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TO ESTABLISH A U.S. NATIONAL ARTS FOUNDATION

OCTOBER 2, 1962 (legislative day OCTOBER 1).—Ordered to be printed

Mr. Pell, from the Committee on Labor and Public Welfare, submitted the following

R E P O R T

[To accompany S. 741, as amended]

The Committee on Labor and Public Welfare, to whom was referred the bill, S. 741, to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the United States, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

AMENDMENT

The committee amendment strikes all of the bill after the enacting clause and substitutes therefor a new bill which appears in the reported bill in italic type.

INTRODUCTION

Three bills, S. 741, to provide for the establishment of a Federal Advisory Council on the Arts; S. 785, to establish a program of grants to States for the development of programs and projects in the arts; and S. 1250, to establish the U.S. Arts Foundation, were the subject of 3 days' public hearings by the Special Subcommittee on the Arts of this committee, on August 29, 30, and 31, 1962. This subcommittee was created on August 21, 1962, with Senator Pell as chairman, and Senators Yarborough, Williams of New Jersey, Clark, Javits, and Prouty as members.

Hearings on these measures produced testimony from witnesses active in the major fields of the visual and performing arts. The overwhelming preponderance of testimony favored action by the Congress to establish in the Federal Government an agency concerned with assisting the growth and development of the arts in the United States.

The Commissioner of Education, the Honorable Sterling M. McMurrin, speaking for the administration, urged approval of S. 741,

the proposal of Senator Humphrey, cosponsored by Senators Clark, Douglas, Morse, Williams of New Jersey, Cooper, Javits, and Long of Missouri, to establish a Federal Advisory Council.

The Commissioner stated that the administration viewed the Federal Advisory Council as a desirable beginning in the development of Federal action to encourage the arts and suggested that the proposals in the other arts bills before the subcommittee would be appropriate matters for study by the Council.

Most of the public witnesses endorsed all three bills. Some, while preferring either S. 785 or S. 1250, because they proposed substantial programs of grants-in-aid, urged establishment of a Federal Advisory Council as a practical first step. Others strongly favored the consolidation of all three proposals into one measure.

The subcommittee in executive session on September 21, 1962, ordered reported to the full committee the Humphrey bill, S. 741, with an amendment placing the Council within the Executive Office of the President, rather than, as proposed in the original bill, under the Department of Health, Education, and Welfare.

The full committee, in its executive consideration of S. 741 on September 25, 1962, approved an amendment offered in the nature of a substitute, and thereafter ordered reported to the Senate the substitute bill.

The substitute is in essence a combination of the principal features of S. 785 and S. 1250. As the public hearings held by the Subcommittee on the Arts had adduced testimony concerning all three bills, it can be said that, in effect, testimony was received on the provisions of the substitute amendment while it was still in the form of the two separate bills.

BACKGROUND

Proposals to give greater Federal recognition to the arts have been before the Congress for many years, but have yet to receive the endorsement of both Houses of Congress.

Until recently, such attention as the Congress has paid to questions of the relationship between the Government and the arts has been mainly directed toward a proposal originally made by President Eisenhower in his state of the Union message of January 6, 1955, to establish a Federal Advisory Commission on the Arts within the Department of Health, Education, and Welfare. In that message President Eisenhower said:

In the advancement of the various activities which would make our civilization endure and flourish, the Federal Government should do more to give official recognition to the importance of the arts and other cultural activities.

84TH CONGRESS

On April 14, 1956, a special subcommittee of the Committee on Labor and Public Welfare, under the chairmanship of former Senator Lehman, with Senators Murray, Kennedy, Smith of New Jersey, and Ives, as members, held a public hearing on the Eisenhower administration's proposal to create a Federal Advisory Commission, contained in S. 3054, and on a bill to establish a Federal Advisory

Council on the Arts, S. 3419, introduced by Senators Lehman, Ives, Murray, and Douglas.

On July 3, 1956, the full committee reported the Lehman bill, with amendments, favorably to the Senate (S. Rept. 2409). This bill, without further amendment, passed the Senate on July 5, 1956, but was subsequently tabled in the House Committee on Education and Labor.

85TH CONGRESS

In the 85th Congress similar bills were introduced, one by Senator Smith of New Jersey, on behalf of the administration, S. 1716, and another by Senators Humphrey, Douglas, and Javits, S. 3930.

On May 23, 1957, the Subcommittee on Education of this committee, under the chairmanship of Senator Murray, held a public hearing on these proposals. No further action occurred in either House in the 85th Congress on this proposed legislation.

86TH CONGRESS

During the 86th Congress, Senator Humphrey again offered a proposal (S. 447) to establish a Federal Advisory Council with the cosponsorship of Senators Murray, Douglas, and Javits. No administration bill was offered in the 86th Congress, and no hearings were held in either House on this proposal, although a single hearing was conducted by a subcommittee of this committee, under the chairmanship of Senator Yarborough, on a bill introduced by the late Senator Case of South Dakota, providing for a National Academy of Culture, at which the sole witness was Mr. Robert Frost.

