

89TH CONGRESS  
1ST SESSION

# H. R. 9579

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1965

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

---

## A BILL

To provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, 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 "National Foundation on  
4       the Arts and the Humanities Act of 1965".

### DECLARATION OF PURPOSE

5  
6       SEC. 2. The Congress hereby finds and declares—

7               (1) that the encouragement and support of national  
8       progress and scholarship in the humanities and the arts,  
9       while primarily a matter for private and local initiative,

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 practice of art and the study of the  
17 humanities requires constant dedication and devotion  
18 and that, while no government can call a great artist  
19 or scholar into existence, it is necessary and appropriate  
20 for the Federal Government to help create and sustain  
21 not only a climate encouraging freedom of thought,  
22 imagination, and inquiry but also the material conditions  
23 facilitating the release of this creative talent;

24 (6) that the world leadership which has come to the  
25 United States cannot rest solely upon superior power,

1 wealth, and technology, but must be solidly founded upon  
2 worldwide respect and admiration for the Nation's high  
3 qualities as a leader in the realm of ideas and of the  
4 spirit; and

5 (7) that, in order to implement these findings, it is  
6 desirable to establish a National Foundation on the Arts  
7 and the Humanities and to strengthen the responsibilities  
8 of the Office of Education with respect to education in  
9 the arts and the humanities.

#### 10 DEFINITIONS

11 SEC. 3. As used in this Act—

12 (a) The term "humanities" includes, but is not limited  
13 to, the study of the following: language, both modern and  
14 classic; linguistics; literature; history; jurisprudence; philos-  
15 ophy; archeology; the history, criticism, theory, and practice  
16 of the arts; and those aspects of the social sciences which  
17 have humanistic content and employ humanistic methods.

18 (b) The term "the arts" includes, but is not limited to,  
19 music (instrumental and vocal), dance, drama, folk art,  
20 creative writing, architecture and allied fields, painting,  
21 sculpture, photography, graphic and craft arts, industrial  
22 design, costume and fashion design, motion pictures, tele-  
23 vision, radio, tape and sound recording, and the arts related  
24 to the presentation, performance, execution, and exhibition  
25 of such major art forms.

1           (c) The term "production" means plays (with or with-  
2 out music), ballet, dance and choral performances, concerts,  
3 recitals, operas, exhibitions, readings, motion pictures, tele-  
4 vision, radio, and tape and sound recordings, and any other  
5 activities involving the execution or rendition of the arts  
6 and meeting such standards as may be approved by the  
7 National Endowment for the Arts established by section 5  
8 of this Act.

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

19           (e) The term "group" includes any State or other pub-  
20 lic agency, and any nonprofit society, institution, organiza-  
21 tion, association, museum, or establishment in the United  
22 States, whether or not incorporated.

23           (f) The term "workshop" means a production the pri-  
24 mary purpose of which is to encourage the artistic develop-



1 ment or enjoyment of amateur, student, or other nonprofes-  
2 sional participants.

3 (g) The term "State" includes, in addition to the sev-  
4 eral States of the Union, the Commonwealth of Puerto Rico,  
5 the District of Columbia, Guam, American Samoa, and the  
6 Virgin Islands.

7 ESTABLISHMENT OF A NATIONAL FOUNDATION ON THE  
8 ARTS AND THE HUMANITIES

9 SEC. 4. (a) There is established a National Foundation  
10 on the Arts and the Humanities (hereinafter referred to as  
11 the "Foundation"), which shall be composed of a National  
12 Endowment for the Arts, a National Endowment for the  
13 Humanities, and a Federal Council on the Arts and the  
14 Humanities (hereinafter established).

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

19 (c) In the administration of this Act no department,  
20 agency, officer, or employee of the United States shall exer-  
21 cise any direction, supervision, or control over the policy  
22 determination, personnel, or curriculum, or the administra-  
23 tion or operation of any school or other non-Federal agency,  
24 institution, organization, or association.

