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88TH CONGRESS
1ST SESSION

S. 1316

IN THE SENATE OF THE UNITED STATES

APRIL 11, 1963

Mr. HUMPHREY (for himself, Mr. CLARK, Mr. COOPER, Mr. JAVITS, Mr. LONG of Louisiana, Mr. METCALF, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. SCOTT) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide for the establishment of a National Council on the Arts and a National Arts Foundation to assist in the growth and development of the arts in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "National Arts
5 and Cultural Development Act of 1963".

6 DECLARATION OF POLICY

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

8 (1) that the encouragement and support of the
9 arts, while primarily a matter for private and local

1 initiative, is also an appropriate matter of concern to
2 the Federal Government;

3 (2) that the Nation's prestige and general welfare
4 will be promoted by providing recognition that the arts
5 are a valued part of the Nation's resources;

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

9 (4) that, in order to implement these findings, it is
10 desirable to establish a National Council on the Arts and
11 a National Arts Foundation to provide such recognition
12 and assistance as will encourage and promote the Na-
13 tion's artistic and cultural progress.

14 TITLE I—NATIONAL COUNCIL ON THE ARTS

15 SEC. 101. This title may be cited as the "National
16 Council on the Arts Act of 1963".

17 ESTABLISHMENT OF THE COUNCIL

18 SEC. 102. There is hereby established in the Executive
19 Office of the President a National Council on the Arts (here-
20 inafter referred to as the "Council").

21 MEMBERSHIP OF THE COUNCIL

22 SEC. 103. (a) The Council shall be composed of the
23 Chairman provided for in section 104 of this title, and twenty-
24 four members appointed by the President, by and with the
25 advice and consent of the Senate. Such members shall be

1 selected (1) from among private citizens of the United
2 States who are widely recognized for their knowledge of or
3 experience in, or for their profound interest in, one or more
4 of the arts; (2) so as to include practicing artists, civic and
5 cultural leaders, members of the museum profession, and
6 others who are professionally engaged in the arts; and (3)
7 so as collectively to provide an appropriate distribution of
8 membership among the major art fields including music,
9 drama, dance, folk art, literature, architecture and allied arts,
10 painting, sculpture, photography, graphic and craft arts,
11 costume and fashion design, motion pictures, radio and tele-
12 vision. The President is requested in the making of such
13 appointments to give consideration to such recommendations
14 as may from time to time be submitted to him by leading
15 national organizations in these fields.

16 (b) Each member of the Council shall hold office for
17 a term of six years, except that (1) any member appointed
18 to fill a vacancy occurring prior to the expiration of the term
19 for which his predecessor was appointed shall be appointed
20 for the remainder of such term, and (2) the terms of the
21 members first taking office shall expire, as designated by
22 the President at the time of appointment, eight at the end
23 of the second year, eight at the end of the fourth year, and
24 eight at the end of the sixth year after the date of enactment
25 of this Act. No member of the Council shall be eligible for

1 reappointment during the two-year period following the
2 expiration of his term.

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

6 SPECIAL CONSULTANT ON THE ARTS

7 SEC. 104. (a) The President shall appoint, by and with
8 the advice and consent of the Senate, a Special Consultant
9 on the Arts (hereinafter referred to as the "Special Con-
10 sultant") from among private citizens of the United States
11 who are widely recognized for their knowledge of or ex-
12 perience in, or for their profound interest in, the arts. The
13 Special Consultant shall serve as Chairman of the Council.
14 In addition, he shall advise the President with respect to the
15 activities of the Federal Government in the arts. If a
16 vacancy occurs in the Office of Special Consultant, the Presi-
17 dent shall fill the vacancy in the same manner in which
18 the original appointment was made.

19 (b) The Special Consultant shall serve at the pleasure
20 of the President, but not in excess of eight consecutive years,
21 and shall not be eligible for reappointment during the four-
22 year period following the expiration of his last period of
23 service as a Special Consultant. The provisions of this sub-
24 section shall apply to any person appointed to fill a vacancy
25 in the Office of Special Consultant.

1 (c) The Special Consultant shall receive compensation
2 at the rate of \$22,500 per annum, and shall be reimbursed
3 for travel and subsistence expenses incurred by him while
4 away from his home or regular place of business in accord-
5 ance with the Travel Expense Act of 1949, as amended
6 (5 U.S.C. 836-842), and the Standardized Government
7 Travel Regulations.