87TH CONGRESS

President Kennedy, in his message relative to an educational program, dated February 6, 1962 (H. Doc. 330), urged approval of a measure establishing a Federal Advisory Council on the Arts:

Our Nation has a rich and diverse cultural heritage. We are justly proud of the vitality, the creativity, and the variety of the contemporary contributions our citizens can offer to the world of the arts. If we are to be among the leaders of the world in every sense of the word, this sector of our national life cannot be neglected or treated with indifference. Yet, almost alone among the governments of the world, our Government has displayed little interest in fostering cultural development. Just as the Federal Government has not, should not, and will not undertake to control the subject matter taught in local schools, so its efforts should be confined to broad encouragement of the arts. While this area is too new for hasty action, the proper contributions that should and can be made to the advancement of the arts by the Federal Government—many of them outlined by the Secretary of Labor in his decision settling the Metropolitan Opera labor dispute—deserve thorough and sympathetic consideration. A bill (H.R. 4172) already reported out to the House would make this possible and I urge approval of

such a measure establishing a Federal Advisory Council on the Arts to undertake these studies.

The Special Subcommittee on the Arts, created this year in the Committee on Labor and Public Welfare, held hearings not only on the proposal recommended by the President (S. 741, companion bill to H.R. 4172) but on two other bills which had never had the benefit of public airing by any committee. These bills, S. 785, and S. 1250, both propose that the Federal Government make grants either, as in S. 785, to assist the States to develop programs or projects in the arts, or, as in S. 1250, to assist professional groups engaged in the performing and visual arts to provide productions of these arts throughout the country.

EXPLANATION OF THE BILL AS REPORTED

The amendment in the nature of a substitute for the language in S. 741, adopted by the committee, combines the principal provisions of both S. 785 and S. 1250

It creates a U.S. National Arts Foundation as an independent agency in the executive branch of the Government under the general supervision of a Board of Trustees consisting of the Director of the Foundation and 12 members appointed by the President, by and with the consent of the Senate.

The Trustees are to be individuals of the American public widely recognized for their knowledge of or experience in or profound interest in one or more of the visual or performing arts. The board is to be so composed as to give balanced representation to the major fields of artistic endeavor.

The Foundation is given two general powers: First, to stimulate and encourage cultural development throughout the United States, and to advance public interest therein, and, second, to foster and encourage professional, civic and nonprofit, private, public, educational, institutional, or governmental groups which are engaged in or directly concerned with the performing and visual arts.

The bill defines "visual and performing arts" to include drawing, painting, sculpture, photographic and craft arts, and architecture and allied arts; and arts related to performance of theatrical plays; dance, ballet, and choral performances; performances of musical works (instrumental, voice, and/or operatic); and acting, directing, staging, and scenic and costume design.

GRANTS TO GROUPS

In exercising its general powers, the Foundation is authorized to make grants to professional groups engaged in the performing or visual arts in order to assist such groups to provide productions of the performing or visual arts—both new and existing works which have substantial artistic or historic significance, and types of works which would otherwise be unavailable to audiences in many parts of the country.

The term "group" is defined by the bill as including any society, institution, organization, or association, whether or not incorporated.

"Productions" are defined as meaning plays, with or without music, ballets, dance and choral performances, exhibitions, readings, concerts, recitals, operas, and any other performances before the public which involve executing or rendering any of the visual or performing arts and which meet such standards as the Foundation may establish.

It is the committee's intent that the Director, in making grants under this section shall, wherever practicable, consult with, and consider the recommendations of, the appropriate committees, councils, or panels authorized under section 8(b).

It is also intended that the grants to assist groups are to supplement the fees charged for admission to the production and not to cover the entire cost of the production.

As an example of how the program of grants to groups might work, the following hypothetical case was cited in the hearing record:

An established, recognized nonprofit group wants to do a series of Shakespearean plays but finds that they lost \$50,000 doing it in the past over a 10-week period. The Government board would examine the project, check the expenses, cost of production, and expected box-office returns. It would then guarantee to make up part of the expected loss, say \$25,000 to \$35,000, forcing the group to expand efforts to increase their intake at the box office, but also guaranteeing the loss would not be disastrous.

MATCHING GRANTS TO STATES

In addition to direct grants to groups, the Foundation is authorized to make matching grants to the States in support of existing projects and programs which are making a significant public contribution in one or more of the performing or visual arts, and also to assist the States in developing programs and projects in these arts in a manner that will, in conjunction with the existing programs and facilities, provide adequate artistic services for all the people and communities in each State.

There is authorized to be appropriated for the current fiscal year a sum not exceeding \$5 million, and for each subsequent fiscal year a sum not exceeding \$10 million, as the Congress may determine.

Of the amount appropriated, each State which has its plan approved by the Foundation is entitled to a maximum allotment in any one fiscal year of an amount equal to half the total amount the Foundation receives in appropriations for that fiscal year divided by the total number of States. For example, if the total appropriation to the Foundation in a given year were \$10 million, each State would be entitled to receive not more than one-half of one-fiftieth of the amount, or \$100,000.

Since the bill also requires for 50-50 matching, it is foreseeable that some States may well not be able to provide matching funds in the magnitude of \$100,000. Hence, those States would receive lesser amounts from the Foundation. The bill further provides that, after all allotments have been made to States with approved plans, the Foundation may grant the remaining sum or any part of it to any group or State agency for other projects and programs which the

Foundation finds will encourage and bring the visual and performing arts to areas where such assistance would be of value.

Senator Javits estimated, in a statement to the subcommittee, that a \$10 million appropriation—

spent in conjunction with matching funds from interested and producing public or private agencies in the performing and visual arts * * * could stimulate the creation of as much as \$50 million a year in non-Government activity for the arts.

As the Foundation is authorized to accept donations and utilize the services of volunteers, the committee expects that it will be able to accomplish far more than if it were limited solely to the use of funds appropriated by Congress.

