

88TH CONGRESS
2D SESSION

H. R. 11045

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1964

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

A BILL

To provide for the establishment of a National Council on the Arts, a National Arts Foundation, and a National Institute of the Arts and Humanities to assist in the growth and development of the arts and humanities 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
5 Arts and Cultural Development Act of 1964".

6 DECLARATION OF POLICY

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

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

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

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

8 (3) that it is in the best interests of the United
9 States to maintain, develop, and disseminate the Na-
10 tion's artistic and cultural resources; and

11 (4) that, in order to implement these findings, it
12 is desirable to establish a National Council on the
13 Arts, a National Arts Foundation to provide such
14 recognition and assistance as will encourage and pro-
15 mote the Nation's artistic and cultural progress, and a
16 National Institute of Arts and Humanities to promote
17 and advance education in these important fields through
18 the support of studies, research, training, and the dis-
19 semination of information.

20 **ASSURANCE AGAINST FEDERAL INTERFERENCE**

21 **SEC. 3.** In the administration of this Act, no department,
22 agency, officer, or employee of the United States shall exer-
23 cise any direction, supervision, or control over the policy and

1 program determination, personnel, curriculum, or the admin-
2 istration or operation of any school or other non-Federal
3 agency, institution, organization, or association.

4 TITLE I—NATIONAL COUNCIL ON THE ARTS

5 SEC. 101. This title may be cited as the “National Coun-
6 cil on the Arts Act of 1964”.

7 ESTABLISHMENT OF THE COUNCIL

8 SEC. 102. There is hereby established in the Executive
9 Office of the President a National Council on the Arts (here-
10 inafter referred to as the “Council”).

11 MEMBERSHIP OF THE COUNCIL

12 SEC. 103. (a) The Council shall be composed of the
13 Chairman provided for in section 104 of this title, and
14 twenty-four members appointed by the President. Such
15 members shall be selected (1) from among private citizens
16 of the United States who are widely recognized for their
17 broad knowledge of or experience in, or for their profound
18 interest in the arts; (2) so as to include practicing artists,
19 civic cultural leaders, members of the museum profession, and
20 others who are professionally engaged in the arts; and (3)
21 so as collectively to provide an appropriate distribution of
22 membership among the major art fields including music,
23 drama, dance, folk art, literature, architecture and allied

1 arts, painting, sculpture, photography, graphic and craft
2 arts, industrial design, costume and fashion design, motion
3 pictures, radio and television. The President is requested
4 in the making of such appointments to give consideration to
5 such recommendations as may from time to time be sub-
6 mitted to him by leading national organizations in these
7 fields.

8 (b) Each member of the Council shall hold office for
9 a term of six years, except that (1) any member appointed
10 to fill a vacancy occurring prior to the expiration of the term
11 for which his predecessor was appointed shall be appointed
12 for the remainder of such term, and (2) the terms of the
13 members first taking office shall expire, as designated by
14 the President at the time of appointment, eight at the end
15 of the second year, eight at the end of the fourth year, and
16 eight at the end of the sixth year after the date of enactment
17 of this Act. No member of the Council shall be eligible for
18 reappointment during the two-year period following the
19 expiration of his term.

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

CHAIRMAN OF THE COUNCIL

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2 SEC. 104. (a) The President shall appoint, by and with
3 the advice and consent of the Senate, a Chairman of the Coun-
4 cil (hereinafter referred to as the "Chairman") from among
5 private citizens of the United States who are widely recog-
6 nized for their knowledge of or experience in, or for their
7 profound interest in, the arts. In addition, he shall advise
8 the President with respect to the activities of the Federal
9 Government in the arts. If a vacancy occurs in the Office
10 of the Chairman the President shall fill the vacancy in the
11 same manner in which the original appointment was made.

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

19 (c) The Chairman shall receive compensation at the
20 rate of \$21,000 per annum, and shall be reimbursed for
21 travel and subsistence expenses incurred by him while away

1 from his home or regular place of business in accordance
2 with the Travel Expense Act of 1949, as amended (5 U.S.C.
3 836-842), and the Standardized Government Travel
4 Regulations.