8 DUTIES AND RESPONSIBILITIES OF THE COUNCIL

9 SEC. 105. (a) The Council shall meet at the call of the
10 Special Consultant but not less often than twice during
11 each calendar year. Thirteen members of the Council shall
12 constitute a quorum.

13 (b) The Council shall (1) recommend ways to main-
14 tain and increase the cultural resources of the United States,
15 (2) propose methods to encourage private initiative in the
16 arts, (3) advise and consult with the National Arts Foun-
17 dation, and other local, State, and Federal departments and
18 agencies, on methods by which to foster artistic and cultural
19 endeavors and the use of the arts, both nationally and inter-
20 nationally, in the best interests of our country, and (4) con-
21 duct studies and make recommendations with a view to
22 formulating methods or ways by which creative activity
23 and high standards and increased opportunities in the arts
24 may be encouraged and promoted in the best interests of
25 the Nation's artistic and cultural progress, and a greater ap-

1 appreciation and enjoyment of the arts by our citizens can
2 be encouraged and developed.

3 (c) In selecting subjects to be studied pursuant to sub-
4 section (b) of this section, the Council (1) shall consider
5 requests submitted to it by the Chairman of the National
6 Arts Foundation, and the heads of departments and agencies
7 of the Federal Government, and (2) may obtain the advice
8 of any interested and qualified persons and organizations.
9 In making its studies pursuant to such subsection, the Council
10 may obtain assistance from such committees and panels as
11 may be appointed by the Special Consultant from among
12 those persons professionally qualified in the fields of art
13 with which such studies are concerned, who are recommended
14 to him by the Council.

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

1 COMPENSATION OF MEMBERS OF THE COUNCIL

2 SEC. 106. Members of the Council, and persons ap-
3 pointed to assist the Council in making its studies, while
4 attending meetings of the Council, or while engaged in
5 duties related to such meetings, or while engaged in the
6 conduct of studies authorized by this title, shall receive com-
7 pensation at a rate to be fixed by the Special Consultant,
8 but not exceeding \$75 per diem and shall be paid travel
9 expenses, including per diem in lieu of subsistence, as author-
10 ized by law (5 U.S.C. 73b-2) for persons in the Govern-
11 ment service employed intermittently.

12 STAFF OF THE COUNCIL

13 SEC. 107. (a) There shall be an Executive Secretary
14 of the Council who shall be appointed by the Special Con-
15 sultant after consultation with the Council. The Executive
16 Secretary shall receive compensation at a rate prescribed by
17 the Special Consultant, but not in excess of the scheduled
18 rate of basic compensation provided for grade GS-18 in the
19 Classification Act of 1949.

20 (b) The Special Consultant is authorized to appoint,
21 subject to the civil service laws, such secretarial, clerical,
22 and other staff assistance as is necessary to enable the Special
23 Consultant and the Council, its Executive Secretary, and
24 its special committees, to carry out their functions and duties,

1 and to fix the compensation of persons so appointed in
2 accordance with the Classification Act of 1949.

3 (c) The Special Consultant is authorized to procure in
4 accordance with such policies as the Council shall from time
5 to time prescribe, without regard to the civil service laws
6 and the classification laws, temporary and intermittent serv-
7 ices to the same extent as is authorized for the departments
8 by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a),
9 but at rates for individuals not in excess of \$75 a day.

10 DONATIONS OF FUNDS OR GIFTS

11 SEC. 108. The Council is authorized to receive and use
12 funds or marked gifts donated by others, if such funds are
13 donated without restriction other than that they be used in
14 furtherance of one or more of the general purposes of the
15 Council. Moneys received by the Council under this section
16 shall not be covered into the Treasury as miscellaneous
17 receipts, but shall be kept in a special account, maintained by
18 the Treasury Department, or kept by the Council in commer-
19 cial banking institutions, or invested in securities eligible for
20 trust funds in the District of Columbia, and shall be available
21 to the Foundation for the purposes of this title.

22 EXPENSES OF THE COUNCIL

23 SEC. 109. There are hereby authorized to be appropri-
24 ated to the Council such sums as may be necessary to carry
25 out the purposes of this title.

1 GENERAL PROVISION

2 SEC. 110. This title shall not be deemed to invalidate
3 any provision in any Act of Congress or Executive order
4 vesting authority in the Commission of Fine Arts.

