

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

3 (2) that a high civilization must not limit its efforts
4 to science and technology alone but must give full value
5 and support to the other great branches of man's
6 scholarly and cultural activity;

7 (3) that democracy demands wisdom and vision in
8 its citizens and that it must therefore foster and support
9 a form of education designed to make men masters of
10 their technology and not its unthinking servant;

11 (4) that it is necessary and appropriate for the
12 Federal Government to complement, assist, and add to
13 programs for the advancement of the humanities and the
14 arts by local, State, regional, and private agencies and
15 organizations;

16 (5) that the world leadership which has come to
17 the United States cannot rest solely upon superior power,
18 wealth, and technology, but must be solidly founded
19 upon worldwide respect and admiration for the Nation's
20 high qualities as a leader in the realm of ideas and of
21 the spirit; and

22 (6) that, in order to implement these findings, it is
23 desirable to establish a National Foundation on the
24 Arts and the Humanities and to strengthen the responsi-

1 National Endowment for the Arts established by section 5
2 of this Act.

3 (d) The term "project" means programs organized to
4 carry out the purposes of this Act, including programs to
5 foster American artistic creativity, to commission works of
6 art, to create opportunities for individuals to develop artistic
7 talents when carried on as a part of a program otherwise
8 included in this definition, and to develop and enhance public
9 knowledge and understanding of the arts, and includes, where
10 appropriate, rental, purchase, renovation, or construction of
11 facilities, purchase or rental of land, and acquisition of equip-
12 ment.

13 (e) The term "group" includes any State or other public
14 agency, and any nonprofit society, institution, organization,
15 association, museum, or establishment in the United States,
16 whether or not incorporated.

17 (f) The term "State" includes, in addition to the several
18 States of the Union, the Commonwealth of Puerto Rico, the
19 District of Columbia, Guam, American Samoa, and the
20 Virgin Islands.

21 ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE
22 ARTS AND THE HUMANITIES

23 SEC. 4. (a) There is established a National Foundation
24 on the Arts and the Humanities (hereinafter referred to as
25 the "Foundation"), which shall be composed of a National

1 Endowment for the Arts, a National Endowment for the
2 Humanities, and a Federal Council on the Arts and the
3 Humanities (hereinafter established).

4 (b) The purpose of the Foundation shall be to develop
5 and promote a broadly conceived national policy of support
6 for the humanities and the arts in the United States pur-
7 suant to this Act.

8 (c) In the administration of this Act no department,
9 agency, officer, or employee of the United States shall exer-
10 cise any direction, supervision, or control over the policy
11 determination, personnel, or curriculum, or the administration
12 or operation of any school or other non-Federal agency,
13 institution, organization, or association.

14 ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE
15 ARTS

16 SEC. 5. (a) There is established within the Foundation
17 a National Endowment for the Arts.

18 (b) The Endowment shall be headed by a Chairman,
19 who shall be appointed by the President by and with the
20 advice and consent of the Senate. The Chairman shall
21 receive compensation at the rate prescribed by law for
22 the Director of the National Science Foundation.

23 (c) The Chairman, with the advice of the Federal
24 Council on the Arts and the Humanities and the National

1 Council on the Arts, is authorized to establish and carry out
2 a program of grants-in-aid to groups or, in appropriate cases,
3 to individuals engaged in or concerned with the creative and
4 performing arts, for the purpose of enabling them to provide
5 or support in the United States—

6 (1) productions which have substantial artistic and
7 cultural significance, giving emphasis to American
8 creativity;

9 (2) productions irrespective of origin which are of
10 significant merit and which, without such assistance,
11 would otherwise be unavailable to our citizens in many
12 areas of the country;

13 (3) projects that will encourage and assist artists;

14 (4) projects that will encourage and develop the
15 appreciation and enjoyment of the arts by our citizens;
16 and

17 (5) other relevant projects, including surveys and
18 planning in the arts.

19 (d) The functions of the National Council on the Arts
20 established by the National Arts and Cultural Development
21 Act of 1964, Public Law 88-579, approved September 3,
22 1964, are transferred to the Chairman of the National En-
23 dowment for the Arts. The position and the functions of the
24 Chairman of the National Council on the Arts, established
25 by section 6 (a) of that Act, are abolished.