1 ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE  
2 ARTS

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

5 (b) The Endowment shall be headed by a Chairman,  
6 to be known as the Chairman of the National Endowment for  
7 the Arts.

8 (c) The Chairman, with the advice of the Federal  
9 Council on the Arts and the Humanities and the National  
10 Council on the Arts, is authorized to establish and carry out  
11 a program of grants-in-aid to groups or, in appropriate cases,  
12 to individuals engaged in or concerned with the arts, for the  
13 purpose of enabling them to provide or support in the United  
14 States—

15 (1) productions which have substantial artistic and  
16 cultural significance, giving emphasis to American crea-  
17 tivity and the maintenance and encouragement of profes-  
18 sional excellence;

19 (2) productions, meeting professional standards or  
20 standards of authenticity, irrespective of origin which are  
21 of significant merit and which, without such assistance,  
22 would otherwise be unavailable to our citizens in many  
23 areas of the country;

24 (3) projects that will encourage and assist artists

1 and enable them to achieve standards of professional  
2 excellence;

3 (4) workshops that will encourage and develop the  
4 appreciation and enjoyment of the arts by our citizens;

5 (5) other relevant projects, including surveys,  
6 research, and planning in the arts.

7 (d) (1) In addition to performing any of the functions,  
8 duties, and responsibilities prescribed by the National Arts  
9 and Cultural Development Act of 1964, Public Law 88-579,  
10 approved September 3, 1964, the individual appointed under  
11 such Act as Chairman of the National Council on the Arts  
12 shall serve as the Chairman of the National Endowment for  
13 the Arts. In lieu of receiving compensation at the rate pre-  
14 scribed by section 6 (c) of such Act, such individual serving  
15 as Chairman of the National Council on the Arts and Chair-  
16 man of the National Endowment for the Arts shall receive  
17 compensation at the same rate prescribed by law for the  
18 Director of the National Science Foundation.

19 (2) (A) The first sentence of section 6 (b) of the Na-  
20 tional Arts and Cultural Development Act of 1964 is hereby  
21 amended to read as follows: "The term of office of the Chair-  
22 man shall be four years, and the Chairman shall be eligible  
23 for reappointment."

24 (B) The amendment made by clause (A) of this para-

1 graph shall be applicable with respect to the Chairman hold-  
2 ing office on the date of enactment of this Act and each  
3 Chairman holding office thereafter.

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

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

21 (g) Any group shall be eligible for financial assistance  
22 pursuant to this section only if (1) 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 (2) donations to  
25 such group are allowable as a charitable contribution under

1 the standards of subsection (c) of section 170 of the Internal  
2 Revenue Code of 1954.

3 (h) (1) The Chairman, with the advice of the Federal  
4 Council on the Arts and the Humanities and the National  
5 Council on the Arts, is authorized to establish and carry  
6 out a program of grants-in-aid to assist the several States  
7 in supporting existing projects and productions which meet  
8 the standards enumerated in section 5 (c) of this Act, and  
9 in developing projects and productions in the arts in such  
10 a manner as will furnish adequate programs, facilities, and  
11 services in the arts to all the people and communities in each  
12 of the several States.

13 (2) In order to receive such assistance in any fiscal year,  
14 a State shall submit an application for such grants prior to  
15 the first day of such fiscal year and accompany such applica-  
16 tion with a plan which the Chairman finds—

17 (A) designates or provides for the establishment of  
18 a State agency (hereinafter in this section referred to  
19 as the "State agency") as the sole agency for the admin-  
20 istration of the State plan;

21 (B) provides that funds paid to the State under this  
22 subsection will be expended solely on projects and pro-  
23 ductions approved by the State agency which carry out  
24 one or more of the objectives of subsection (c) ; except

1 that in the case of the first fiscal year in which the State  
2 is allotted funds after the enactment of this Act, a plan  
3 may provide that not to exceed \$25,000 of such funds  
4 will be expended to conduct a study to plan the develop-  
5 ment of a State agency in the State and to establish  
6 such an agency; and

7 (C) provides that the State agency will make such  
8 reports, in such form and containing such information,  
9 as the Chairman may from time to time require.