5 TITLE II—NATIONAL ARTS FOUNDATION

6 SEC. 201. This title may be cited as the “National Arts
7 Foundation Act of 1963”.

8 ESTABLISHMENT OF FOUNDATION

9 SEC. 202. There is hereby established in the executive
10 branch of the Government an independent agency to be
11 known as the National Arts Foundation (hereinafter
12 referred to as the “Foundation”).

13 TRUSTEES OF FOUNDATION

14 SEC. 203. (a) The Foundation shall be subject to the
15 general supervision and policy direction of a Board of
16 Trustees which shall consist of twenty-one members to be
17 appointed by the President, by and with the advice and
18 consent of the Senate. Such members shall be selected (1)
19 from among private citizens of the United States who are
20 widely recognized for their knowledge of or experience in,
21 or for their profound interest in, one or more of the arts;
22 (2) so as to include practicing artists, civic and cultural
23 leaders, members of the museum profession, and others who
24 are professionally engaged in the arts; and (3) so as collec-

1 tively to provide an appropriate distribution of membership
2 among the major art fields listed in section 211 (a) of this
3 title. The President is requested in the making of such
4 appointments to give consideration to such recommendations
5 as may from time to time be submitted to him by leading
6 national organizations in these fields and the National Coun-
7 cil on the Arts.

8 (b) The term of office of each trustee of the Foundation
9 shall be six years; except that the terms of the trustees first
10 taking office after the enactment of this title shall expire, as
11 designated by the President at the time of appointment, seven
12 at the end of two years after the date of enactment of this
13 title, seven at the end of four years after such date, and seven
14 at the end of six years after such date. If a vacancy occurs
15 in the term of office of a trustee, such vacancy shall be
16 filled only for the unexpired portion of such term. Any per-
17 son who has been a trustee of the Foundation for twelve or
18 more consecutive years shall be ineligible for appointment
19 during the two-year period following the termination of his
20 duties as such a trustee.

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

24 (d) A majority of the trustees of the Foundation shall
25 constitute a quorum.

1 (e) The President shall call the first meeting of the trust-
2 tees of the Foundation, at which the first order of business
3 shall be the election of a Chairman and a Vice Chairman,
4 who shall serve until two years after the date of enactment
5 of this title. Thereafter each Chairman and Vice Chairman
6 shall be elected for a term of four years in duration and each
7 such election shall take place at the annual meeting occurring
8 at the end of each such term. The Vice Chairman shall per-
9 form the duties of the Chairman in his absence. In case a
10 vacancy occurs in the chairmanship or vice chairmanship, the
11 Foundation shall elect an individual from among the trustees
12 to fill such vacancy for the remainder of such term.

13 (f) The trustees of the Foundation shall meet at the
14 call of the Chairman, but not less than four times each year.
15 The Chairman shall also call a meeting whenever one-third
16 of the trustees so request in writing. Each trustee shall be
17 given notice, by registered mail mailed to his last known
18 address of record not less than fifteen days prior to any
19 meeting, of the call of such meeting.

20 **DIRECTOR OF FOUNDATION**

21 **SEC. 204.** (a) The Director of the Foundation shall be
22 appointed by the President, by and with the advice and con-
23 sent of the Senate. In the appointment of the Director the
24 President is requested to give due consideration to any
25 recommendations submitted to him by the Board of Trustees.

1 The Director shall serve as an ex officio trustee of the Foun-
2 dation. In addition, he shall be the chief executive officer
3 of the Foundation. The Director shall receive compensation
4 at the rate of \$22,500 per annum and shall serve for a term
5 of six years unless previously removed by the President.

6 (b) The Director may appoint, with the approval of the
7 Board of Trustees, a Deputy Director, who shall perform
8 such functions as the Director, with the approval of the
9 trustees, may prescribe, and shall be Acting Director during
10 the absence or disability of the Director. In the event of a
11 vacancy in the office of the Director, the Deputy Director
12 shall serve as Acting Director until the President shall fill
13 such vacancy. The Deputy Director shall receive compen-
14 sation at a rate not to exceed the scheduled rate of basic
15 compensation provided for grade GS-18 in the Classification
16 Act of 1949.

17 (c) The Director shall have general authority to carry
18 out and execute the programs of the Foundation on a full-
19 time, continuous basis, to recommend programs to the
20 Foundation, and to discharge such other functions as the
21 Foundation may delegate to him consistent with this title.

