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Public Law 90-348
90th Congress, H. R. 11308
June 18, 1968

An Act

To amend the National Foundation on the Arts and the Humanities Act of 1965.

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

SECTION 1. Section 3(f) of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(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."

SEC. 2. (a) Section 5(c) and section 5(f) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

"(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;

"(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."

"(f) The total amount of any grant to any group pursuant to subsection (c) of this section shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the National Endowment for the Arts for 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."

(b) Section 5(j) and section 5(k) of the National Foundation on the Arts and the Humanities Act of 1965 are amended by inserting after the words "or individual" wherever they appear in such subsections the following: "of exceptional talent".

SEC. 3. Section 5(h) (3) and section 5(h) (5) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

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

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

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

"(b) The National Council on the Arts shall, in addition to performing any of the duties and responsibilities prescribed by the

National Foundation on the Arts and Humanities Act of 1965, amendment. 79 Stat. 845. 20 USC 952. 82 STAT. 184. 82 STAT. 185. National Endowment for the Arts. Contract authority. 20 USC 954.

Grant limitation.

Use of allotted funds.

National Council on the Arts. Application review by Chairman. 20 USC 955,957.

78 Stat. 905.
20 USC 781
note.

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 each such action by the Chairman shall be reviewed by the Council."

National Council
on the Human-
ities.
Application re-
view by Chair-
man.

"(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. 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."

Donations to
an Endowment.
79 Stat. 852.
20 USC 959.

Sec. 5. Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by:

(a) repealing paragraphs (2) and (3) of subsection (a) and inserting in lieu thereof the following:

"(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) and the functions transferred by section 6(a) of this Act;"

20 USC 954,
956, 955.

(b) redesignating paragraphs "(4)", "(5)", "(6)", "(7)", and "(8)" as paragraphs "(3)", "(4)", "(5)", "(6)", and "(7)".

(c) amending the text following subsection (a) (8) to read as follows:

"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 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 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."

SEC. 6. Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

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

"(a) For the purpose of carrying out section 5(c) and the functions transferred by section 6 (a) of this Act, 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, and \$6,500,000 for the fiscal year ending June 30, 1970; for the purpose of carrying out section 7(c) of this Act there is hereby authorized to be appropriated to the National Endowment for the Humanities \$8,000,000 for the fiscal year ending June 30, 1969, and \$9,000,000 for the fiscal year ending June 30, 1970. In addition, there is hereby authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5 (h) the sum of \$2,000,000 for the fiscal year ending June 30, 1969, and \$2,500,000 for the fiscal year ending June 30, 1970. Sums appropriated 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) amending subsection (b) to read as follows:

"(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment an amount equal to the total of amounts received by that Endowment under section 10(a) (2) of this Act, except that the amount so appropriated for the fiscal year ending June 30, 1969, and the amount so appropriated for the fiscal year ending June 30, 1970, shall not aggregate more than \$13,500,000. Amounts appropriated to an Endowment under this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection."

(c) repealing subsection (c).

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

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

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

Appropriations.
79 Stat. 853.
20 USC 960.
Ante, p. 185.

20 USC 956.

Ante, p. 185.

Additional
appropriation.

Ante, p. 186.

Repeal.

Definitions.
79 Stat. 845.
20 USC 952.

"Humanities."

methods; and the study and application of the humanities to the human environment.

"The arts,"

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

Approved June 18, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1066 (Comm. on Education & Labor) and No. 1511 (Comm. of Conference).

SENATE REPORT No. 1103 (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.