5 DUTIES AND RESPONSIBILITIES OF THE COUNCIL

6 SEC. 105. (a) The Council shall meet at the call of the
7 Chairman but not less often than twice during each calendar
8 year. Thirteen members of the Council shall constitute a
9 quorum.

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

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

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

23 COMPENSATION OF MEMBERS OF THE COUNCIL

24 SEC. 106. Members of the Council, and persons ap-
25 pointed to assist the Council in making its studies, while

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

9

STAFF OF THE COUNCIL

10 SEC. 107. (a) The Chairman is authorized to appoint,
11 subject to the civil service laws, such secretarial, clerical, and
12 other staff assistance as is necessary to enable the Chairman
13 and the Council, and its special committees, to carry out their
14 functions and duties, and to fix the compensation of persons
15 so appointed in accordance with the Classification Act of
16 1949.

17 (b) The Chairman is authorized to procure in accord-
18 ance with such policies as the Council shall from time to time
19 prescribe, without regard to the civil service laws and the
20 classification laws, temporary and intermittent services to the
21 same extent as is authorized for the departments by section
22 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates
23 for individuals not in excess of \$75 a day.

EXPENSES OF THE COUNCIL

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SEC. 108. There are hereby authorized to be appropriated to the Council such sums as may be necessary to carry out the purposes of this title.

5

GENERAL PROVISION

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SEC. 109. (a) This title shall not be deemed to invalidate any provision in any Act of Congress or Executive order vesting authority in the Commission of Fine Arts or any other statutory Federal advisory body.

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(b) Nothing contained in this title shall be construed to authorize the Council to undertake any duty or responsibility which is the duty or responsibility of any other Federal advisory body established by law as of the date of enactment of this title.

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TITLE II—NATIONAL ARTS FOUNDATION

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SEC. 201. This title may be cited as the "National Arts Foundation Act of 1964".

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ESTABLISHMENT OF FOUNDATION

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SEC. 202. Effective as of ninety days after the date of the establishment of the National Council on the Arts, there is hereby established in the executive branch of the Government an independent agency to be known as the

1 National Arts Foundation (hereinafter referred to as the
2 "Foundation").

3 TRUSTEES OF FOUNDATION

4 SEC. 203. (a) The Foundation shall be subject to the
5 general supervision and policy direction of a Board of
6 Trustees which shall consist of twenty-one members to be
7 appointed by the President, by and with the advice and
8 consent of the Senate. Such members shall be selected (1)
9 from among private citizens of the United States who are
10 widely recognized for their broad knowledge of or experi-
11 ence in, or for their profound interest in, the arts; (2) so
12 as to include practicing artists, civic cultural leaders,
13 members of the museum profession, and others who are
14 professionally engaged in the arts; and (3) so as collec-
15 tively to provide an appropriate distribution of membership
16 among the major art fields listed in section 211 (a) of this
17 title. The President is requested in the making of such
18 appointments to give consideration to such recommendations
19 as may from time to time be submitted to him by leading
20 national organizations in these fields and the National Coun-
21 cil on the Arts.

22 (b) The term of office of each trustee of the Foundation
23 shall be six years; except that the terms of the trustees first
24 taking office after the enactment of this title shall expire, as

1 designated by the President at the time of appointment, seven
2 at the end of two years after the date of enactment of this
3 title, seven at the end of four years after such date, and seven
4 at the end of six years after such date. If a vacancy occurs
5 in the term of office of a trustee, such vacancy shall be
6 filled only for the unexpired portion of such term. Any per-
7 son who has been a trustee of the Foundation for twelve or
8 more consecutive years shall be ineligible for appointment
9 during the two-year period following the termination of his
10 duties as such a trustee.

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

14 (d) A majority of the trustees of the Foundation shall
15 constitute a quorum.