22 (d) The Director and the Deputy Director shall be
23 reimbursed for travel and subsistence expenses incurred
24 by them while away from their homes or regular places of
25 business in accordance with the Travel Expense Act of

1 1949, as amended, and the Standardized Government Travel
2 Regulations.

3 (e) The Director and the Deputy Director shall be ap-
4 pointed without regard to the civil service laws and regula-
5 tions.

6 (f) The Director and the Deputy Director shall not
7 engage in any other business, vocation, or employment than
8 that of serving as Director or Deputy Director, or hold any
9 office in, or act in any capacity for, any organization, agency,
10 or institution with which the Foundation makes any contract
11 or other arrangement under this Act.

12 GRANTS TO GROUPS AND STATES

13 SEC. 205. (a) (1) The Foundation is authorized to
14 establish and conduct a program of grants-in-aid in a manner
15 consistent with the declaration of policy set forth in the
16 National Arts and Cultural Development Act of 1963, from
17 the funds appropriated to the Foundation or otherwise ob-
18 tained pursuant to section 207 (a) (3) or (4) of this
19 title, to nonprofit professional groups (and nonprofit groups
20 meeting professional standards) engaged in or concerned
21 with the arts, for the purpose of enabling such groups to
22 provide (1) productions which have substantial artistic
23 and cultural significance, giving preference to works of
24 persons domiciled in the United States, (2) productions of

1 significant merit that, without such assistance, would other-
2 wise be unavailable to our citizens in many areas of the
3 country, (3) projects that will encourage and assist artists
4 domiciled in the United States, (4) projects that will
5 encourage and develop the appreciation and enjoyment of
6 the arts by our citizens, and (5) other relevant projects
7 including surveys, research, and planning in the arts. No
8 portion of any moneys granted under this subsection shall
9 be applied to the purchase, erection, preservation, or repair
10 of any building or buildings, or for the purchase or rental
11 of any lands.

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

16 (3) The amount of any grants allotted to any group
17 pursuant to this subsection shall not exceed 50 per centum
18 of the total cost of such project or production, except that
19 not more than 20 per centum of the funds appropriated to
20 the Foundation for the purposes of this section for any
21 fiscal year may be available for allotment by the Foundation
22 in such fiscal year without regard to such limitation in the
23 case of any group which submits evidence to the Foundation
24 that it has attempted unsuccessfully to secure an amount of
25 funds equal to the grant applied for by such group, together

1 with a statement of the proportion which any funds it has
2 secured represent of the funds applied for by such group.

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

10 (b) (1) The Foundation is authorized to establish and
11 conduct a program of grants-in-aid, in a manner consistent
12 with the declaration of policy set forth in the National Arts
13 and Cultural Development Act of 1963, from the funds ap-
14 propriated to the Foundation or otherwise obtained pursuant
15 to section 207 (a) (3) or (4) of this title, to assist the sev-
16 eral States in supporting existing projects and productions
17 which are making a significant public contribution in one
18 or more of the arts, and in developing projects and produc-
19 tions in the arts in such a manner as will furnish adequate
20 programs, facilities, and services in the arts to all the people
21 and communities in each of the several States. No portion
22 of any moneys granted under this subsection shall be applied
23 to the purchase, erection, preservation, or repair of any
24 building or buildings, or for the purchase or rental of any
25 lands.

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

5 (A) designates a State agency (hereinafter in this
6 title referred to as the “State agency”) as the sole
7 agency for the administration of the State plan;

8 (B) provides that funds paid to the State under
9 this title will be expended solely on projects and produc-
10 tions approved by the State agency which carry out one
11 or more of the objectives of this title; and

12 (C) provides that the State agency will make such
13 reports, in such form and containing such informa-
14 tion, as the Foundation may from time to time require.

15 (3) Each State which has a plan approved by the
16 Foundation in effect on the first day of the fiscal year be-
17 ginning July 1, 1964, or any succeeding fiscal year, shall
18 be entitled to a maximum allotment in any such fiscal year
19 of an amount equal to half the total amount appropriated to
20 the Foundation for the purposes of this section for such fiscal
21 year divided by the total number of States. In the event
22 that any sum is remaining out of the maximum allotment
23 available for grants to each State in any fiscal year after
24 all allotments are made to States with approved plans in
25 effect on the first day of such fiscal year, the Foundation,

1 in its discretion, may grant the aggregate of such remaining
2 sums or any portion thereof to any group eligible for finan-
3 cial assistance under subsection (a) of this section or State
4 agency for projects and productions which the Foundation
5 finds will encourage the arts in areas where such assistance
6 will be of value. In making grants to any group pursuant
7 to this subsection, the Foundation shall require matching
8 funds in accordance with the provisions of subsection
9 (a) (3) of this section.