1 (e) No payment may be made under this section except
2 upon application therefor which is submitted to the National
3 Endowment for the Arts in accordance with regulations and
4 procedures established by the Chairman.

5 (f) The total amount of any grant to any group pur-
6 suant to subsection (c) of this section shall not exceed 50
7 per centum of the total cost of such project or production,
8 except that not more than 20 per centum of the funds
9 allotted by the National Endowment for the Arts for this
10 purpose for any fiscal year may be available for such grants
11 in that fiscal year without regard to such limitation in the
12 case of any group which submits evidence to the Endow-
13 ment that it has attempted unsuccessfully to secure an
14 amount of funds equal to the grant applied for by such
15 group, together with a statement of the proportion which
16 any funds it has secured represent of the funds applied for by
17 such group.

18 (g) Any group shall be eligible for financial assistance
19 pursuant to this section only if (1) no part of its net earn-
20 ings inures to the benefit of any private stockholder or stock-
21 holders, or individual or individuals, and (2) donations to
22 such group are allowable as a charitable contribution under
23 the standards of subsection (c) of section 170 of the Internal
24 Revenue Code of 1954.

25 (h) It shall be a condition of the receipt of any grant

1 under this section that the group or individual receiving
2 such grant furnish adequate assurances to the Secretary of
3 Labor that (1) all professional and related or supporting
4 personnel (other than laborers and mechanics with respect
5 to whom labor standards are prescribed in subsection (i) of
6 this section) employed on projects or productions which are
7 financed in whole or in part under this section will be paid,
8 without subsequent deduction or rebate on any account, not
9 less than the minimum compensation as determined by the
10 Secretary of Labor to be the prevailing minimum compen-
11 sation for persons employed in similar activities; and (2)
12 no part of any project or production which is financed in
13 whole or in part under this section will be performed or
14 engaged in under working conditions which are unsanitary
15 or hazardous or dangerous to the health and safety of the
16 employees engaged in such project or production. The Sec-
17 retary of Labor shall have the authority to prescribe stand-
18 ards, regulations, and procedures as he may deem necessary
19 or appropriate to carry out the provisions of this subsection.

20 (i) It shall be a condition of the receipt of any grant
21 under this section that the group or individual receiving
22 such grant furnish adequate assurances to the Secretary of
23 Labor that all laborers and mechanics employed by con-
24 tractors or subcontractors on projects financed under this
25 section shall be paid wages at rates not less than those pre-

1 vailing on similar construction in the locality as determined
2 by the Secretary of Labor in accordance with the Davis-
3 Bacon Act, as amended (40 U.S.C. 276a—276a-5). The
4 Secretary of Labor shall have the authority to prescribe
5 standards, regulations, and procedures governing the appli-
6 cation of such standards.

7 (j) The Chairman shall correlate the programs of the
8 National Endowment Act for the Arts insofar as practicable,
9 with existing Federal programs and with those undertaken
10 by other public agencies or private groups, and shall develop
11 the programs of the Endowment with due regard to the
12 contribution to the objectives of this Act which can be
13 made by other Federal agencies under existing programs.

14 TRANSFER OF THE NATIONAL COUNCIL ON THE ARTS

15 SEC. 6. (a) The National Council on the Arts estab-
16 lished by Public Law 88-579 is transferred from the Execu-
17 tive Office of the President to the National Endowment for
18 the Arts.

19 (b) The National Council on the Arts shall be here-
20 after composed of the Chairman of the National Endowment
21 for the Arts, who shall be the Chairman of the Council;
22 and twenty-four members appointed by the President from
23 private life in accordance with the provisions of Public Law
24 88-579. The function of the Secretary of the Smithsonian

1 Institution of serving as an ex officio member of the Council
2 is abolished.

3 (c) The Council shall (1) advise the Chairman with
4 respect to policies, programs, and procedures for carrying
5 out his functions, and (2) shall review applications for
6 financial assistance and make recommendations thereon to
7 the Chairman. The Chairman shall not approve or disap-
8 prove an application until he has received the Council's
9 recommendation unless the Council fails to make a recom-
10 mendation on the application within a reasonable time.