10 (3) The funds appropriated pursuant to section 11 (c)  
11 for any fiscal year shall be equally allotted among the States.

12 (4) The amount of each allotment to a State for any  
13 fiscal year under this subsection shall be available to each  
14 State, which has a plan approved by the Chairman in effect  
15 on the first day of such fiscal year, to pay not more than 50  
16 per centum of the total cost of any project or production  
17 described in paragraph (1), and to pay up to 100 per  
18 centum of the cost of conducting a study and establishing  
19 a State agency under paragraph (2) (B) of this subsection.

20 (5) All amounts allotted under paragraph (3) for a  
21 fiscal year which are not granted to a State during such year  
22 shall be available at the end of such year to the National  
23 Endowment for the Arts for the purpose of carrying out  
24 section 5 (c) to the extent that the value of gifts, bequests,  
25 and devises received by the Endowment under section 10

1 (a) (2) exceeds amounts appropriated under the authority  
2 of section 11 (b).

3 (i) Whenever the Chairman, after reasonable notice and  
4 opportunity for hearing, finds that—

5 (1) a group is not complying substantially with the  
6 provisions of this section;

7 (2) a State agency is not complying substantially  
8 with the terms and conditions of its State plan approved  
9 under this section; or

10 (3) any funds granted to a group or State agency  
11 under this section have been diverted from the purposes  
12 for which they were allotted or paid,

13 the Chairman shall immediately notify the Secretary of the  
14 Treasury and the group or State agency with respect to which  
15 such finding was made that no further grants will be made  
16 under this section to such group or agency until there is no  
17 longer any default or failure to comply or the diversion has  
18 been corrected, or, if compliance or correction is impossible,  
19 until such group or agency repays or arranges the repayment  
20 of the Federal funds which have been improperly diverted  
21 or expended.

22 (j) It shall be a condition of the receipt of any grant  
23 under this section that the group or individual or the State  
24 or State agency receiving such grant furnish adequate  
25 assurances to the Secretary of Labor that (1) all professional



1 performers and related or supporting professional personnel  
2 (other than laborers and mechanics with respect to whom  
3 labor standards are prescribed in subsection (k) of this  
4 section) employed on projects or productions which are  
5 financed in whole or in part under this section will be paid,  
6 without subsequent deduction or rebate on any account, not  
7 less than the minimum compensation as determined by the  
8 Secretary of Labor to be the prevailing minimum compen-  
9 sation for persons employed in similar activities; and (2)  
10 no part of any project or production which is financed in  
11 whole or in part under this section will be performed or  
12 engaged in under working conditions which are unsanitary  
13 or hazardous or dangerous to the health and safety of the  
14 employees engaged in such project or production. Compli-  
15 ance with the safety and sanitary laws of the State in which  
16 the performance or part thereof is to take place shall be prima  
17 facie evidence of compliance. The Secretary of Labor shall  
18 have the authority to prescribe standards, regulations, and  
19 procedures as he may deem necessary or appropriate to carry  
20 out the provisions of this subsection.

21 (k) It shall be a condition of the receipt of any grant  
22 under this section that the group or individual or the State or  
23 State agency receiving such grant furnish adequate assur-  
24 ances to the Secretary of Labor that all laborers and me-  
25 chanics employed by contractors or subcontractors on con-



1 construction projects assisted under this section shall be paid  
2 wages at rates not less than those prevailing on similar  
3 construction in the locality as determined by the Secretary of  
4 Labor in accordance with the Davis-Bacon Act, as amended  
5 (40 U.S.C. 276a—276a-5). The Secretary of Labor shall  
6 have with respect to the labor standards specified in this  
7 subsection the authority and functions set forth in Reorgani-  
8 zation Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C.  
9 133z-15) and section 2 of the Act of June 13, 1934, as  
10 amended (40 U.S.C. 276c).