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

14 (c) Whenever the Foundation, after reasonable notice
15 and opportunity for hearing to any group or State agency,
16 finds that—

17 (1) any such group is not complying substantially
18 with the provisions of this title;

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

22 (3) any funds granted to such group or agency un-
23 der this title have been diverted from the purposes for
24 which they were allotted or paid

1 the Foundation shall immediately notify the Secretary of the
2 Treasury and the group or State agency concerned that no
3 further grants will be made under this title with respect to
4 such group or State agency until there is no longer any de-
5 fault or failure to comply or the diversion has been corrected,
6 or, if compliance or correction is impossible, until the group
7 or State repays or arranges the repayment of the Federal
8 funds which have been improperly diverted or expended.

9 ADVISORY COMMITTEES, COUNCILS, OR PANELS

10 SEC. 206. The Foundation may appoint persons other
11 than trustees of the Foundation to committees, councils, or
12 panels concerned with particular regions of the country or
13 with particular aspects of the arts, or both, to advise and
14 consult with the Foundation with respect to the duties of the
15 Foundation and the projects and productions for which
16 financial assistance is sought by groups and States. Such ap-
17 pointments shall be made without regard to the civil service
18 laws and regulations.

19 ADMINISTRATIVE POWERS AND DUTIES OF THE FOUNDATION

20 SEC. 207. (a) The Foundation is authorized to—

21 (1) prescribe such rules and adopt such bylaws
22 as it deems necessary governing the manner of its
23 operation and its organization and personnel;

24 (2) make expenditures, and enter into contracts
25 or other arrangements, as may be necessary for admin-

1 istering the provisions of this title, without regard to
2 the provisions of section 3709 of the Revised Statutes
3 (4 U.S.C. 5) ;

4 (3) acquire by loan or gift, and to hold and dispose
5 of by sale, lease, or loan, real and personal property
6 of all kinds necessary for, or resulting from, the exer=
7 cise of authority granted by this title;

8 (4) receive and use funds or marked gifts or
9 property donated by others, if such funds are donated
10 without restriction other than that they be used in
11 furtherance of one or more of the general purposes of
12 the Foundation;

13 (5) accept and utilize the services of voluntary and
14 uncompensated personnel;

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

18 (7) pay to persons rendering services to the Foun=
19 dation on an uncompensated basis or on a fee or contract
20 basis, as provided in paragraphs (5) and (6) of this
21 subsection, travel and subsistence expenses while away
22 from their homes or regular places of business in ac=
23 cordance with the Travel Expense Act of 1949, as
24 amended, and the Standardized Government Travel
25 Regulations; and

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

2 (b) The Foundation is authorized to procure assistance,
3 as specified herein, from any department, agency, and in-
4 strumentality of the executive branch of the Government, or
5 any independent agency of the United States, with the con-
6 sent of the head thereof, and each such department, agency,
7 or instrumentality is authorized to render such assistance to
8 the Foundation by the donation or loan of employee services
9 and by the donation or loan of supplies, office or building
10 space, or other property, either on a reimbursable or nonreim-
11 bursable basis, upon request made by the Director or Deputy
12 Director of the Foundation.

13 (c) The Foundation shall not itself produce or present
14 any project or production.

15 (d) Not later than ninety days after the end of each
16 fiscal year, the Foundation shall submit to the President
17 and the Congress an annual report summarizing the activi-
18 ties of the Foundation and making such recommendations as
19 it may deem appropriate.

20 STAFF OF THE FOUNDATION

21 SEC. 208. The Director shall, in accordance with such
22 policies as the Foundation shall from time to time prescribe,
23 appoint and fix the compensation of such personnel as may
24 be necessary to carry out the provisions of this title. Such

1 appointments shall be made and such compensation shall be
2 fixed in accordance with the provisions of the civil service
3 laws and regulations and the Classification Act of 1949, as
4 amended, except that the Director may, in accordance with
5 such policies as the Foundation shall from time to time
6 prescribe, employ such technical and professional personnel
7 or personnel with experience in or relating to any of the
8 arts, and fix their compensation without regard to such laws,
9 as he may deem necessary for the discharge of the respon-
10 sibilities of the Foundation under this title.

