

89th Congress
1st Session

Set Endorsement

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IN THE SENATE OF THE UNITED STATES

JAN - 7 1965

Mr. PELL

(for himself), Mr. Brewster, Mr. Kennedy of Mass., Mr. Long of Mo., Mr. Nease of Pa., Mr. Pastore, and Mr. Randolph

introduced the following bill; which was

LABOR AND
PUBLIC WELFARE

A B I L L

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Humanities Foundation Act of 1965".

Sec. 2. The Congress hereby finds and declares--

(1) that the encouragement and support of the humanities and the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

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

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

① (4) that, during our early history, the Nation was largely engaged in mastering its physical environment while, more recently, advancing technology, defense, and space needs have put a claim on energies that might have gone into humane and artistic endeavors, with the result that our social,

316 - 2

-2-

moral, and esthetic development has lagged behind our material advance;

(5) that it is the national interest that the resulting social, cultural, and educational imbalance be redressed;

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

(7) that, in order to implement these findings, it is desirable to establish a National Humanities Foundation.

Establishment of a National Humanities Foundation - Sect 3

Sec. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

Purpose of the Foundation ✓

① Sec. 4. The purpose of the National Humanities Foundation shall be to develop and promote a broadly conceived policy of support for the humanities and the arts, but it shall not attempt to supervise, control, or otherwise direct the scholarship, teaching, research, or artistic endeavors which it supports.

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① Sec. 5. As used in this Act--

(a) The term "humanities and the arts" includes all those cultural areas which widen the understanding of man in relation to his environment as well as to other men, and encompasses all areas and fields referred to in subsections (b) and (c) of this section.

(b) The term "humanities" includes, but is not limited to, the study of language, literature, history and philosophy; archeology; the history, criticism and theory of the arts; the history of law, religion and science; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

(c) The term "the arts" includes all art areas and fields covered by the National Arts and Cultural Development Act of 1964, such as (1) music (instrumental and vocal), drama, dance, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording; and (2) the arts related to the presentation, performance, execution and exhibition of such major art forms.

(d) The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, and tape and sound recordings; and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.

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

(f) The term "group" includes any society, institution, organization, association, museum, or establishments, whether or not incorporated.

316 4

Assurance Against Federal Interference S C ctr.

① Sec. 6. In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

Functions of the Foundation S C ctr.

① Sec. 7. (a) The Foundation is authorized and directed--

(1) to develop and encourage the pursuit of a national policy for the promotion of scholarship, education, research, and creative work and performance in the humanities and the arts;

(2) to insure that suitable means (including grants, loans, and other forms of assistance) are provided for educating and developing scholars and teachers in the humanities and the arts, and artists, at any stage of their growth;

(3) to assist by institutional grants, loans, and other means of assistance public and other nonprofit organizations, as defined in section 501 (c) of the Internal Revenue Code of 1954, concerned with encouraging and developing scholars and teachers in the humanities and the arts, and artists, in order to enable each institution to develop its own program of research and instruction in the humanities and the arts; and to initiate and promote by contracts or other arrangements, including grants, loans, and other forms of assistance, programs for the improvement of teaching in the humanities and arts;

(4) to award scholarships and graduate fellowships, including postdoctoral fellowships, and grants for research and for creative work and performance in the humanities and the arts;

316 5

(5) to foster the improvement of library and museum resources and services for research and for teaching at all levels in the humanities and the arts, and to foster the interchange of information in the humanities and the arts in the United States and with other countries; and

(6) insofar as practicable, to carry out the purposes of this Act in a manner consistent with, and in support of, the activities of the National Council on the Arts established by the National Arts and Cultural Development Act of 1964.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen education, research, creative work and performance in the humanities and the arts throughout the United States and its possessions, and to operate, insofar as practicable, in cooperation with existing Federal programs, including those conducted by the Smithsonian Institution and the United States Office of Education.

(c) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to nonprofit professional groups (and nonprofit groups meeting professional standards or standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who have evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts.

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

316 6-7

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

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

(5) Except as otherwise provided in the second sentence of subsection (d) (3) of this section, the total amount allotted by the Foundation for grants-in-aid to groups for any fiscal year shall be equal to the total amounts allotted by the Foundation for grants-in-aid to States for such fiscal year.

Ⓟ (d) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid to assist the several States in supporting existing projects and productions which are making a significant public contribution in one or more of the arts, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States.

