

H 12110-45



Public Law 88-579  
88th Congress, H. R. 9586  
September 3, 1964

An Act

78 STAT. 905.

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

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

National Arts and Cultural Development Act of 1964.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Arts and Cultural Development Act of 1964".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(1) that the growth and flourishing of the arts depend upon freedom, imagination, and individual initiative;

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

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

(4) that it is in the best interests of the United States to maintain, develop, and disseminate the Nation's artistic and cultural resources; and

(5) that, in order to implement these findings, it is desirable to establish a National Council on the Arts to provide such recognition and assistance as will encourage and promote the Nation's artistic and cultural progress.

ASSURANCE AGAINST FEDERAL INTERFERENCE IN THE ARTS

SEC. 3. 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 or program determination of any group, State, or State agency involved in the arts.

ESTABLISHMENT OF THE COUNCIL

SEC. 4. There is hereby established in the Executive Office of the President a National Council on the Arts (hereinafter referred to as the "Council").

National Council on the Arts.

MEMBERSHIP OF THE COUNCIL

SEC. 5. (a) The Council shall be composed of the Chairman provided for in section 6 of this Act, the Secretary of the Smithsonian Institution, ex officio, and twenty-four members appointed by the President. Such members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in the arts; (2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and (3) so as collectively to provide an appropriate distribution of membership among the major art fields. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to

time be submitted to him by leading national organizations in these fields.

Term of office.

(b) Each member of the Council shall hold office for a term of 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 the members first taking office shall expire, as designated by the President at the time of appointment, eight at the end of the second year, eight at the end of the fourth year, and eight at the end of the sixth year after the date of enactment of this Act. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term.

Vacancy.

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

CHAIRMAN OF THE COUNCIL

SEC. 6. (a) The President shall appoint, by and with the advice and consent of the Senate, a Chairman of the Council (hereinafter referred to as the "Chairman") from among private citizens of the United States who are widely recognized for their knowledge of or experience in, or for their profound interest in, the arts. In addition, he shall advise the President with respect to the activities of the Federal Government in the arts. If a vacancy occurs in the office of the Chairman the President shall fill the vacancy in the same manner in which the original appointment was made.

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

(c) The Chairman shall receive compensation at the rate of \$21,000 per annum, and shall be reimbursed for travel and subsistence expenses incurred by him while away from his home or regular place of business in accordance with the Travel Expense Act of 1949, as amended (5 U.S.C. 836-842), and the Standardized Government Travel Regulations.

63 Stat. 166;  
75 Stat. 339,  
340.

DUTIES AND RESPONSIBILITIES OF THE COUNCIL

Quorum.

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

(b) The Council shall (1) recommend ways to maintain and increase the cultural resources of the United States, (2) propose methods to encourage private initiative in the arts, (3) advise and consult with local, State, and Federal departments and agencies, on methods by which to coordinate existing resources and facilities, and to foster artistic and cultural endeavors and the use of the arts, both nationally and internationally, in the best interests of our country, and (4) conduct studies and make recommendations with a view to formulating methods or ways by which creative activity and high standards and increased opportunities in the arts may be encouraged and promoted in the best interests of the Nation's artistic and cultural progress, and a greater appreciation and enjoyment of the arts by our citizens can be encouraged and developed.

(c) In selecting subjects to be studied pursuant to subsection (b) of this section, the Council (1) shall consider requests submitted to it by the heads of departments and agencies of the Federal Government,

and (2) may obtain the advice of any interested and qualified persons and organizations. In making its studies pursuant to such subsection, the Council may obtain assistance from such committees and panels as may be appointed by the Chairman from among those persons professionally qualified in the fields of art with which such studies are concerned, who are recommended to him by the Council.

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

Reports to  
President and  
Congress.

#### COMPENSATION OF MEMBERS OF THE COUNCIL

SEC. 8. Members of the Council, and persons appointed to assist the Council in making its studies, while attending meetings of the Council, or while engaged in duties related to such meetings, or while engaged in the conduct of studies authorized by this title, shall receive compensation at a rate to be fixed by the Chairman, but not exceeding \$75 per diem and shall be paid 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.

60 Stat. 808;  
75 Stat. 339,  
340.

#### STAFF OF THE COUNCIL

SEC. 9. (a) The Chairman is authorized to appoint, subject to the civil service laws, such secretarial, clerical, and other staff assistance as is necessary to enable the Chairman and the Council, and its special committees, to carry out their functions and duties, and to fix the compensation of persons so appointed in accordance with the Classification Act of 1949.

63 Stat. 954;  
Arts, p. 400.  
5 USC 1071 note.

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

60 Stat. 810.

#### EXPENSES OF THE COUNCIL

SEC. 10. There are hereby authorized to be appropriated to the Council such sums as may be necessary, not to exceed \$150,000, to carry out the purposes of this Act.

Appropriation.

#### GENERAL PROVISIONS

SEC. 11. (a) This Act shall not be deemed to invalidate any provision in any act of Congress or Executive order vesting authority in the Commission of Fine Arts or any other statutory Federal advisory body.

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

Approved September 3, 1964.

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LEGISLATIVE HISTORY:

HOUSE REPORT No. 1476 (Comm. on Education & Labor).  
CONGRESSIONAL RECORD, Vol. 110 (1964):

Aug. 20: Considered and passed House.  
Aug. 21: Considered and passed Senate.