11 ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE
12 HUMANITIES

13 SEC. 7. (a) There is established within the Foundation
14 a National Endowment for the Humanities.

15 (b) The Endowment shall be headed by a chairman,
16 who shall be appointed by the President by and with the ad-
17 vice and consent of the Senate. The Chairman shall receive
18 compensation at the rate prescribed by law for the Director
19 of the National Science Foundation.

20 (c) The Chairman, with the advice of the Federal Coun-
21 cil on the Arts and the Humanities and the National Council
22 on the Humanities (hereinafter established), is authorized
23 to—

24 (1) develop and encourage the pursuit of a national

1 policy for the promotion of progress and scholarship in
2 the humanities;

3 (2) initiate and support research and programs
4 to strengthen the research potential of the United States
5 in the humanities by making arrangements (including
6 grants, loans, and other forms of assistance) with indi-
7 viduals or groups to support such activities;

8 (3) award fellowships and grants to institutions or
9 individuals for training in the humanities and the arts.
10 Fellowships awarded to individuals under this authority
11 may be for the purpose of study or research at appro-
12 priate nonprofit institutions selected by the recipient of
13 such aid, for stated periods of time;

14 (4) foster the interchange of information in the
15 humanities;

16 (5) foster, through grants or other arrangements
17 with groups, public understanding and appreciation of
18 the humanities and the arts; and

19 (6) support the publication of scholarly works in the
20 humanities and the arts without regard to the provisions
21 of section 87 of the Act of January 12, 1895 (28 Stat.
22 622), and section 11 of the Act of March 1, 1919 (40
23 Stat. 1270; 44 U.S.C. 111).

24 (d) The Chairman shall correlate the programs of the

1 National Endowment for the Humanities, insofar as prac-
2 ticable, with existing Federal programs and with those un-
3 dertaken by other public agencies or private groups, and shall
4 develop the programs of the Endowment with due regard to
5 the contribution to the objectives of this Act which can be
6 made by other Federal agencies under existing programs.

7 ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE
8 HUMANITIES

9 SEC. 8. (a) There is established in the National Endow-
10 ment for the Humanities a National Council on the
11 Humanities.

12 (b) The Council shall be composed of the Chairman
13 of the National Endowment on the Humanities, who shall be
14 the Chairman of the Council, and twenty-four other mem-
15 bers appointed by the President from private life. Such
16 members shall be selected on the basis of distinguished serv-
17 ice and scholarship or creativity and in a manner which will
18 provide a comprehensive representation of the views of pro-
19 fessional practitioners in the humanities and the arts through-
20 out the United States.

21 (c) Each member shall hold office for a term of six
22 years, except that (1) the members first taking office shall
23 serve, as designated by the President, eight for terms of two
24 years, eight for terms of four years, and eight for terms of
25 six years, and (2) any member appointed to fill a vacancy

1 shall serve for the remainder of the term for which his pred-
2 ecessor was appointed. No member shall be eligible for
3 reappointment during the two-year period following the ex-
4 piration of his term.

5 (d) Members not otherwise employed by the Federal
6 Government shall receive compensation and be allowed
7 travel expenses in the same manner as is provided in sec-
8 tion 8 of Public Law 88-579 for the National Council on the
9 Arts.

10 (e) The Council shall (1) advise the Chairman with
11 respect to policies, programs, and procedures for carrying
12 out his functions, and (2) shall review applications for finan-
13 cial support and make recommendations thereon to the
14 Chairman. The Chairman shall not approve or disapprove
15 an application until he has received the Council's recom-
16 mendation unless the Council fails to make a recommendation
17 on the application within a reasonable time.

18 ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS
19 AND THE HUMANITIES

20 SEC. 9. (a) There is established within the Foundation
21 a Federal Council on the Arts and the Humanities.

22 (b) The Council shall be composed of the Chairman
23 of the National Endowment for the Arts, the Chairman
24 of the National Endowment for the Humanities, the United
25 States Commissioner of Education, the Secretary of the

1 Smithsonian Institution, the Director of the National Science
2 Foundation, the Librarian of Congress, and a member desig-
3 nated by the Secretary of State. The President shall desig-
4 nate the Chairman of the Council from among the members.
5 The President is authorized to change the membership of
6 the Council from time to time as he deems necessary to
7 meet changes in Federal programs or executive branch
8 organization.