316 7

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

Ⓟ (A) designates a State agency (hereinafter in this subsection referred to as the "State agency") as the sole agency for the administration of the State plan;

Ⓟ (B) provides that funds paid to the State under this subsection will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of this title; and

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

(3) Each State which has a plan approved by the Foundation in effect on the first day of the fiscal year beginning July 1, 1965, or any succeeding fiscal year, shall be entitled to a maximum allotment in any such fiscal year of an amount equal to half the total amount allotted by the Foundation for the purposes of subsections (c) and (d) of this section for such fiscal year divided by the total number of States. In the event that any sum is remaining out of the maximum allotment available for grants to each State in any fiscal year after all allotments are made to States with approved plans in effect on the first day of such fiscal year, the Foundation, in its discretion, may grant the aggregate of such remaining sums or any portion thereof to any group eligible for financial assistance under subsection (c) of this section or State agency for projects and productions which the Foundation finds will encourage the arts in areas where such assistance will be of value. In making grants to any group pursuant to this subsection, the Foundation shall require matching funds in accordance with the provisions of subsection (c) (3) of this section.

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

(e) Whenever the Foundation, after reasonable notice and opportunity for hearing to any group or State agency, finds that--

⊕ (1) any such group is not complying substantially with the provisions of this section;

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

(3) any funds granted to such group or agency under this section have been diverted from the purposes for which they were allotted or paid

the Foundation shall immediately notify the Secretary of the Treasury and the group or State agency concerned that no further grants will be made under this section with respect to such group or State agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until the group or State repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(f) The Foundation shall render an annual report to the President for submission on or before the fifteenth day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

(g) No portion of any moneys granted, loaned, or otherwise provided as assistance under this section shall be applied to the purchase, erection, preservation, or repair of any buildings, or for the purchase or rental of any land.

National Humanities Board ^{SC ctr.}

Sec. 8. (a) The Board shall consist of (1) twenty members to be appointed by the President, by and with the advice and consent of the Senate; and (2) the Director of the Foundation, the United States Commissioner of Education, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Chairman of the National Council on the Arts, each of whom shall be voting members of the Board ex officio. The Board shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated by the President for appointment as members (A) shall be eminent in the fields of the humanities or the arts; (B) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity; and (C) shall be so selected as to provide a comprehensive representation of the views of professional practitioners in the humanities and the arts throughout the United States.

Ⓟ (b) The term of office of each appointed member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first

316 10

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taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, six at the end of two years, six at the end of four years, and eight at the end of six years, after the enactment of this Act. Any appointed member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of his term of office.

Ⓟ (c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until two years after the date of enactment of this Act. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years in duration and each such election shall take place at a regular annual meeting occurring at the end of each such term. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill the vacancy.

(d) The Board shall meet at the call of the chairman, but not less than four times each year. The chairman shall also call a meeting whenever one-third of the members of the Board so request in writing. A majority of the voting members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or by certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

Director of the Foundation S C cfr.

① Sec. 9. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as a voting ex officio member of the Board. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the same rate as provided for the Director of the National Science Foundation and shall serve for a term of six years unless sooner removed by the President.

316
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(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by section 12 of this Act, together with such powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 12 (3) of this Act unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

Power to Create Committees S C cfr.

Sec. 10. (a) The Board shall appoint from among its members an Executive Committee and assign to the Executive Committee such of the powers and functions granted to the Board by this Act as it deems appropriate; except that the Board may not assign to the Executive Committee the function of establishing policies.

(b) (1) The Executive Committee shall consist of the Director, as a nonvoting ex officio member, and not less than five nor more than nine other members elected by the Board from among their membership.

Ⓟ (2) The term of office of each voting member of the Executive Committee shall be two years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of four of the members first elected after the date of enactment of this Act shall be one year.

316 12-13

Ⓟ (3) Any person who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of his term of office.

(4) The membership of the Executive Committee shall, so far as practicable, be representative of diverse interests and shall be chosen so as to provide professional representation, so far as practicable, for all areas of the Nation.

(5) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(c) The Board is authorized to appoint from among its members or otherwise such advisory panels as it deems necessary, and to assign to the panels so appointed such survey and advisory functions as the Board deems appropriate for the purposes of this Act.

Divisions Within the Foundation ^{SCett.}

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Ⓟ Sec. 11. (a) There shall be within the Foundation such divisions as the Board may, from time to time, deem necessary in order to carry out the powers and duties of the Foundation as set forth in this Act. Among the divisions established pursuant to this section there shall be included divisions concerned with those aspects of the humanities and the arts which pertain to the development of educational excellence as related to the purposes of this Act and which pertain to creative, interpretive and professional performance as related to the purposes of this Act.