The Foundation is authorized to create committees, councils, and panels to advise it and make recommendations. These would be composed of professional people and members of the general public broadly representative of the various performing and visual arts, so as to eliminate any possibility of uniformity in viewpoint. The panels would judge the artistic worth and cultural significance of productions for which grants-in-aid are sought, to determine whether they merit the Foundation's support. It is intended that the advisory panels composed of highly qualified professionals will give added assurance that governmental aid does not lead to governmental interference in the practice or performance of the arts.

REASONS FOR THE BILL

The principal reasons for the bill as reflected in the testimony are the following:

(1) The prestige of the United States, both as a leading advocate of free expression for human talent and as the major source of strength against the challenge of totalitarianism, would be greatly enhanced by passage of an act of Congress giving official recognition to the contributions to culture and civilization made by thousands of working artists throughout the United States.

(2) Almost alone among the governments of the world, the U.S. Government has to date displayed little concern for the development and encouragement of the artistic resources of its people.

(3) All the evidence shows an ever-greater interest and participation in all forms of artistic activity by the American people. It is therefore proper for the Federal Government to take cognizance of this healthy trend and, by establishing an agency at the Federal level for the purpose, to assist and stimulate individuals and groups who are engaged in the creation and interpretation of artistic productions.

(4) The traditional forms of financial support for the visual and performing arts in this country—by private or local or, in some instances, State funds—are proving inadequate to meet the increasingly grave economic plight of great numbers of talented artists in America.

(5) The bill would make it possible for our country's finest dramas, ballets, musicals, art collections, and other outstanding artistic productions and exhibits to be made available to the

American people throughout the country. Grants are provided to encourage performances and exhibits in parts of the country which normally would not enjoy such productions. Admission fees cannot be expected to cover the cost of bringing such productions into smaller communities and sparsely settled areas of the country.

(6) The program envisaged in the bill should encourage sustained cultural endeavors at the State and community level through the provision for matching grants to be disbursed by State agencies to assist sound programs already in being or to be developed in the communities.

(7) The sums authorized by this bill—\$5 million the first year and \$10 million thereafter—are modest indeed when compared with the billions appropriated each year for scientific research, space exploration, defense preparedness, foreign aid, public construction, and the many other programs essential to the well-being, strength, and international standing of the United States.

The Foundation which would be established by this measure, utilizing the wisdom and experience of leading professionals from all the major fields of artistic endeavor, can and will expend the moneys to be made available to it for prudent and timely investments in the Nation's cultural progress.

TESTIMONY BEFORE THE SPECIAL SUBCOMMITTEE ON THE ARTS

In opening the hearings, Senator Pell, chairman of the subcommittee, indicated that one major purpose of the subcommittee in holding the hearings was to receive—

guidance and enlightenment from a wide variety of qualified citizens with respect to the urgent public question of what, in our mid-20th-century America, the Federal Government should be doing, that it is not already doing, to encourage, to stimulate, and to develop an intelligent public interest and participation in all kinds of creative and interpretative forms of art.

A considerable body of the testimony dealt with this general question, as well as with the merits of the respective bills.

Senator Clark incorporated into the hearing record a portion of the statement he had made in the Senate when introducing S. 785:

In this century, the United States has ceased to be a backward child in the arts and has become a leader. Our artists are in the first rank of creative and performing ability. Not only do we not need to apologize for their quality; they have given impetus to many fresh directions in which the arts all over the world are moving today. But though we may boast of topflight performers and creative artists, we are still confronted by the fact that cultural projects constantly run into economic difficulties which threaten their lives or make it impossible for them to reach fruition. Gifted students often do not have local artistic horizons which are sufficiently rich in opportunity for advanced training and performance.

The ovations that have been given to traveling American artists like Marion Anderson, the "Porgy and Bess" and "My Fair Lady" companies, Van Cliburn, the Philadelphia Orchestra, Louis Armstrong, and the New York City Center Ballet indicate the potentially enormous acceptance of American culture abroad.

* * * * *

American scientists, for all the brilliance of their achievements, cannot hope to arouse these eager and enthusiastic responses. Yet compare what we spend nationally on scientific programs with what we spend nationally on the arts. Compare our concern with seeing to it that scientists are trained with the haphazard way in which we force artists to scramble for their training, and indeed for their careers. Compare the support we give to ongoing scientific projects to the always shaky future of artistic projects.

We need a coherent and continuing national outlook and policy toward the arts.

In setting forth the objectives of his proposed Arts Foundation, Senator Javits told the subcommittee:

The U.S. Art Foundation, which I propose, would help make possible live performances and exhibits in areas which could not otherwise receive and support them. It would depend on box office and there would be Government subvention—not subsidy—therefore, the public would continue to be the final arbiter of taste. It would stimulate a revival of the arts in entire regions through the work of private, non-profit groups, municipalities, and State agencies able to operate because of the subvention available under the Foundation to cover the difference between costs and admissions. It is noteworthy that such admissions are free of Federal income tax—as the result of efforts in which I participated made some time ago. The U.S. Arts Foundation would bring about wider dissemination of the performing and visual arts and, within the framework of free enterprise and voluntary association, expose many more people and more places to the best in American culture than any other measure now before the Congress. It would also help in the development and training of new talent in the arts field.

The committee received, either in direct testimony or by letter or statement printed in the record of hearings, the views of a great number of outstanding Americans.