16 (e) The President shall call the first meeting of the trus-
17 tees of the Foundation, at which the first order of business
18 shall be the election of a Chairman and a Vice Chairman,
19 who shall serve until two years after the date of enactment
20 of this title. Thereafter each Chairman and Vice Chairman
21 shall be elected for a term of four years in duration and each
22 such election shall take place at the annual meeting occurring
23 at the end of each such term. The Vice Chairman shall per-
24 form the duties of the Chairman in his absence. In case a

1 vacancy occurs in the chairmanship or vice chairmanship, the
2 Foundation shall elect an individual from among the trustees
3 to fill such vacancy for the remainder of such term.

4 (f) The trustees of the Foundation shall meet at the
5 call of the Chairman, but not less than four times each year.
6 The Chairman shall also call a meeting whenever one-third
7 of the trustees so request in writing. Each trustee shall be
8 given notice, by registered mail mailed to his last known
9 address of record not less than fifteen days prior to any
10 meeting, of the call of such meeting.

11 DIRECTOR OF FOUNDATION

12 SEC. 204. (a) The Director of the Foundation shall be
13 appointed by the President, by and with the advice and con-
14 sent of the Senate. In the appointment of the Director the
15 President is requested to give due consideration to any
16 recommendations submitted to him by the Board of Trustees.
17 The Director shall serve as an ex officio trustee of the Foun-
18 dation. In addition, he shall be the chief executive officer
19 of the Foundation. The Director shall receive compensation
20 at the rate of \$21,000 per annum and shall serve for a
21 term of six years unless previously removed by the President.

22 (b) The Director may appoint, with the approval of the
23 Board of Trustees, a Deputy Director, who shall perform
24 such functions as the Director, with the approval of the
25 trustees, may prescribe, and shall be Acting Director during

1 the absence or disability of the Director. In the event of a
2 vacancy in the office of the Director, the Deputy Director
3 shall serve as Acting Director until the President shall fill
4 such vacancy. The Deputy Director shall receive compen-
5 sation at a rate not to exceed the scheduled rate of basic
6 compensation provided for grade GS-18 in the Classification
7 Act of 1949.

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

13 (d) The Director and the Deputy Director shall be
14 reimbursed for travel and subsistence expenses incurred
15 by them while away from their homes or regular places of
16 business in accordance with the Travel Expense Act of
17 1949, as amended, and the Standardized Government Travel
18 Regulations.

19 (e) The Director and the Deputy Director shall be ap-
20 pointed without regard to the civil service laws and regula-
21 tions.

22 (f) The Director and the Deputy Director shall not
23 engage in any other business, vocation, or employment than
24 that of serving as Director or Deputy Director, or hold any
25 office in, or act in any capacity for, any organization, agency,

1 or institution with which the Foundation makes any contract
2 or other arrangement under this Act.

3 GRANTS TO GROUPS AND STATES

4 SEC. 205. (a) (1) The Foundation is authorized to
5 establish and conduct a program of grants-in-aid in a manner
6 consistent with the declaration of policy set forth in the
7 National Arts and Cultural Development Act of 1964, from
8 the funds appropriated to the Foundation or otherwise ob-
9 tained pursuant to section 207 (a) (3) or (4) of this
10 title, to nonprofit professional groups (and nonprofit groups
11 meeting professional standards or standards of authenticity)
12 engaged in or concerned with the arts, for the purpose of
13 enabling such groups to provide (1) productions which have
14 substantial artistic and cultural significance, giving emphasis
15 to American creativity, (2) productions irrespective of
16 origin which are of significant merit and which, without
17 such assistance, would otherwise be unavailable to our
18 citizens in many areas of the country, (3) projects that
19 will encourage and assist artists who are citizens or who
20 have evidenced their intention to become citizens of the
21 United States, (4) projects that will encourage and
22 develop the appreciation and enjoyment of the arts by
23 our citizens, and (5) other relevant projects including sur-
24 veys, research, and planning for the arts in public life. No

1 portion of any moneys granted under this subsection shall be
2 applied to the purchase, erection, preservation, or repair of
3 any building or buildings, or for the purchase or rental of
4 any lands.

