

88TH CONGRESS  
1ST SESSION

# H. R. 324

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1963

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

## A BILL

To establish a National Institute of the Arts and Humanities, to authorize programs of information, education, advisory services, and financial assistance for the encouragement and advancement of artistic and cultural activities, and for the development of a more widespread appreciation of America's cultural heritage and accomplishments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 *That this Act may be cited as the "Cultural Development*  
4 *Act of 1963".*

## 1 TITLE I—MISCELLANEOUS

## 2 FINDINGS AND PURPOSES OF ACT

3 SEC. 101. The Congress finds that the vitality, quality,  
4 and further development of the arts and humanities in the  
5 United States are matters of profound national interest, and  
6 that the preservation and extension of the Nation's cultural  
7 resources requires that the Federal Government provide ap-  
8 propriate encouragement and support to public and other  
9 nonprofit agencies, institutions, organizations, and associa-  
10 tions engaged in education in, sponsorship of, or otherwise  
11 advancing, artistic and cultural interest and activity. The  
12 Congress also finds that the many Federal programs and  
13 activities which involve, or which affect or are related to  
14 the arts and humanities should be assessed and evaluated in  
15 terms of their impact on American culture, and, insofar as it  
16 is practical, be coordinated and related to broad cultural needs  
17 and objectives.

18 While the Congress strongly affirms that individual  
19 initiative and personal choice are the inviolable characteristics  
20 of American art and culture, it recognizes that government  
21 has a responsibility to help assure that conditions in our  
22 society encourage creativity. Increasing urbanization and  
23 population growth, greatly increased leisure time afforded by  
24 industrial and agricultural technology, early retirement, and  
25 extended lifespan and related factors have created an enor-

1 mous need and opportunity for the pursuit and enjoyment of  
2 cultural interests. The failure of our society to meet this  
3 need and to exploit this opportunity would be a tragic blow to  
4 the general welfare of the American people.

5 It is the purpose of this Act to provide a means by which  
6 the Federal Government can render effective assistance, in  
7 ways entirely appropriate for government, to efforts to en-  
8 courage cultural development.

9 ASSURANCE AGAINST FEDERAL INTERFERENCE

10 SEC. 102. In the administration of this Act, no depart-  
11 ment, agency, officer, or employee of the United States shall  
12 exercise any direction, supervision, or control over the policy  
13 determination, personnel, curriculum, or the administration  
14 or operation of any school or other non-Federal agency, in-  
15 stitution, organization, or association.

16 DEFINITIONS

17 SEC. 103. For purposes of this Act—

18 (a) The term "Commissioner" means the United States  
19 Commissioner of Education.

20 (b) The term "Secretary" means the Secretary of  
21 Health, Education, and Welfare.

22 (c) The term "State" means a State, the Common-  
23 wealth of Puerto Rico, Guam, the Virgin Islands, American  
24 Samoa, and the District of Columbia.

1 (d) The term "nonprofit agencies, institutions, organ-  
2 izations, or associations" means those organizations described  
3 in section 501 (c) of the Internal Revenue Code of 1954.

4 (e) The term "art" or "arts" means both the perform-  
5 ing and the nonperforming arts, including but not limited to  
6 music, painting, sculpture, architecture, drama, the dance;  
7 the term "humanities" includes modern and ancient language  
8 and literature, history and philosophy; the term "culture"  
9 or "cultural" is used more broadly to characterize the whole  
10 range of interests and activities that promote the enlighten-  
11 ment and refinement of the public in intellectual and esthetic  
12 matters.

#### 13 EXEMPTION FROM CONFLICT-OF-INTEREST LAWS OF

#### 14 MEMBERS OF ADVISORY COUNCIL

15 SEC. 104. (a) Any member of the Federal Advisory  
16 Council appointed under this Act, who is not a regular full-  
17 time employee of the United States, is hereby exempted,  
18 with respect to such appointment, from the operation of sec-  
19 tions 281, 283, and 1914 of title 18 of the United States  
20 Code, and section 190 of the Revised Statutes (5 U.S.C.  
21 99), except as otherwise specified in subsection (b) of this  
22 section.