Testimony presented by Members of the House of Representatives included the following observations:

Hon. John E. Fogarty, Rhode Island, stressed that the arts are vital to our society and must be aided by Government at every level:

Everyone, and most particularly the Congress of the United States, should understand that cultural resources are a proper concern of government at every level. As President Kennedy has so forcefully pointed out, our National Government is one of the few on earth that does not demonstrate an active

and helpful interest in the artistic and cultural life of the country. Among those nations which effectively aid the arts are such stalwart democracies as Great Britain and Canada, and their efforts in this field are paralleled in our own country at the State level by New York and New Jersey. Proper action by government does not in any sense interfere with free expression in the arts; quite the opposite, it can be the key to the full development of the arts in an atmosphere of freedom. The arts are absolutely vital to this society and they cannot be sustained without help.

I believe that there is evidence of a massive growth of interest in cultural activities among our whole population, a development which could carry this Nation to new heights of achievement in every field of endeavor. Intellectual ferment on such a scale would represent a crowning vindication of our faith in democratic institutions.

Hon. Frank Thompson, Jr., New Jersey, called attention to the economic plight of the performing arts:

The problems of the arts in the United States are complex and in discussing them one is always faced with the danger of oversimplification. But there are certain basic conclusions we can draw, and from these conclusions our course of action should be clear. Last winter my subcommittee held hearings in New York, San Francisco, and Washington, D.C., on economic conditions in the performing arts. Testimony presented at these hearings clearly showed that the problems of the arts do not result from a lack of interest on the part of the public. Public interest has never been higher. The underlying problems are two: first, production costs have far outpaced reasonably available revenues.

* * * * *

My conclusion from this study is that unless Government takes a more active role in encouraging and supporting the arts, the United States will be faced with a very serious problem in the next decade or two; namely, the wasting away and eventual disappearance of some of our greatest cultural resources.

Hon. Robert N. Giaimo, Connecticut, emphasized the economic conditions confronting the performing arts:

After lengthy study of the situation, it is my opinion that a changing economic situation, technological innovations, and indifferent Governments—State and Federal—have relegated the American arts and those who pursue them to near poverty.

* * * * *

I say this is a shameful situation. As a nation, we are the mightiest and richest the world has ever seen, and yet our artists must go to Europe or elsewhere before they can earn a living with their art.

* * * * *

It is my belief that the economics of the situation are such today that opera, symphony, and performances of large-scale stage productions are becoming simply impossible to produce at a profit.

Great interest was shown during the hearings in the comparative effort being made by the United States and the Sino-Soviet bloc in cultural activity throughout the world. The Director of the U.S. Information Agency, Edward R. Murrow, in response to a request from the subcommittee, furnished a detailed memorandum on this subject, which appears in the hearing record. Mr. Murrow wrote that—

Our cultural vitality greatly influences the impression of America held by many overseas, just as our ability to handle our domestic, social, and economic problems is closely watched by those who would judge us.

The U.S. Information Agency is deeply engaged in projecting the broad current of American cultural life to citizens of foreign countries. With them we share the fruits of our cultural output.

* * * * *

Since the death of Stalin the leaders of the Soviet Union have given great emphasis to the export of culture and the development of so-called cultural exchanges.

* * * * *

The conclusion of such agreements leads almost invariably to an immediate jump in the tempo of cultural activities between the two countries.

* * * * *

The Soviet Government gives a high priority to the appearance abroad of its artistic performers and entertainers. This program is apparently seen as a major method of achieving international respectability and recognition as a land of creative people minding their own peaceful pursuits.

Several witnesses called attention to the ever-growing interest in artistic activities among the American people. For example, speaking for the 268,000 professional instrumentalists of the American Federation of Musicians, AFL-CIO, George V. Clancy, international treasurer, testified:

Too many Americans have been too long a time, Mr. Chairman, in coming to any small recognition that Government has a duty to perform in promoting the national culture as expressed in the performing arts. That concept, so well established in the Old World hundreds of years ago, still is not acceptable to all Americans. Yet, there is an awakening in this country. There are unmistakable stirrings, and it is not strange that this should be so.

Some 30 millions of us, approximately 1 out of every 6 Americans, play musical instruments; there exist—precariously and, for the most part, always on the edge of bankruptcy—some 1,500 serious musical organizations that may be called symphony orchestras. We have some 750 organiza-

tions that produce opera and there are well over 100,000 theatrical groups engaged in seasonal and occasional production, amateur and professional. Seventy-three of our cities already have built or are in process of building their own cultural centers and more and more States are quite proudly subsidizing with tax moneys their worthy, established performing arts institutions through the medium of State arts councils.

I do not mean this partial rollcall of community activity in the arts to be predicting that the golden age of the arts in America is upon us. It is not. We have much to learn; we have many of our fellows to educate; we have to put government into this arts business simply because it is not a business. It is not—and never can be—a commercial venture capable of sustaining itself any more than are our public school systems, our libraries, and our museums.

No; the golden age of American arts and culture is not yet discernible on the far horizon. In fact, the only tangible gain—and the importance of this gain no one will deprecate—has been the public awakening I have just attempted to describe.

* * * * *

I say to you again, Mr. Chairman, that there is a timetable and that time is running out, even as talents are being starved out. We are told we are but a few months or a year or so behind in the race to the moon. In the cold-war contest to win friends and influence people on this planet—a contest in which we have utilized our artistic talents to greater effect than our more abundant dollars—we are generations behind most other civilized nations in providing continuing, and effective sustenance to our arts and artists. The moral is plain, Mr. Chairman. The timetable is all too apparent. The compulsion to win this race, or at least to compete on even terms, seems inescapable.