5 (2) No payment may be made to any group under this
6 section except upon application therefor which is submitted
7 to the Foundation in accordance with regulations prescribed
8 by the Foundation.

9 (3) The amount of any grants allotted to any group
10 pursuant to this subsection shall not exceed 50 per centum
11 of the total cost of such project or production, except that
12 not more than 20 per centum of the funds appropriated to
13 the Foundation for the purposes of this section for any
14 fiscal year may be available for allotment by the Foundation
15 in such fiscal year without regard to such limitation in the
16 case of any group which submits evidence to the Foundation
17 that it has attempted unsuccessfully to secure an amount of
18 funds equal to the grant applied for by such group together
19 with a statement of the proportion which any funds it has
20 secured represent of the funds applied for by such group.

21 (4) Any group shall be eligible for financial assistance
22 pursuant to this section only if (A) no part of its net earn-
23 ings inures to the benefit of any private stockholder, or stock-
24 holders, or individual or individuals, and (B) donations to

1 such group are allowable as a charitable contribution under
2 the standards of subsection (c) of section 170 of the Internal
3 Revenue Code of 1954.

4 (5) Except as otherwise provided in the second sen-
5 tence of subsection (b) (3) of this section, the total amount
6 appropriated to the Foundation for grants-in-aid to groups
7 for any fiscal year shall be equal to the total amounts appro-
8 priated to the Foundation for grants-in-aid to States for such
9 fiscal year.

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 1964, 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

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

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

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

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

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

23 (3) any funds granted to such group or agency un-
24 der this title have been diverted from the purposes for
25 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

20 FOUNDATION

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

22 (1) prescribe such rules and adopt such bylaws
23 as it deems necessary to govern the manner of its opera-
24 tion and its organization and personnel, and to imple-
25 ment any of the provisions of the Act;

1 (2) make expenditures, and enter into contracts
2 or other arrangements, as may be necessary for admin-
3 istering the provisions of this title, without regard to
4 the provisions of section 3709 of the Revised Statutes
5 (4 U.S.C. 5) ;

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

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

15 (5) accept and utilize the services of voluntary and
16 uncompensated personnel ;

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

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

1 amended, and the Standardized Government Travel
2 Regulations; and

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

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

15 (c) The Foundation shall not itself produce or present
16 any project or production.

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

22 **STAFF OF THE FOUNDATION**

23 **SEC. 208.** The Director shall, in accordance with such
24 policies as the Foundation shall from time to time prescribe,

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

13 COMPENSATION OF THE TRUSTEES OF THE FOUNDATION
14 AND THE MEMBERS OF ITS COUNCILS, COMMITTEES,
15 AND PANELS

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

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

3 APPROPRIATIONS

4 SEC. 210. (a) For the purpose of making grants au-
5 thorized in section 205 of this title, there is hereby author-
6 ized to be appropriated for the fiscal year ending June 30,
7 1965, such sum, not exceeding \$5,000,000, and for each
8 fiscal year thereafter such sum, not exceeding \$10,000,000
9 annually, as the Congress may determine. The moneys ap-
10 propriated to the Foundation shall remain available for ex-
11 penditure for two years following the expiration of the fiscal
12 year for which appropriated.

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

21 (c) The Director shall determine any payments to be
22 made under this title and certify to the Secretary of the
23 Treasury the amounts thereof. Upon receipt of such certi-
24 fication, the Secretary of the Treasury shall, prior to audit or

1 settlement by the General Accounting Office, pay in accord-
 2 ance with such certification. Sums allotted to any group or
 3 State for any fiscal year under this title and not transferred
 4 during that fiscal year shall remain available to such group
 5 or State for the same purposes for the next fiscal year in
 6 addition to the sums allotted for such next fiscal year.

7 (d) There are hereby authorized to be appropriated
 8 such sums as are necessary to administer the provisions of
 9 this title.