11 COMPENSATION OF THE TRUSTEES OF THE FOUNDATION
12 AND THE MEMBERS OF ITS COUNCILS, COMMITTEES,
13 AND PANELS

14 SEC. 209. The trustees of the Foundation, and the mem-
15 bers of the councils, committees, and panels shall receive
16 compensation at a rate to be fixed by the President in the
17 case of the trustees, and by the Foundation in the case of the
18 members, but not to exceed \$75 for each day in which they
19 are actually engaged in the business of the Foundation pur-
20 suant to authorization of the Foundation, and shall be allowed
21 travel and subsistence expenses while away from their homes
22 or regular places of business in accordance with the Travel
23 Subsistence Act of 1949, as amended, and the Standardized
24 Government Travel Regulations.

1 APPROPRIATIONS

2 SEC. 210. (a) For the purpose of making grants au-
3 thORIZED in section 205 of this title, there is hereby author-
4 ized to be appropriated for the fiscal year ending June 30,
5 1964, such sum, not exceeding \$5,000,000, and for each
6 fiscal year thereafter such sum, not exceeding \$10,000,000
7 annually, as the Congress may determine. The moneys ap-
8 propriated to the Foundation shall remain available for ex-
9 penditure for two years following the expiration of the fiscal
10 year for which appropriated.

11 (b) Moneys received by the Foundation under section
12 207 (a) (3) and (4) of this title, shall not be covered into
13 the Treasury as miscellaneous receipts, but shall be kept in
14 a special account, maintained by the Treasury Department,
15 or kept by the Foundation in commercial banking institu-
16 tions, or invested in securities eligible for trust funds in the
17 District of Columbia, and shall be available to the Foundation
18 for the purposes of this title.

19 (c) The Director shall determine any payments to be
20 made under this title and certify to the Secretary of the
21 Treasury the amounts thereof. Upon receipt of such certi-
22 fication, the Secretary of the Treasury shall, prior to audit or
23 settlement by the General Accounting Office, pay in accord-
24 ance with such certification. Sums allotted to any group or
25 State for any fiscal year under this title and not transferred

1 during that fiscal year shall remain available to such group
2 or State for the same purposes for the next fiscal year in
3 addition to the sums allotted for such next fiscal year.

4 (d) There are hereby authorized to be appropriated
5 such sums as are necessary to administer the provisions of
6 this title.

7 DEFINITIONS

8 SEC. 211. As used in this title—

9 (a) The term “the arts” means (1) the major art fields
10 including music (instrumental and vocal), drama, dance,
11 folk art, literature, architecture and allied fields, painting,
12 sculpture, photography, graphic and craft arts, costume and
13 fashion design, motion pictures, television, and radio; and
14 (2) the arts related to the presentation, performance, execu-
15 tion, and exhibition of such major art fields.

16 (b) The term “production” means plays (with or
17 without music), ballet, dance and choral performances, con-
18 certs, recitals, operas, exhibitions, readings, motion pictures,
19 radio, and television, and any other activities involving the
20 execution or rendition of the arts and meeting such standards
21 as the Foundation may establish.

22 (c) The term “project” means programs organized by
23 groups, States, and State agencies to carry out the purposes
24 of this Act, including educational programs, artistic and
25 cultural appreciation courses, training of artists, commission-

1 ing of works, artistic and cultural presentations, and research,
 2 surveys, and planning in the arts.

3 (d) The term "group" includes any society, institution,
 4 organization, association, museum, or establishment, whether
 5 or not incorporated.

88TH CONGRESS
 1ST SESSION

S. 1316

A BILL

To provide for the establishment of a National Council on the Arts and a National Arts Foundation to assist in the growth and development of the arts in the United States.

By MR. HUMPHREY, MR. CLARK, MR. COOPER,
 MR. JAVITS, MR. LONG of Louisiana, MR. METCALF,
 MR. PELL, MR. RANDOLPH, MR. RIBICOFF, and MR. SCOTT

APRIL 11, 1963

Read twice and referred to the Committee on Labor and Public Welfare