In a letter from the President of the Metropolitan Opera Association, Anthony A. Bliss, it was stated that limiting support of the arts to private sources had caused concentration of performing art programs in the centers of great wealth:

Traditionally in this country, encouragement and support of the performing arts has been a private affair, with local and Federal Governments assisting only in the main to the extent of certain tax advantages or some subsidization for visits to other countries in connection with cultural exchange. Such a situation, certainly in the case of opera and ballet, is historically unique. It has resulted in a limitation of the American performing arts program out of all proportion to our wealth and to the interest, both actual and potential, of our people in such a program. Particularly, it has tended to limit the development of performing arts programs to the centers of concentrated wealth.

A program, therefore, such as you propose, which appears similar in character to that presently operative in England

and Canada, would, in my opinion, contribute much to placing America where it belongs—in the forefront of the performing arts.

Others testified that lack of Federal recognition of the importance of artists and their works is a major contributing factor to the economic plight of the arts in the United States. Daniel W. Millsaps, a Washington painter, writer, and publisher, testified as follows:

For years it has been the aim of the U.S. Government to keep ahead of the other modern-day countries in social and economic areas. However, in doing so, we have become negligent in meeting the responsibilities of our cultural life. The United States would probably rank among the lowest countries in the world in its Federal activities to encourage and stimulate the arts of this country. Hundreds or more of young people who have great talent are being deterred from pursuing a life in the arts because of the lack of official recognition that this country has given its artists. As recently as the 19th of this month, the Associated Press art editor, Miles A. Smith, wrote a full-page feature appearing in many papers noting the economic plight of artists in the United States. He said that despite the cultural boom that seems to be growing in this country, the artist still must struggle for his very existence.

Daniel Harris, of the National Opera Association, said:

Under the stimulus of the U.S. Arts Foundation regional companies for the production of opera, musical comedy, and drama might well bring live performance to many cities and towns long without such benefits.

Such companies could also provide opportunities for our mature artists who are now working in Europe, and valuable experience with the possibility of earning a living for the more capable graduates of our universities and music schools.

Instrumentalists would find employment, and outstanding musicians would have a chance to develop into the conductors and musical leaders of the future.

Most of the symphony conductors of the past 50 years have achieved recognition and experience through the musical theaters of Europe. It is time for us to recognize the importance of training our own leaders by permitting them to work at their trade here at home.

The subcommittee heard testimony on the growing importance of leisure time in American society and the role that could be played by the performing and visual arts. Joseph Prendergast, executive director of the National Recreation Association said:

Today the average American has more leisure time than working time during the course of his life. Child labor and extensive home chores are things of the past for our children and our youth are going to school for many more years than they formerly did. The average American business and professional man is now retiring earlier from his employment or his career and, with all other Americans, are living longer

than ever before. Industrial working hours by the day, by the week, and by the year are being cut from 10 or more hours a day, 6 days a week, 52 weeks a year of the past to an 8-, 7-, or even 6-hour day, a 5- or 4-day week, and a 46- to 50-week year.

No nation has ever faced and mastered the test of mass leisure. We are only now beginning to realize what it means in the negative term of crime and delinquency, of mental illnesses and emotional upsets and we are only now beginning to realize what it means in the positive terms of individual fulfillment and the development of a strong nation, fit in every sense of the word, physically, mentally, emotionally, socially, and spiritually. The future of America depends upon how wisely we use our expanding leisure time and that time cannot be wisely used, in my opinion, unless participation in the performing and visual arts, as both spectator and performer, is open to all our people.

Other witnesses emphasized that any congressional action to recognize the significance of the arts would benefit the Nation's prestige. For example, Dr. John Vincent, representing the Huntington Hartford Foundation of Los Angeles, said:

It is our profound conviction that the U.S. Government should take official recognition of the importance of the arts through appropriate legislation looking toward advising, stimulating, and actively fostering the development of a vigorous national art.

* * * * *

The mere passing of such legislation by the Congress will have a signal effect on laying to rest that venerable canard that the U.S. Government cares nothing for the culture of the Nation. This is the very least that the adoption of some program in the arts would have, but even this least would be a tremendous breakthrough and its importance is very great.

Some testimony urged that Federal assistance is needed to reinforce local and regional culture. Syd Cassyd, consultant to the State of California Council on the Arts, commenting on S. 1250, wrote the subcommittee:

This bill can be one of the important strategic weapons against the conformity of minds, slowly creeping across our Nation. It is laudatory to see the provisions in the bill encouraging local initiative by State governments and agencies. By this bill, we can proceed to rebuild the rich local culture of graphic and performing arts, which is the rich heritage of the 50 individual States and many geographic regions in our Nation.

Why must we rebuild our local culture?

In a nation where the music in the jukebox, or on radio, or the program on television, in most part, comes from one of the entertainment factories of the Nation, Hollywood or New York, it is important that we develop, and counter the production lines, with the heritage of local music, local theater,

and local art, all stemming from the regional culture of the area. Anyone familiar with the history of folk music from the hills of the South, the Indian art of the Southwest, the Mexican art of California, the music of the riverboats from the Mississippi—all the development of the culture of far-off places, nurtured by our own regional impact—know what this has contributed to our democracy. It is the image of America, and it is being lost.

Federal encouragement of the arts would not merely benefit a relatively small number of artists, the subcommittee was told. The audiences in the public-at-large will gain the most.