Ⓟ (b) (1) There shall be a committee for each division of the Foundation.

(2) Each divisional committee shall be appointed by the Board and shall consist of not less than five persons who need not be members of the Board.

(3) The terms of members of each divisional committee shall be two years. Each divisional committee shall annually elect its own chairman from among its own members and shall prescribe its own rules of procedure subject to such restrictions as may be prescribed by the Board.

(4) Each divisional committee shall make recommendations to, and advise and consult with, the Board and the Director with respect to matters relating to the program of its division.

General Authority of the Foundation SC ctr.

Sec. 12. The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority--

(1) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(2) to make such expenditures as may be necessary for administering the provisions of this Act, in accord with the principle that there shall be an equal distribution of funding between (A) the humanities and (B) the arts;

(3) to enter into contracts or other arrangements or modifications thereof with accredited public or other nonprofit institutions of higher education for the establishment and conduct of summer or academic-year institutes, or both, for the training of teachers of the humanities and the arts;

(4) to support improved teaching at all levels of education by encouraging experiments in presentation and organization, including interdisciplinary studies and the development of new curricular materials;

(5) to make advance, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(6) to acquire funds by gift, and to use such funds to carry out the purposes of this Act, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act;

(7) to receive funds donated, bequeathed or devised by others, if such funds are donated, bequeathed or devised without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation; and to use such funds to carry out the purposes of this Act;

(8) to publish or arrange for the publication of scholarly information in the humanities and arts without regard to the provisions of section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111);

(9) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2), for persons serving without compensation; and

(10) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for institutes in the humanities and the arts, as provided in subsection (3) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

Miscellaneous Provisions SCdr.

Sec. 13. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The Deputy Director hereinafter provided for, and the members of the divisional committees, shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this Act.

(b) The Director may appoint, with the approval of the Board a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director. The Deputy Director shall receive compensation at the same rate as provided for the Deputy Director of the National Science Foundation.

① (c) The members of the Board and the members of the divisional committees shall receive compensation at the rate of \$75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2).

316 18

① (d) Persons holding other offices in the executive branch of the Federal Government may serve as members of the divisional committees, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the United States for the development of the humanities or the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

Ⓟ (f) All artists employed by persons, organizations or institutions to present public performances which are wholly or in part Federally assisted under this Act shall be paid, without subsequent reduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum

316 19-20

wages for persons professionally employed in similar activities in the Nation. Furthermore, no part of such artistic performances shall take place nor will any preparations for such performances be engaged in under conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in such activities. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have, with respect to establishing such conditions, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (64 Stat. 1267; 5 U.S.C. 1332-15). Notwithstanding the first sentence of this section relating to minimum wages, this section shall not apply with respect to minimum wages when the beneficiary of Federal assistance under this Act is a bona fide educational institution and the audiences for public performances organized under the auspices of such an institution are comprised solely of faculty members or others employed by the institution and students enrolled in a regular course of study at the institution.

Utilization of Foreign Currency ^{SC ctr.}

14. Ⓟ Sec. 15. Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended by inserting immediately after paragraph (s) the following new paragraph:

"(u) For financing under the direction of the National Humanities Foundation, in such amounts as may be specified from time to time in appropriation acts, programs outside the United States designed to foster the interchange of information in the humanities and the arts between the United States and other countries, including but not limited to the financing of archaeological expeditions through grants, loans, or other forms of assistance;"

316 20

Authorization of Appropriations ^{SC ctr.}

15. Ⓟ Sec. 16. To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1966, the sum of \$10,000,000; for the fiscal year ending June 30, 1967, the sum of \$20,000,000; and for each succeeding fiscal year such sums as the Congress may determine.

S. 316 S.J. Res. _____ S. Con. Res. _____ S. Res. _____

The bill/resolution, numbered as above, is being held for additional sponsors through the close of business _____, Jan 21 It was introduced by Mr. _____, (for himself, and the following: (those checked))*

(*) All names are to be listed alphabetically unless otherwise indicated HERE:

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| Allott | Ellender | <input checked="" type="checkbox"/> Long, Mo. | Pell |
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| Dominick | Kennedy, N.Y. | <input checked="" type="checkbox"/> Neuberger | Young, N. Dak. |
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