23 (b) The exemption granted by subsection (a) shall  
24 not extend—

25 (1) to the receipt or payment of salary in con-

1 nection with the appointee's Government service from  
2 any source other than the private employer of the ap-  
3 pointee at the time of his appointment, or  
4 (2) during the period of such appointment, to the  
5 prosecution or participation in the prosecution, by any  
6 person so appointed, of any claim against the Govern-  
7 ment involving any matter with which such person, dur-  
8 ing such period, is or was directly connected by reason  
9 of such appointment.

#### 10 AUTHORIZATION OF APPROPRIATIONS

11 SEC. 105. There is hereby authorized to be appropriated  
12 for the fiscal year beginning July 1, 1963, and for each  
13 fiscal year thereafter, such sums as may be necessary to carry  
14 out the purposes of this Act.

#### 15 TITLE II—NATIONAL INSTITUTE OF ARTS AND 16 HUMANITIES

17 SEC. 201. There is hereby established in the United  
18 States Office of Education a National Institute of Arts and  
19 Humanities (hereafter referred to as the "Institute"). The  
20 Institute shall consist of a Federal Advisory Council on Arts  
21 and Humanities (hereafter referred to as the "Council") and  
22 a Director and staff.

#### 23 FUNCTIONS OF THE INSTITUTE

24 SEC. 202. (a) The Institute is authorized and directed—  
25 (1) to conduct studies and develop recommenda-

1 tions for national policy in the encouragement of the arts  
2 and humanities and in the advancement of culture;

3 (2) to support research, surveys, demonstrations, or  
4 experimental projects designed to advance the arts and  
5 humanities, including the evaluation of such activities,  
6 through contracts with or grants to State and other  
7 public agencies, institutions of higher education, or  
8 public or other nonprofit agencies, institutions, organiza-  
9 tions, or associations;

10 (3) to promote and advance education in the arts  
11 and humanities by the production or commissioning,  
12 collection, and dissemination of films, records, tapes,  
13 reproductions, or printed matter suitable for use in  
14 courses or lectures in the arts conducted by schools,  
15 colleges, and universities, or other nonprofit institutions  
16 engaged in providing education in the arts and  
17 humanities;

18 (4) to maintain a central clearinghouse of informa-  
19 tion covering the various aspects of the arts and humani-  
20 ties in the United States, including activities of other  
21 Federal departments or agencies, and to make such in-  
22 formation available to the public;

23 (5) to provide, through the award of graduate fel-  
24 lowships or traineeships to individuals (within the limits  
25 of such sums as the Congress may specifically appro-

1 puate for this purpose), or through arrangements (by  
2 contract or grant) with groups specified in section 202  
3 (a) (2) for the conduct of institutes or seminars, for  
4 the training of teaching, technical and administrative  
5 personnel who, in the judgment of the Council, are in  
6 short supply and are most needed by educational and  
7 other cultural institutions and agencies to promote the  
8 advancement of the arts and humanities;

9 (6) to render consultative and advisory services to  
10 other Federal departments and agencies, State and other  
11 public agencies, public and other nonprofit educational  
12 agencies and institutions, and to other nonprofit agencies,  
13 institutions, organizations, or associations concerned  
14 with education in or advancement of the arts and humani-  
15 ties.

16 (b) In exercising the authority and discharging the func-  
17 tions referred to in subsection (a) of this section, the Insti-  
18 tute shall place primary emphasis upon the educational  
19 aspects of the arts and humanities but it shall interpret "edu-  
20 cation" broadly so as to include all levels, conducted formally  
21 or informally by both public and private groups specified  
22 in section 202 (a) (2) for the benefit of people of all ages.

23 (c) The Commissioner shall render an annual report  
24 to the Secretary for submission on or before the 15th day  
25 of January of each year to the Congress, summarizing the

1 activities of the Institute and making such recommendations  
2 as he may deem advisable. Such report shall include minor-  
3 ity views and recommendations, if any, of members of the  
4 Council.