Prof. Walter H. Walters, head of the Department of Theater Arts of Pennsylvania State University, stated:

There is ample indication of the desire and initiative on the part of groups and individuals throughout America to make the effort to present the various art forms for the public. Their success is uneven due primarily to the complications of management, presentation, and housing, but seldom to the failure of an inquiring public or to the lack of raw talent. Those units which have been fortunate enough to operate under the sponsorship of foundations or institutions of higher learning fare better because of this recognition, prestige, and attendant publicity regardless of the amount of financial support. This is precisely what I feel should and will happen on a national scale from the type of recognition represented by the three bills: S. 741, S. 785, and S. 1250. The first step is recognition by the Federal Government of the values and usefulness of the arts to many people and not exclusively to the proportionately few artists. The advantages to the latter are automatic and obvious, but it is the audience or public in a nation the size of ours which will benefit the most.

Only one witness expressed opposition to Federal support of the arts. Mr. Douglas Richards, manager of the Phoenix (Ariz.) Symphony Association, testified that the board of directors of his association held the following views:

(1) We do not believe that it is a proper function of the Federal Government to finance the arts in the United States.

(2) It is generally accepted that in our form of democracy the arts flourish best in an atmosphere of complete freedom, imagination, initiative, and local autonomy. We do not believe that it would be possible to conserve these strengths if the fine arts were to enter into partnership with the Federal Government.

(3) We believe that Federal tax subsidy for the arts would result in greatly reduced voluntary support at the local level and voluntary support is one of the cornerstones of our arts as well as our charitable organization financing. It is conceivable that volunteer support might eventually cease entirely and the fine arts would then find themselves in the undesirable position of having to depend entirely upon Federal tax dollars to replace the revenue lost from volunteer

support. Eventually the fine arts might find themselves with problems far greater than those they presently face.

Strong representations were made in the hearings by spokesmen for the folk arts to the effect that the definition of the term "arts" in any bill reported by the committee, should specifically include mention of "folk arts." The committee, while seeing no need to enumerate broad classes of artistic endeavor, took heed of this appeal by noting, in the words of the subcommittee chairman, Senator Pell, "the fact that folklore and folk arts are bona fide forms of art, and that is now a matter of record."

INCREASING PUBLIC INTEREST IN THE ARTS

The declaration of policy in the bill reported by the committee asserts that the Congress finds that "Americans desire increased opportunities to view and enjoy the visual and performing arts." Statistical proof of growing interest in one major art—music—is found in the reports of Broadcast Music, Inc.

The growth of all phases of music in the United States has been phenomenal during the past 21 years. An increase of 760 percent has been registered in the dollar volume of sales of records, musical instruments, performing rights, and other aspects of American music interest during that period. The U.S. gross national product has increased 475 percent during the same time. Therefore, the field of music has grown 60 percent faster than the total economy during these 21 years.

The number of symphony orchestras has virtually doubled, from about 600 in 1939 to 1,252 in 1962.

There has been a 100-percent increase in the number of people who play musical instruments.

Sales of musical instruments, accessories, and sheet music have increased more than 500 percent, reaching over \$582 million in 1961.

Record sales of all kinds have increased more than 900 percent, from \$50 million in 1939 to approximately \$510 million in 1961.

The striking evidence of a tremendous growth in concert music is reflected in these facts:

More than half of the 2,000 symphony orchestras of the world are in the United States.

There are 1,252 symphony orchestras in the United States, compared with about 100 in 1920.

More people attend concerts in the United States than go to baseball games, both major and minor league, including the world's series.

More than 10 million children play musical instruments and receive musical instruction in schools and with private teachers, compared with 2,500,000 in 1947.

There are more than 69,000 instrumental music organizations in schools in the United States with 15,000 orchestras, 48,000 bands, and 6,000 "stage" bands.

Americans spend more money for the purchase of recordings of concert music and high fidelity equipment on which to play these recordings than they do on all spectator sports.

In 1962 an average of 16,748 hours of concert music per week is being programed by 1,381 AM and FM radio stations, or an average of 12.1 hours per station per week.

There are 783 opera-producing groups in the United States.

There are more than 250 educational institutions in the United States offering degree courses in music and advanced-level musical training.

At least 15 States have a State art council, commission, or similar agency: Alabama, Florida, Georgia, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Utah, and Wisconsin.

Seventy American cities are spending a total of \$375 million on building projects to house the arts. Time magazine reports that "local boosters now tout their cities' artistic attractions more than their rail connections."

At least two-thirds of the States already provide in their budgets for annual appropriations in support of artistic, cultural, or historical institutions or activities.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

Section 1

This section of the bill provides that it may be cited as the "United States National Arts Foundation and Cultural Development Act."

DECLARATION OF POLICY

Section 2

This section declares that the Congress finds that Americans desire increased opportunities to enjoy the arts; that the prestige and general welfare of the country will be advanced by giving recognition to the status of the arts as a cherished part of the Nation's cultural resources and by encouraging the development and dissemination of these resources throughout the country; and that it is desirable to establish an agency in the Federal Government to provide such recognition and to stimulate and assist the Nation's cultural progress.

ESTABLISHMENT OF FOUNDATION

Section 3

This section establishes in the executive branch of the Government an independent agency to be known as the United States National Arts Foundation.

TRUSTEES OF FOUNDATION

Section 4

(a) This section provides that the Foundation will be supervised and directed by a Board of Trustees consisting of a Director and 12 members who are to be appointed by the President, by and with the advice and the consent of the Senate. Members of the Board of Trustees are to be selected from among those Americans who are

widely recognized for their knowledge of or experience in, or their profound interest in, one or more of the visual or performing arts, and who together will provide a proper balance of representation among the major art fields cited in the bill. The section requests the President to give due consideration to nominations recommended to him by leading national organizations in the field of the arts.