11 (1) The Chairman shall correlate the programs of the  
12 National Endowment for the Arts insofar as practicable,  
13 with existing Federal programs and with those undertaken  
14 by other public agencies or private groups, and shall devel-  
15 op the programs of the Endowment with due regard to the  
16 contribution to the objectives of this Act which can be made  
17 by other Federal agencies under existing programs.

18 **TRANSFER OF THE NATIONAL COUNCIL ON THE ARTS**

19 **SEC. 6. (a)** The National Council on the Arts, estab-  
20 lished by the National Arts and Cultural Development Act  
21 of 1964, and its functions are transferred from the Executive  
22 Office of the President to the National Endowment for the  
23 Arts.

24 (b) The National Council on the Arts shall, in addition

1 to performing any of the duties and responsibilities pre-  
2 scribed by the National Arts and Cultural Development  
3 Act of 1964, (1) advise the Chairman with respect to  
4 policies, programs, and procedures for carrying out his func-  
5 tions, duties, or responsibilities pursuant to the provisions  
6 of this Act, and (2) review applications for financial assist-  
7 ance made under this Act and make recommendations there-  
8 on to the Chairman. The Chairman shall not approve or  
9 disapprove any such application until he has received the  
10 recommendation of the Council on such application, unless  
11 the Council fails to make a recommendation thereon within  
12 a reasonable time.

13 (c) The function of the Secretary of the Smithsonian  
14 Institution with respect to serving as an ex officio member of  
15 the National Council on the Arts, now derived from section  
16 5 (a) of the National Arts and Cultural Development Act  
17 of 1964, is hereby abolished.

18 (d) (1) The first sentence of section 5 (a) of the Na-  
19 tional Arts and Cultural Development Act of 1964 is  
20 amended by striking out "twenty-four" and inserting in lieu  
21 thereof "twenty-six".

22 (2) Clause (2) of the first sentence of section 5 (b) of  
23 such Act is amended by inserting, immediately after "taking  
24 office", the following: "prior ot May 31, 1965,".

25 (3) The second sentence of section 7 (a) of such Act is

1 amended by striking out "Thirteen" and inserting "Four-  
2 teen".

3 (4) Section 7 (d) of such Act is hereby repealed.

4 (5) Section 10 of such Act is hereby repealed.

5 (e) Except as inconsistent with the provisions of this  
6 Act, the provisions of the National Arts and Cultural De-  
7 velopment Act of 1964 shall be applicable with respect to  
8 the Chairman and the National Council on the Arts insofar  
9 as necessary for, or incidental to, carrying out the objectives  
10 of this Act.

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

20 (2) The term of office of the Chairman shall be four  
21 years, and the Chairman shall be eligible for reappointment.  
22 The provisions of this paragraph shall apply to any person  
23 appointed to fill a vacancy in the office of the Chairman.

24 (c) The Chairman, with the advice of the Federal Coun-  
25 cil on the Arts and the Humanities and the National Council

1 on the Humanities (hereinafter established), is authorized  
2 to—

3 (1) develop and encourage the pursuit of a na-  
4 tional policy for the promotion of progress and scholar-  
5 ship in the humanities;

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

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

17 (4) foster the interchange of information in the  
18 humanities;

19 (5) foster, through grants or other arrangements  
20 with groups, public understanding and appreciation of  
21 the humanities; and

22 (6) support the publication of scholarly works in  
23 the humanities without regard to the provisions of sec-  
24 tion 87 of the Act of January 12, 1895 (28 Stat. 622),

1 and section 11 of the Act of March 1, 1919 (40 Stat.  
2 1270; 44 U.S.C. 111).

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

10 (e) The total amount of any grant under subsection  
11 (c) (3) to any group engaging in workshop activities for  
12 which an admission or other charge is made to the general  
13 public shall not exceed thirty per centum of the total cost  
14 of such activities.

15 ESTABLISHMENT OF THE NATIONAL COUNCIL ON THE  
16 HUMANITIES

17 SEC. 8. (a) There is established in the National Endow-  
18 ment for the Humanities a National Council on the  
19 Humanities.