10 TITLE III—NATIONAL INSTITUTE OF ARTS
 11 AND HUMANITIES

12 SEC. 211. There is hereby established in the United
 13 States Office of Education a National Institute of Arts and
 14 Humanities (hereafter referred to as the "Institute").

15 FUNCTIONS OF THE INSTITUTE

16 SEC. 212. (a) The Institute is authorized and directed—

17 (1) to conduct and support studies, research, sur-
 18 veys, demonstrations, or experimental projects designed
 19 to advance education in the arts and humanities, includ-
 20 ing the evaluation of such activities, through contracts
 21 with or grants to State and other public agencies, institu-
 22 tions of higher education, or public or other nonprofit
 23 agencies, institutions, organizations, or associations;

24 (2) to provide, through the award of graduate
 25 fellowships or traineeships to individuals (within the

1 limits of such sums as the Congress may specifically ap-
2 propriate for this purpose), or through arrangements
3 (by contract or grant) with groups specified in sec-
4 tion 202 (a) (1) for the conduct of institutes or seminars,
5 for the training of teaching, technical, and administrative
6 personnel who are in short supply and are most needed
7 by educational and other cultural institutions and agen-
8 cies to promote the advancement of the arts and human-
9 ities;

10 (3) to maintain a central clearinghouse of informa-
11 tion covering the various educational aspects of the arts
12 and humanities in the United States, including activities
13 of other Federal departments or agencies, and to make
14 such information available to the public;

15 (4) to render consultative and advisory services to
16 other Federal departments and agencies, State and other
17 public agencies, public and other nonprofit educational
18 agencies and institutions, and to other nonprofit agencies,
19 institutions, organizations, or associations concerned with
20 advancement of education in the arts and humanities;

21 (5) to promote and advance education in the arts
22 and humanities by the production or commissioning, col-
23 lection, and dissemination of films, records, tapes, re-
24 productions, or printed matter suitable for use in courses

1 or lectures in the arts conducted by schools, colleges, and
2 universities, or other nonprofit institutions engaged in
3 providing education in the arts and humanities.

4 SEC. 213. (a) In exercising the authority and discharg-
5 ing the functions referred to in subsection (a) of this sec-
6 tion, the Institute shall place primary emphasis upon the
7 educational aspects of the arts and humanities but it shall in-
8 terpret "education" broadly so as to include all levels, con-
9 ducted formally or informally by both public and private
10 groups specified in section 202 (a) (2) for the benefit of
11 people of all ages.

12 (b) The Commissioner shall render an annual report to
13 the Secretary for submission on or before the 15th day of
14 January of each year to the Congress, summarizing the ac-
15 tivities of the Institute and making such recommendations as
16 he may deem advisable. Such report shall include minority
17 views and recommendations, if any, of members of the
18 Council.

19 ADVISORY COMMITTEE

20 SEC. 214. (a) There is hereby established in the Office
21 of Education an Advisory Committee to the Institute, con-
22 sisting of the Commissioner, who shall be Chairman; one
23 representative from the National Advisory Council on the
24 Arts; and nine members appointed, without regard to the
25 civil service laws, by the Commissioner with the approval

1 of the Secretary of Health, Education, and Welfare. Such
2 appointed members shall be selected from leading authori-
3 ties in the several fields of education in the arts and humani-
4 ties. At least three shall be from the field of the humanities,
5 with at least one of these three from a graduate school of
6 education. The other six shall be appointed to represent arts
7 education from elementary through graduate education, adult
8 education, and institutions of the arts such as museums which
9 carry on organized educational programs in the arts.

10 (b) The Advisory Committee shall advise the Com-
11 missioner (1) in the preparation of general regulations and
12 with respect to policy matters arising in the administration
13 of this title, including the development of criteria for ap-
14 proval of applications thereunder. The Advisory Committee
15 may appoint such special advisory and technical experts and
16 consultants as may be useful in carrying out its functions.