(b) This subsection fixes the terms of office of the Trustees and the manner and conditions of their appointment. The Trustee's term of office is to be 6 years. Of the Trustees first taking office after enactment of the bill, the terms of four shall expire at the end of the first 2 years, of four at the end of 4 years, and of four at the end of 6 years. These terms will be designated by the President at the time of appointment. Vacancies will be filled only for the unexpired part of the term. A Trustee who has served 12 consecutive years shall be ineligible for reappointment during the next 2 years. The subsection specifically exempts the Director of the Foundation from its provisions.

(c) This subsection and the following subsection (d) establish the procedures by which the Board of Trustees shall function. Subsection (c) provides that the President shall call the first meeting of the Trustees. The first order of business will be the election of a Chairman and a Vice Chairman, whose term of office will run until the end of 2 years after the date of enactment. Thenceforth the Chairman and the Vice Chairman are to be elected for 2-year terms. The elections take place at the annual meeting occurring at the end of each 2-year term. In the absence of the Chairman, the Vice Chairman is authorized to perform his duties. Vacancies in the Chairmanship or Vice Chairmanship are replaced from among the Trustees.

(d) The Chairman of the Board of Trustees is empowered to call meetings, not fewer than four meetings a year are required. Whenever one-third of the Trustees request in writing that a meeting be called, the Chairman is to convene the meeting. A majority of Trustees constitute a quorum, and each Trustee is to be notified by registered mail of the call of any meeting not fewer than 15 days in advance.

DIRECTOR OF THE FOUNDATION

Section 5

Section 5 sets forth the authority and functions of the Director of the Foundation.

(a) The Director is to be a Presidential appointee whose nomination requires the advice and consent of the Senate. The President is requested to give due consideration to recommendations made to him by the Board of Trustees with respect to the appointment of the Director. The Director not only is the chief executive officer of the Foundation but also serves as an ex-officio Trustee. He will be paid a salary of \$25,000 a year and serve a 6-year term unless removed by the President. A majority of the Board of Trustees may at any time recommend that the President remove the Director.

(b) With the approval of the Board, the Director may appoint a Deputy Director at an annual salary of not to exceed \$20,000.

(c) The Director is given general authority to execute the programs of the Foundation and to recommend programs to the Founda-

tion, as well as to perform any other functions delegated to him by the Foundation which are consistent with the act.

(d) Provision is made for travel and subsistence allowances for the Director and Deputy Director in accordance with existing law and regulations.

GENERAL POWERS OF FOUNDATION

Section 6

The Foundation is authorized to (1) stimulate and encourage cultural development throughout the United States and to advance public interest therein; and (2) foster and encourage professional and civic and nonprofit, private, public, educational, institutional, or governmental groups which are engaged in or directly concerned with the performing and visual arts.

GRANTS TO GROUPS AND STATES

Section 7

This section provides the authority under which the Foundation is to carry out the basic purposes of the act: (A) Financial assistance is authorized to groups active in the performing and visual arts. (B) Matching grants to the States are authorized for artistic projects and programs:

GRANTS TO GROUPS

(a) The Foundation is authorized by this subsection to provide financial assistance and support through direct grant or otherwise from either appropriated funds or funds received in the form of loans or gifts pursuant to section 8(a) (3) or (4) of the act to three types of groups: Professional groups, groups that meet professional standards, and educational groups engaged in or concerned with the performing or visual arts. The purpose of financial assistance is to enable such groups to provide productions of the performing and visual arts of two kinds:

(1) in new works and existing works of art which have substantial artistic or historic significance with preference for encouraging the works of the residents of the United States; and

(2) such types of productions as would otherwise be unavailable to audiences in many areas of the country. Groups will be eligible for this financial assistance only if they are of a nonprofit character—that is, if no part of their net earnings benefits any private stockholder or stockholders, and if the groups qualify under the Internal Revenue Code as organizations to which tax-deductible donations may be made. The subsection encourages the groups receiving such assistance to provide matching funds wherever practicable.

GRANTS TO STATES

(b) (1) Under this subsection authority is given to the Foundation to make grants to the States to assist in support of existing projects and programs and also to assist in developing new programs

and projects which in conjunction with the existing ones will furnish adequate programs, facilities, and services in the visual and performing arts for all people and for all the communities in each State. The States in order to receive financial assistance in any fiscal year must submit prior to the first day of such fiscal year an application for grants and accompany the application with a plan which the Foundation finds:

(A) designates a State agency as the sole agency for the administration of the plan;

(B) provides that funds paid to the States under the act will be spent solely on programs and projects approved by the State agency which carry out the objectives of the act;

(C) provides that the State agency will make such reports as the Foundation may require;

(D) provides for coordinating the projects and programs carried out under the plan with other artistic and cultural programs and activities of educational and other public and nonprofit institutions in the State.

(b) (2) This subsection provides for the allocation of funds among the States, and for reallocation of unallocated sums. Each State is entitled to a maximum allotment in any fiscal year in an amount equal to half the total amount appropriated for that year divided by the total number of States. Any sum remaining of the amounts available for State grants in any fiscal year after all allotments have been made to States with approved plans in effect on the first day of that fiscal year may be granted "in whole or in part" to any groups of State agencies for projects and programs that the Foundation determines will encourage the visual and performing arts where such assistance will be of value.