20 (b) The Council shall be composed of the Chairman  
21 of the National Endowment on the Humanities, who shall be  
22 the Chairman of the Council, and twenty-six other members  
23 appointed by the President from private life. Such mem-  
24 bers shall be selected on the basis of distinguished service

1 and scholarship or creativity and in a manner which will  
2 provide a comprehensive representation of the views of  
3 scholars and professional practitioners in the humanities and  
4 of the public throughout the United States. The President  
5 is requested in the making of such appointments to give  
6 consideration to such recommendations as may from time  
7 to time be submitted to him by leading national organizations  
8 concerned with the humanities.

9 (c) Each member shall hold office for a term of six  
10 years, except that (1) the members first taking office shall  
11 serve, as designated by the President, nine for terms of two  
12 years, nine for terms of four years, and eight for terms of  
13 six years, and (2) any member appointed to fill a vacancy  
14 shall serve for the remainder of the term for which his  
15 predecessor was appointed. No member shall be eligible  
16 for reappointment during the two-year period following the  
17 expiration of his term.

18 (d) The Council shall meet at the call of the Chairman  
19 but not less often than twice during each calendar year.  
20 Fourteen members of the Council shall constitute a quorum.

21 (e) Members not otherwise employed by the Federal  
22 Government shall receive compensation and be allowed  
23 travel expenses in the same manner as is provided in sec-  
24 tion 8 of Public Law 88-579 for the National Council on  
25 the Arts.



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

9 ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS  
10 AND THE HUMANITIES

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

13 (b) The Council shall be composed of the Chairman  
14 of the National Endowment for the Arts, the Chairman  
15 of the National Endowment for the Humanities, the United  
16 States Commissioner of Education, the Secretary of the  
17 Smithsonian Institution, the Director of the National Science  
18 Foundation, the Librarian of Congress, the Director of the  
19 National Gallery of Art, the Chairman of the Commission  
20 of Fine Arts, and a member designated by the Secretary of  
21 State. The President shall designate the Chairman of the  
22 Council from among the members. The President is au-  
23 thorized to change the membership of the Council from time  
24 to time as he deems necessary to meet changes in Federal  
25 programs or executive branch organization.

1 (c) The Council shall—

2 (1) advise and consult with the Chairman of the  
3 National Endowment for the Arts and the Chairman  
4 of the National Endowment for the Humanities on major  
5 problems arising in carrying out the purposes of the  
6 Foundation;

7 (2) coordinate, by advice and consultation, so far  
8 as is practicable, the policies and operations of the Na-  
9 tional Endowment for the Arts and the National Endow-  
10 ment for the Humanities, including joint support of  
11 activities, as appropriate;

12 (3) promote coordination between the programs  
13 and activities of the Foundation and related programs  
14 and activities of other Federal agencies; and

15 (4) plan and coordinate appropriate participation  
16 (including productions and projects) in major and his-  
17 toric national events.

18 ADMINISTRATIVE PROVISIONS

19 SEC. 10. (a) In addition to any authorities vested in  
20 them by other provisions of this Act, the Chairman of the  
21 National Endowment for the Arts and the Chairman of the  
22 National Endowment for the Humanities, in carrying out  
23 their respective functions, shall each have authority—

24 (1) to prescribe such regulations as he deems neces-



1 sary governing the manner in which his functions shall  
2 be carried out;

3 (2) to receive money and other property donated,  
4 bequeathed, or devised, without condition or restriction  
5 other than that it be used for the purposes of the Founda-  
6 tion or one of its Endowments, to the National Endow-  
7 ment for the Arts, or the National Endowment for the  
8 Humanities; and to use, sell, or otherwise dispose of  
9 such property for the purpose of carrying out sections  
10 5 (c) and 7 (c) and for the purpose of carrying out the  
11 functions transferred by section 6 (a) of this Act;

12 (3) in the discretion of the Chairman of an Endow-  
13 ment, to receive (and to use, sell, or otherwise dispose  
14 of, in accordance with paragraph (2) ) money and other  
15 property donated, bequeathed, or devised to that Endow-  
16 ment with a condition or restriction, including a condi-  
17 tion that the Chairman use other funds of that Endow-  
18 ment for the purposes of the gift;

