereinafter referred to as the "Council").

MEMBERSHIP OF THE COUNCIL

SEC. 5. (a) The Council shall be composed of the Chairman provided for in section 6 of this Act, the Secretary of the Smithsonian Institution, ex officio, and twenty-four members appointed by the President. Such 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. The
President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields.

(b) Each member of the Council shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, eight at the end of the second year, eight at the end of the fourth year, and eight at the end of the sixth year after the date of enactment of this Act. 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.

CHAIRMAN OF THE COUNCIL

Sec. 6. (a) The President shall appoint, by and with the advice and consent of the Senate, a Chairman of the Council (hereinafter referred to as the “Chairman”) from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, the arts. In addition, he shall advise the President with respect to the activities of the Federal Government in the arts. If a vacancy occurs in the office of the Chairman, the President shall fill the vacancy in the same manner in which the original appointment was made.

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

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

DUTIES AND RESPONSIBILITIES OF THE COUNCIL

Sec. 7. (a) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Thirteen members of the Council shall constitute a quorum.

(b) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the arts, (3) advise and consult with local, State, and Federal departments and agencies, on methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts, both nationally and internationally, in the best interests of our country, and (4) conduct studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts may be encouraged and promoted in the best interests of the Nation's artistic and cultural progress, and a greater appreciation and enjoyment of 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 heads
of departments and agencies of the Federal Government, and (2) may obtain the advice of any interested and qualified persons and organizations. In making its studies pursuant to such subsection, the Council may obtain assistance from such committees and panels as may be appointed by the Chairman from among those persons professionally qualified in the fields of art which such studies are concerned, who are recommended to him by the Council.

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

COMPENSATION OF MEMBERS OF THE COUNCIL

Sec. 8. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council, or while engaged in duties related to such meetings, or while engaged in the conduct of studies authorized by this title, shall receive compensation at a rate to be fixed by the Chairman, but not exceeding $75 per diem and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

STAFF OF THE COUNCIL

Sec. 9. (a) The Chairman is authorized to appoint, subject to the civil service laws, such secretarial, clerical, and other staff assistance as is necessary to enable the Chairman and the Council, and its special committees, to carry out their functions and duties, and to fix the compensation of persons so appointed in accordance with the Classification Act of 1949.

(b) The Chairman is authorized to procure in accordance with such policies as the Council shall from time to time prescribe, without regard to the civil service laws and the classification laws, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of $75 a day.

EXPENSES OF THE COUNCIL

Sec. 10. There are hereby authorized to be appropriated to the Council such sums as may be necessary, not to exceed $150,000, to carry out the purposes of this Act.

GENERAL PROVISIONS

Sec. 11. (a) This Act shall not be deemed to invalidate any provision in any act of Congress or Executive order vesting authority in the Commission of Fine Arts or any other statutory Federal advisory body.

(b) Nothing contained in this Act 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 enactment of this Act.

Approved September 3, 1964.