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

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 That this Act may be cited as the "Cultural Development Act of 1963".

4 I—O
TITLE I—MISCELLANEOUS

FINDINGS AND PURPOSES OF ACT

SEC. 101. The Congress finds that the vitality, quality, and further development of the arts and humanities in the United States are matters of profound national interest, and that the preservation and extension of the Nation’s cultural resources requires that the Federal Government provide appropriate encouragement and support to public and other nonprofit agencies, institutions, organizations, and associations engaged in education in, sponsorship of, or otherwise advancing, artistic and cultural interest and activity. The Congress also finds that the many Federal programs and activities which involve, or which affect or are related to the arts and humanities should be assessed and evaluated in terms of their impact on American culture, and, insofar as it is practical, be coordinated and related to broad cultural needs and objectives.

While the Congress strongly affirms that individual initiative and personal choice are the inviolable characteristics of American art and culture, it recognizes that government has a responsibility to help assure that conditions in our society encourage creativity. Increasing urbanization and population growth, greatly increased leisure time afforded by industrial and agricultural technology, early retirement, and extended lifespan and related factors have created an enorm-
mous need and opportunity for the pursuit and enjoyment of cultural interests. The failure of our society to meet this need and to exploit this opportunity would be a tragic blow to the general welfare of the American people.

It is the purpose of this Act to provide a means by which the Federal Government can render effective assistance, in ways entirely appropriate for government, to efforts to encourage cultural development.

ASSURANCE AGAINST FEDERAL INTERFERENCE

Sec. 102. 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.

DEFINITIONS

Sec. 103. For purposes of this Act—

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

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

(c) The term "State" means a State, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the District of Columbia.
(d) The term "nonprofit agencies, institutions, organizations, or associations" means those organizations described in section 501 (c) of the Internal Revenue Code of 1954.

(e) The term "art" or "arts" means both the performing and the nonperforming arts, including but not limited to music, painting, sculpture, architecture, drama, the dance; the term "humanities" includes modern and ancient language and literature, history and philosophy; the term "culture" or "cultural" is used more broadly to characterize the whole range of interests and activities that promote the enlightenment and refinement of the public in intellectual and esthetic matters.

EXEMPTION FROM CONFLICT-OF-INTEREST LAWS OF MEMBERS OF ADVISORY COUNCIL

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

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

(1) to the receipt or payment of salary in con-
connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(2) during the period of such appointment, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

**AUTHORIZATION OF APPROPRIATIONS**

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

**TITLE II—NATIONAL INSTITUTE OF ARTS AND HUMANITIES**

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

**FUNCTIONS OF THE INSTITUTE**

SEC. 202. (a) The Institute is authorized and directed—

(1) to conduct studies and develop recommenda-
tions for national policy in the encouragement of the arts
and humanities and in the advancement of culture;

(2) to support research, surveys, demonstrations, or
experimental projects designed to advance the arts and
humanities, including the evaluation of such activities,
through contracts with or grants to State and other
public agencies, institutions of higher education, or
public or other nonprofit agencies, institutions, organizations, or associations;

(3) to promote and advance education in the arts
and humanities by the production or commissioning,
collection, and dissemination of films, records, tapes,
reproductions, or printed matter suitable for use in
courses or lectures in the arts conducted by schools,
colleges, and universities, or other nonprofit institutions
engaged in providing education in the arts and humani-
ties;

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

(5) to provide, through the award of graduate fel-
lowships or traineeships to individuals (within the limits
of such sums as the Congress may specifically appro-
appropriate for this purpose), or through arrangements (by contract or grant) with groups specified in section 202 (a) (2) for the conduct of institutes or seminars, for the training of teaching, technical and administrative personnel who, in the judgment of the Council, are in short supply and are most needed by educational and other cultural institutions and agencies to promote the advancement of the arts and humanities;

(6) to render consultative and advisory services to other Federal departments and agencies, State and other public agencies, public and other nonprofit educational agencies and institutions, and to other nonprofit agencies, institutions, organizations, or associations concerned with education in or advancement of the arts and humanities.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, the Institute shall place primary emphasis upon the educational aspects of the arts and humanities but it shall interpret "education" broadly so as to include all levels, conducted formally or informally by both public and private groups specified in section 202 (a) (2) for the benefit of people of all ages.

(c) The Commissioner shall render an annual report to the Secretary for submission on or before the 15th day of January of each year to the Congress, summarizing the
activities of the Institute and making such recommendations
as he may deem advisable. Such report shall include minority views and recommendations, if any, of members of the Council.

TITLE III—FEDERAL ADVISORY COUNCIL ON ARTS AND HUMANITIES

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

(b) The term of office of each member of the Council (except that of the Director) shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term; and (2) the terms of
office of members first appointed after the date of enactment of this Act shall expire, as designated by the Secretary, eight at the end of two years, eight at the end of four years, and eight at the end of six years.

(c) The Secretary shall call the first meeting of the Council, at which the first order of business shall be the election of a Chairman and a Vice Chairman. The Institute Director shall be secretary to the Council.

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

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

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

SEC. 302. In order to carry out the functions of the Institute, the Commissioner 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 not limited to the authority—

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

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

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

(d) to make advance, progress, and other payments in connection with contracts without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529); 

(e) to acquire by purchase, lease, loan, or gift, 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;
(f) to receive and use funds donated by others, provided that such funds are donated without restriction other than that they be used to further one or more of the general purposes of the Institute;

(g) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by law for persons serving without compensation; and

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

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