19 (4) appoint employees, subject to the civil serv-  
20 ice laws, as necessary to carry out his functions, define  
21 their duties, and supervise and direct their activities;

22 (5) utilize from time to time, as appropriate, ex-  
23 perts and consultants, including panels of experts, who  
24 may be employed as authorized by section 15 of the

1 Administrative Expenses Act of 1946, as amended (5  
2 U.S.C. 55a) ;

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

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

10 (8) make other necessary expenditures.

11 In any case in which any money or other property is donated,  
12 bequeathed, or devised to the Foundation (A) without desig-  
13 nation of the Endowment for the benefit of which such prop-  
14 erty is intended, and (B) without condition or restriction  
15 other than that it be used for the purposes of the Foundation,  
16 such property shall be deemed to have been donated, be-  
17 queathed, or devised in equal shares to each Endowment  
18 within the scope of paragraph (2) of this subsection, and  
19 each Chairman of an Endowment shall have authority to  
20 receive such property under such paragraph. In any case in  
21 which any money or other property is donated, bequeathed,  
22 or devised to the Foundation with a condition or restriction  
23 similar to a condition or restriction covered by paragraph (3)  
24 of this subsection, such property shall be deemed to have been  
25 donated, bequeathed, or devised, within the scope of such

1 paragraph, to that Endowment whose function it is to carry  
2 out the purpose or purposes described or referred to by the  
3 terms of such condition or restriction, and each Chairman of  
4 an Endowment shall have authority to receive such property  
5 under such paragraph. For the purposes of the preceding  
6 sentence, if one or more of the purposes of such a condition  
7 or restriction is covered by the functions of both Endow-  
8 ments, or if some of the purposes of such a condition or  
9 restriction are covered by the functions of one Endowment  
10 and other of the purposes of such a condition or restriction  
11 are covered by the functions of the other Endowment, the  
12 Federal Council on the Arts and the Humanities shall deter-  
13 mine an equitable manner for distribution between each of  
14 the Endowments of the property so donated, bequeathed, or  
15 devised. For the purposes of the income tax, gift tax, and  
16 estate tax laws of the United States, any money or other  
17 property donated, bequeathed, or devised to the Foundation  
18 or one of its Endowments and received by the Chairman of  
19 an Endowment pursuant to authority derived under this sub-  
20 section shall be deemed to have been donated, bequeathed, or  
21 devised to or for the use of the United States.

22 (b) The Chairman of the National Endowment for the  
23 Arts and the Chairman of the National Endowment for the  
24 Humanities shall each submit an annual report to the Presi-  
25 dent for transmittal to the Congress on or before the 15th

1 day of January of each year. The report shall summarize  
2 the activities of the Endowment for the preceding year, and  
3 may include such recommendations as the Chairman deems  
4 appropriate.

5 (c) The National Council on the Arts and the National  
6 Council on the Humanities, respectively, may each submit  
7 an annual report to the President for transmittal to the Con-  
8 gress on or before the 15th day of January of each year  
9 setting forth a summary of its activities during the preceding  
10 year or its recommendations for any measures which it  
11 considers necessary or desirable.

#### 12 AUTHORIZATION OF APPROPRIATIONS

13 SEC. 11. (a) For the purpose of carrying out sections  
14 5 (c) and 7 (c) and the functions transferred by section 6 (a)  
15 of this Act, there is authorized to be appropriated for the  
16 fiscal year ending June 30, 1966, and each of the two suc-  
17 ceeding fiscal years the sum of \$10,000,000; but for the  
18 fiscal year ending June 30, 1969, and each subsequent  
19 fiscal year, only such sums may be appropriated as the  
20 Congress may hereafter authorize by law. Sums appro-  
21 priated under the authority of this subsection shall be equally  
22 divided between the Endowments of the Foundation, and  
23 shall remain available until expended.