5 TITLE III—FEDERAL ADVISORY COUNCIL ON  
6 ARTS AND HUMANITIES

7 SEC. 301. (a) The Council shall consist of twenty-four  
8 members to be appointed without regard to civil service laws  
9 by the Secretary, and of the Institute Director ex officio,  
10 and shall, as provided by this Act, advise the Commissioner  
11 in the exercise of the authority granted to the Institute by  
12 this Act, and advise the Secretary on national needs relating  
13 to the arts and to the humanities in the United States. The  
14 persons appointed as members (1) shall be eminent in the  
15 education in or the practice, performance, administration,  
16 criticism, or promotion of the arts, letters, or cultural in-  
17 terests of the United States; (2) shall be selected solely on  
18 the basis of records of distinguished service; and (3) shall  
19 be so selected as to be broadly representative of the artistic  
20 and cultural interests encompassed by this Act.

21 (b) The term of office of each member of the Council  
22 (except that of the Director) shall be six years, except that  
23 (1) any member appointed to fill a vacancy occurring prior  
24 to the expiration of the term of his predecessor shall be ap-  
25 pointed for the remainder of such term; and (2) the terms of



1 office of members first appointed after the date of enactment  
2 of this Act shall expire, as designated by the Secretary,  
3 eight at the end of two years, eight at the end of four years,  
4 and eight at the end of six years.

5 (c) The Secretary shall call the first meeting of the  
6 Council, at which the first order of business shall be the elec-  
7 tion of a Chairman and a Vice Chairman. The Institute Di-  
8 rector shall be secretary to the Council.

9 (d) The Council shall meet at least once annually and  
10 at such other times as requested by the Commissioner. A  
11 majority of the voting members shall constitute a quorum,  
12 and each member shall be given reasonable notice in writing  
13 of the call of a meeting.

14 (e) The Chairman and the Vice Chairman shall be  
15 elected by the Council at the first meeting for a term of  
16 two years, and at every succeeding annual meeting occurring  
17 at the end of each such two-year term, except that a vacancy  
18 in either office may be filled by vote of the Council.

19 (f) The members of the Council shall receive compen-  
20 sation at the rate of \$100 for each day engaged in the  
21 business of the Council pursuant to its authorization, and  
22 shall be allowed travel expenses, including per diem in lieu  
23 of subsistence, as authorized by law (5 U.S.C. 73b-2) for  
24 persons in the Government service employed intermittently.

## 1 AUTHORITY OF COMMISSIONER

2 SEC. 302. In order to carry out the functions of the  
3 Institute, the Commissioner shall have the authority, within  
4 the limits of available appropriations, to do all things neces-  
5 sary to carry out the provisions of this Act, including but  
6 not limited to the authority—

7 (a) to prescribe such rules and regulations as he  
8 deems necessary governing the manner of the Institute's  
9 operation and organization and personnel;

10 (b) to make such expenditures as may be necessary  
11 for the administration of this Act;

12 (c) to make grants or enter into contracts or other  
13 financial arrangements as authorized by this Act, except  
14 that such grants, contracts, or other financial arrange-  
15 ments shall be limited to those recommended by the  
16 Council, or by a committee of members established by  
17 the Council for this purpose;

18 (d) to make advance, progress, and other payments  
19 in connection with contracts without regard to the pro-  
20 visions of section 3648 of the Revised Statutes (31  
21 U.S.C. 529) ;

22 (e) to acquire by purchase, lease, loan, or gift, and  
23 to hold and dispose of by sale, lease, or loan, real and  
24 personal property of all kinds necessary for, or resulting  
25 from, the exercise of authority granted by this Act;

1 (f) to receive and use funds donated by others,  
2 provided that such funds are donated without restriction  
3 other than that they be used to further one or more of  
4 the general purposes of the Institute;

5 (g) to accept and utilize the services of voluntary  
6 and uncompensated personnel and to provide transporta-  
7 tion and subsistence as authorized by law for persons  
8 serving without compensation; and

9 (h) to employ such personnel as he may deem  
10 necessary to carry out the functions of the Institute  
11 under this Act, not to exceed twenty of which may be  
12 technical and professional persons including the Director  
13 of the Institute compensated at rates not to exceed  
14 \$19,000 per annum without regard to civil service laws  
15 and regulations and the Classification Act of 1949 (as  
16 amended);

17 (i) the Commissioner is authorized to delegate any  
18 of his functions under this Act, except the making of  
19 regulations, to any officer or employee of the Office of  
20 Education.

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

*That this Act may be cited as the "Cultural Development*

*Act of 1963."*

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