(b) (3) This subsection provides for 50-50 matching of the Federal grants to the States: the amount of Federal grant to any State for any program or project is not to exceed 50 percent of the total cost of the program or project.

(c) This subsection establishes the conditions under which the payment of Federal funds to any groups or State agencies may be suspended or recaptured. Whenever, after reasonable notice and hearings the Foundation finds that—

(1) a group is not complying substantially with the provisions of the Act,

(2) an agency is not complying substantially with the terms and conditions of its State plan, or

(3) any funds granted to a group or agency under the Act have been diverted from the purposes for which they were granted,

the Foundation will immediately notify the Secretary of the Treasury and the group or State agency that no further grants will be made to such group or State agency under this Act, 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 the group or State makes restitution of the improperly diverted or expended Federal money.

ADMINISTRATIVE POWERS AND DUTIES

Section 8

This section sets forth the specific powers granted the Foundation under this act. The Foundation is authorized to:

(1) prescribe rules and bylaws for governing its operation, organization, and personnel;

(2) make expenditures and enter into contracts or other arrangements necessary for administering the act without regard to section 3709 of the Revised Statutes (4 U.S.C. 5);

(3) acquire by loan or gift and hold or dispose of real and personal property of all kinds necessary for, or resulting from, the exercise of its authority;

(4) receive and use funds or property donated by others, if such funds are donated without restriction other than that they be used to further one or more of the general purposes of the Foundation;

(5) make use of services of voluntary and uncompensated personnel;

(6) pay fees for and enter into contracts with persons for the performance of services required by the Foundation;

(7) pay persons rendering services to the Foundation for travel and subsistence expenses in accordance with existing law and regulation;

(8) maintain an office in the District of Columbia.

(b) The Foundation is authorized to appoint committees, councils, and panels which are concerned with particular regions of the country, or with particular aspects of the arts. Members need not be Trustees of the Foundation.

(c) The Foundation is prohibited from producing or presenting any productions itself.

(d) The Foundation shall submit an annual report to the President for transmittal on or before January 15 of each year to the Congress. The report is to summarize the activities of the Foundation and make appropriate recommendations.

GENERAL PROVISIONS

Section 9

This section contains a number of provisions relating to the administration of the Foundation.

(a) The Director appoints and fixes the compensation of personnel in accordance with civil service laws and regulations, and the Classification Act of 1949, as amended. He may employ technical and professional personnel or personnel with experience in one of the performing or visual arts and fix their compensation without regard to such laws. The Deputy Director and members of committees or councils will be appointed without regard to civil service laws or regulations. Both the Director and Deputy Director are forbidden to engage in any other business, vocation, or employment, or to hold office in or act in any way in any program, agency, or institution which has entered a contract or other arrangement under this act with the Foundation.

(b) Compensation at the rate of \$50 a day is authorized to be paid to Trustees of the Foundation and members of councils, committees, and panels, while they are actually engaged in the Foundation's business; travel and subsistence allowances are also authorized.

(c) Although persons holding other offices in the executive branch of the Government may serve on the Foundation councils, committees, or panels, they may not receive remuneration therefor.

(d) Service of an individual as a trustee or employee of the Foundation, or a council, committee, or panel, shall not be considered as service bringing him within the provisions of section 281 or 283 of title 18 of the United States Code or section 99 of title 5 of such Code, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such sections, is with respect to any particular matter which directly involves the Foundation or in which the Foundation is directly interested.

(e) Other agencies of the Government are authorized to assist the Foundation by donation or loan of employee services, supplies, office or building space, or other property either on a reimbursable or non-reimbursable basis.

APPROPRIATIONS

Section 10

(a) This section authorizes to be appropriated for the fiscal year ending June 30, 1963, a sum not in excess of \$5 million, and for each fiscal year thereafter, a sum not to exceed \$10 million as the Congress may determine. Sums appropriated remain available for expenditure for 2 years after the expiration of the fiscal year for which they are appropriated.

(b) Moneys received by the Foundation under the provisions of section 8(a) (3) and (4) are not to be covered into the Treasury as miscellaneous receipts, but kept in a special account maintained by either the Treasury Department or by the Foundation in commercial banks or invested in securities eligible for trust funds in the District of Columbia. These moneys are to be available to the Foundation for carrying out the purposes of the act.

(c) The Director of the Foundation determines any payments to be made and certifies the amounts thereof to the Secretary of the Treasury. When the Secretary of the Treasury receives such certification, he shall pay the certified amount prior to audit or settlement by the General Accounting Office. Sums allotted to any group or State in any fiscal year and not transferred during that year remain available to the group or State for the same purposes for the next fiscal year, in addition to any sums allotted for the next fiscal year.

DEFINITIONS

Section 11

(a) The section defines "visual and performing arts" as meaning (1) the arts of drawing, painting, sculpture, photographic and craft arts, and architecture and allied arts; and (2) means the arts related to performance of theatrical plays, dance, ballet, and choral performances, and performances of musical works (instrumental, voice, and/or

operatic), including the arts of acting, directing, staging, scenic and costume design.

(b) This subsection defines the term "productions" as meaning plays, with or without music, ballets, dance and choral performances, exhibitions, readings, concerts, recitals, operas, and any other performances before the public which involves executing or rendering any of the visual or performing arts and meeting such standards as the Foundation may establish.

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

TITLE

The title of the bill is amended so as to read: "A bill to establish a United States Arts Foundation."