24 (b) In addition to the sums authorized by subsection  
25 (a), there is authorized to be appropriated to each Endow-

1 ment an amount equal to the total of amounts received by  
2 that Endowment under section 10 (a) (2) of this Act, except  
3 that amounts appropriated to the National Endowment for  
4 the Arts under this subsection may not exceed \$2,250,000  
5 for any fiscal year, and amounts appropriated to the Na-  
6 tional Endowment for the Humanities under this subsection  
7 may not exceed \$5,000,000 for any fiscal year. Amounts  
8 appropriated to an Endowment under this subsection shall  
9 remain available until expended.

10 (c) There is hereby authorized to be appropriated to  
11 the National Endowment for the Arts the sum of \$2,750,000  
12 for each fiscal year, beginning with the fiscal year beginning  
13 on July 1, 1966, for the purposes of section 5 (h). Sums  
14 appropriated under this subsection shall remain available  
15 until expended.

16 (d) There are authorized to be appropriated such  
17 sums as may be necessary to administer the provisions of  
18 this Act.

19 (e) No grant shall be made to a workshop (other than  
20 a workshop conducted by a school, college, or university)  
21 for a production for which a direct or indirect admission  
22 charge is asked if the proceeds, after deducting reasonable  
23 costs, are used for purposes other than assisting the grantee  
24 to develop high standards of artistic excellence or encourage



1 greater appreciation of the arts and humanities by our  
2 citizens.

3 FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRU-  
4 TION IN THE HUMANITIES AND THE ARTS

5 SEC. 12. (a) There is authorized to be appropriated  
6 to the Commissioner of Education for the fiscal year ending  
7 June 30, 1966, and each of the two succeeding years the  
8 sum of \$500,000; but for the fiscal year ending on June 30,  
9 1969, and each subsequent fiscal year, only such sums may  
10 be appropriated as the Congress may hereafter authorize by  
11 law. Such sums shall be used for (1) making payments to  
12 State educational agencies under this section for the acqui-  
13 sition of equipment (suitable for use in providing education  
14 in the humanities and the arts) and for minor remodeling  
15 described in subsection (c) (1) of this section, and (2)  
16 making loans authorized in subsection (f) of this section.

17 (b) Sums appropriated pursuant to subsection (a) shall  
18 be allotted in the same manner as provided in subsections (a)  
19 and (c) of section 302 of the National Defense Education  
20 Act of 1958, as amended (72 Stat. 1588; 20 U.S.C. 442).

21 (c) Any State which desires to receive payments under  
22 this section shall submit to the Commissioner of Education  
23 through its State educational agency a State plan which  
24 meets the requirements of section 1004 (a) of the National

1 Defense Education Act of 1958, as amended (72 Stat. 1603;  
2 20 U.S.C. 584), and—

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

14 (2) sets forth principles for determining the pri-  
15 ority of such projects in the State for assistance under  
16 this section and provides for undertaking such projects,  
17 insofar as financial resources available therefor make  
18 possible, in the order determined by the application of  
19 such principles;

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

23 (4) provides for the establishment of standards

1 on a State level for special equipment acquired with  
2 assistance furnished under this section.

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

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

14 (f) The Commissioner shall allot and administer loans  
15 to nonprofit private schools in the same manner as provided  
16 in section 305 of the National Defense Education Act of  
17 1958, as amended (72 Stat. 1590; 20 U.S.C. 445).

18 TEACHER TRAINING INSTITUTES

19 SEC. 13. (a) There is authorized to be appropriated to  
20 the Commissioner of Education for the fiscal year ending  
21 June 30, 1966, and each of the two succeeding years the sum  
22 of \$500,000; but for the fiscal year ending on June 30, 1969,  
23 and each subsequent fiscal year, only such sums may be ap-  
24 propriated as the Congress may hereafter authorize by law.  
25 Such sums shall be used to enable the Commissioner of



89<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 9579**

---

---

# **A BILL**

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

---

---

By Mr. FOGARTY

JUNE 30, 1965

Referred to the Committee on Education and Labor