9 (c) The Council shall—

10 (1) advise and consult with the Chairman of the
11 National Endowment for the Arts and the Chairman
12 of the National Endowment for the Humanities on major
13 problems arising in carrying out the purposes of the
14 Foundation;

15 (2) coordinate, by advice and consultation, so far
16 as is practicable, the policies and operations of the Na-
17 tional Endowment for the Arts and the National Endow-
18 ment for the Humanities, including joint support of
19 activities, as appropriate; and

20 (3) promote coordination between the programs
21 and activities of the Foundation and related programs
22 and activities of other Federal agencies.

23 ADMINISTRATIVE PROVISIONS

24 SEC. 10. (a) In addition to any authorities vested in
25 them by other provisions of this Act, the Chairman of the

1 National Endowment for the Arts and the Chairman of the
2 National Endowment for the Humanities, in carrying out
3 their respective functions, shall each have authority to—

4 (1) prescribe such regulations as he deems neces-
5 sary governing the manner in which his functions shall
6 be carried out;

7 (2) receive funds, securities, or other property do-
8 nated, bequeathed, or devised by private persons to the
9 National Endowment for the Arts or the National En-
10 dowment for the Humanities without other restriction,
11 and to utilize such gifts for carrying out the purposes of
12 the Endowments under section 5 (c) and (d) and sec-
13 tion 7 (c) of this Act, respectively: *Provided*, That
14 restricted gifts may be received and, in the discretion of
15 the Chairman, matched, where appropriate, from appro-
16 priations received pursuant to section 11 (a) and (b)
17 of this Act;

18 (3) appoint employees, subject to the civil service
19 laws, as necessary to carry out his functions, define their
20 duties, and supervise and direct their activities;

21 (4) utilize from time to time, as appropriate, ex-
22 perts and consultants, including panels of experts, who
23 may be employed as authorized by section 15 of the
24 Administrative Expenses Act of 1946, as amended (5
25 U.S.C. 55a) ;

1 (5) accept and utilize the services of voluntary and
2 uncompensated personnel and reimburse them for travel
3 expenses, including per diem, as authorized by law (5
4 U.S.C. 73b-2) for persons in the Government service
5 employed without compensation.

6 (6) rent office space in the District of Columbia;
7 and

8 (7) make other necessary expenditures.

9 (b) The Chairman of the National Endowment for the
10 Arts and the Chairman of the National Endowment for the
11 Humanities shall each submit an annual report to the Presi-
12 dent for transmittal to the Congress on or before the 15th
13 day of January of each year. The report shall summarize
14 the activities of the Endowment for the preceding year, and
15 may include such recommendations as the Chairman deems
16 appropriate.

17 **AUTHORIZATION OF APPROPRIATIONS**

18 **SEC. 11. (a)** There is authorized to be appropriated,
19 without fiscal year limitation, the sum of \$10 million for the
20 fiscal year 1966 and for each succeeding year such sums as
21 may be necessary, to be divided equally between the National
22 Endowment for the Arts and the National Endowment for
23 the Humanities for use in carrying out the activities author-
24 ized by section 5 (c) and (d) and section 7 (c) of the Act,
25 respectively.

1 (b) In addition to the appropriations for specified pur-
2 poses authorized by subsection (a) above, there is author-
3 ized to be appropriated, without fiscal year limitation, to the
4 National Endowment for the Arts and the National Endow-
5 ment for the Humanities, respectively, such amounts, not in
6 excess of \$5 million each for any fiscal year, as may be
7 necessary to match all unrestricted private contributions to
8 each Endowment received at any time prior to the close of
9 the fiscal year immediately preceding the date of submission
10 of the budget estimates therefor.

11 (c) There are authorized to be appropriated such sums
12 as may be necessary to administer the provisions of this Act.