17 (c) Members of the Advisory Committee and special
18 advisory and technical experts and consultants appointed
19 pursuant to subsection (b) shall, while serving on the
20 business of the Advisory Committee, be entitled to receive
21 compensation at rates fixed by the Secretary of Health,
22 Education, and Welfare, but not exceeding \$75 per day,
23 including travel time; and, while so serving away from their
24 homes or regular places of business, they may be allowed
25 travel expenses, including per diem in lieu of subsistence,

1 as authorized by section 5 of the Administrative Expenses
2 Act of 1946 (5 U.S.C. 73b-2) for persons in the Govern-
3 ment service employed intermittently.

4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 215. There is hereby authorized to be appropriated
6 for the fiscal year beginning July 1, 1964, the sum of
7 \$3,000,000; for the fiscal year beginning July 1, 1965,
8 \$5,000,000; and for the fiscal year beginning July 1, 1966,
9 \$8,000,000.

10 AUTHORITY OF COMMISSIONER

11 SEC. 216. In order to carry out the functions of the
12 Institute, the Commissioner shall have the authority, within
13 the limits of available appropriations, to do all things neces-
14 sary to carry out the provisions of this Act, including but
15 not limited to the authority—

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

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

21 (c) to make grants or enter into contracts or other
22 financial arrangements as authorized by this Act, except
23 that such grants, contracts, or other financial arrange-
24 ments shall be limited to those recommended by the
25 Advisory Committee;

1 (d) to make advance, progress, and other pay-
2 ments in connection with contracts without regard to
3 the provisions of section 3648 of the Revised Statutes
4 (31 U.S.C. 529) ;

5 (e) to acquire by purchase, lease, loan, or gift, and
6 to hold and dispose of by sale, lease, or loan, real and
7 personal property of all kinds necessary for, or result-
8 ing from, the exercise of authority granted by this Act;

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

13 (g) to accept and utilize the services of voluntary
14 and uncompensated personnel and to provide transporta-
15 tion and subsistence as authorized by law for persons
16 serving without compensation;

17 (h) to employ such personnel as he may deem
18 necessary to carry out the functions of the Institute under
19 this Act, not to exceed twenty of which may be technical
20 and professional persons including the Director of the
21 Institute compensated at rates not to exceed \$19,000
22 per annum without regard to civil service laws and regu-
23 lations and the Classification Act of 1949 (as amended) ;
24 and

25 (i) the Commissioner is authorized to delegate any

1 of his functions under this Act, except the making of
2 regulations, to any officer or employee of the Office of
3 Education.

4 DEFINITIONS

5 SEC. 217. For purposes of this Act—

6 (a) The term “Commissioner” means the United States
7 Commissioner of Education.

8 (b) The term “Secretary” means the Secretary of
9 Health, Education, and Welfare.

10 (c) The term “State” means a State, the Commonwealth
11 of Puerto Rico, Guam, the Virgin Islands, American Samoa,
12 and the District of Columbia.

13 (d) The term “the arts” means major art fields such as
14 architecture and allied arts; music and the performing arts;
15 visual arts, including painting, sculpture, graphics, crafts, and
16 photography; folk arts; design, including industrial, costume,
17 and fashion; and motion pictures, radio, and television. “The
18 humanities” include modern and ancient languages and litera-
19 ture, history, and philosophy.

20 (e) The term “production” means plays (with or with-
21 out music), ballet, dance and choral performances, concerts,
22 recitals, operas, exhibitions, readings, motion pictures, radio,
23 and television, and any other activities involving the execu-
24 tion or rendition of the arts and meeting such standards as
25 the Foundation may establish.

1 (f) The term "project" means programs organized by
2 groups, States, and State agencies to carry out the purposes
3 of this Act, including programs to foster American artistic
4 creativity, to train artists, to commission works of art, and to
5 develop and enhance knowledge and understanding of the
6 arts.

7 (g) The term "group" includes any nonprofit society,
8 institution, organization, association, museum, or establish-
9 ments, whether or not incorporated.

88TH CONGRESS
2^D SESSION

H. R. 11045

A BILL

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

By Mr. FOGARTY

APRIL 28, 1964

Referred to the Committee on Education and Labor