13 FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION
14 IN THE HUMANITIES AND THE ARTS

15 SEC. 12. (a) There are authorized to be appropriated
16 to the Commissioner of Education such sums as may be
17 necessary for the fiscal year ending June 30, 1966, and
18 for each of the five succeeding fiscal years for (1) making
19 payments to State educational agencies under this section for
20 the acquisition of equipment (suitable for use in providing
21 education in the humanities and the arts) and for minor
22 remodeling described in subsection (c) (1) of this section,
23 and (2) making loans authorized in subsection (f) of this
24 section.

25 (b) Sums appropriated pursuant to subsection (a) shall

1 be allotted in the same manner as provided in subsections (a)
2 and (c) of section 302 of the National Defense Education
3 Act of 1958, as amended (72 Stat. 1588; 20 U.S.C. 442).
4 (c) Any State which desires to receive payments under
5 this section shall submit to the Commissioner of Education
6 through its State educational agency a State plan which
7 meets the requirements of section 1004 (a) of the National
8 Defense Education Act of 1958, as amended (72 Stat. 1603;
9 20 U.S.C. 584), and—

10 (1) sets forth a program under which funds paid
11 to the State from its allotment under subsection (b) of
12 this section will be expended solely for projects approved
13 by the State educational agency for (A) acquisition of
14 special equipment (other than supplies consumed in
15 use), including audiovisual materials and equipment,
16 and printed and published materials (other than text-
17 books), suitable for use in providing education in the
18 humanities and the arts, and (B) minor remodeling of
19 laboratory or other space used for such materials or
20 equipment;

21 (2) sets forth principles for determining the pri-
22 ority of such projects in the State for assistance under
23 this section and provides for undertaking such projects,
24 insofar as financial resources available therefor make

1 possible, in the order determined by the application of
2 such principles;

3 (3) provides an opportunity for a hearing before
4 the State educational agency to any applicant for a
5 project under this section; and

6 (4) provides for the establishment of standards
7 on a State level for special equipment acquired with
8 assistance furnished under this section.

9 (d) The Commissioner shall approve any State plan
10 and any modification thereof which complies with the pro-
11 visions of subsection (c) of this section and the provisions
12 of subsections (b) and (c) of section 1004 of the National
13 Defense Education Act, as amended (72 Stat. 1603; 20
14 U.S.C. 584), shall apply to this section in the same manner
15 as applicable to State plans under that Act.

16 (e) Payments to States from allotments made under
17 subsection (b) shall be made in the same manner as pro-
18 vided in section 304 of the National Defense Education Act
19 of 1958, as amended (72 Stat. 1589; 20 U.S.C. 444).

20 (f) The Commissioner shall allot and administer loans
21 to nonprofit private schools in the same manner as provided
22 in section 305 of the National Defense Education Act of
23 1958, as amended (72 Stat. 1590; 20 U.S.C. 445).

TEACHER TRAINING INSTITUTES

1
2 SEC. 13. (a) There are authorized to be appropriated
3 to the Commissioner of Education such sums as may be
4 necessary for the fiscal year ending June 30, 1966, and
5 each of the five succeeding fiscal years, to enable the Com-
6 missioner of Education to arrange, through grants or con-
7 tracts, with institutions of higher education for the operation
8 by them within the United States of short term or regular
9 session institutes for advanced study, including study in the
10 use of new materials, to improve the qualification of individ-
11 uals who are engaged in or preparing to engage in the teach-
12 ing or supervising or training of teachers, of such subjects as
13 will in the judgment of the Commissioner, after consulta-
14 tion with the Chairman of the National Endowment for the
15 Humanities, strengthen the teaching of the humanities and
16 the arts in elementary and secondary schools.

17 (b) Each individual who attends an institute operated
18 under the provisions of this part shall be eligible (after
19 application therefor) to receive a stipend at the rate of \$75
20 per week for the period of his attendance at such institute,
21 and each such individual with one or more dependents shall
22 receive an additional stipend at the rate of \$15 per week
23 for each such dependent.

89TH CONGRESS
1ST SESSION

H. R. 6052

A BILL

To provide for the establishment of the National Foundation on the Arts and Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes.

By Mr. FOGARTY

MARCH 10, 1965

Referred to the Committee on Education and Labor