

1989, see section 325(c) of Pub. L. 101-189, set out as a note under section 923 of this title.

### Executive Documents

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

## CHAPTER 26—SUPPORT AND SCHOLARSHIP IN HUMANITIES AND ARTS; MUSEUM SERVICES

### SUBCHAPTER I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

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### SUBCHAPTER I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

#### § 951. Declaration of findings and purposes

The Congress finds and declares the following:

(1) The arts and the humanities belong to all the people of the United States.

(2) The encouragement and support of national progress and scholarship in the humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

(3) An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

(4) Democracy demands wisdom and vision in its citizens. It must therefore foster and support a form of education, and access to the arts and the humanities, designed to make people of all backgrounds and wherever located masters of their technology and not its unthinking servants.

(5) It is necessary and appropriate for the Federal Government to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations. In doing so, the Government must

be sensitive to the nature of public sponsorship. Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money. Such funding should contribute to public support and confidence in the use of taxpayer funds. Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines.

(6) The arts and the humanities reflect the high place accorded by the American people to the nation's rich cultural heritage and to the fostering of mutual respect for the diverse beliefs and values of all persons and groups.

(7) The practice of art and the study of the humanities require constant dedication and devotion. While no government can call a great artist or scholar into existence, it is necessary and appropriate for the Federal Government to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry but also the material conditions facilitating the release of this creative talent.

(8) 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.

(9) Americans should receive in school, background and preparation in the arts and humanities to enable them to recognize and appreciate the aesthetic dimensions of our lives, the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression.

(10) It is vital to a democracy to honor and preserve its multicultural artistic heritage as well as support new ideas, and therefore it is essential to provide financial assistance to its artists and the organizations that support their work.

(11) To fulfill its educational mission, achieve an orderly continuation of free society, and provide models of excellence to the American people, the Federal Government must transmit the achievement and values of civilization from the past via the present to the future, and make widely available the greatest achievements of art.

(12) In order to implement these findings and purposes, it is desirable to establish a National Foundation on the Arts and the Humanities.

(Pub. L. 89-209, § 2, Sept. 29, 1965, 79 Stat. 845; Pub. L. 91-346, § 2, July 20, 1970, 84 Stat. 443; Pub. L. 93-133, § 2(a)(1), Oct. 19, 1973, 87 Stat. 462; renumbered title I, § 2, and amended Pub. L. 98-306, §§ 2, 3, May 31, 1984, 98 Stat. 223; renumbered § 2 and amended Pub. L. 99-194, title I, §§ 101(1), 102, Dec. 20, 1985, 99 Stat. 1332; Pub. L. 101-512, title III, § 318 [title I, § 101], Nov. 5, 1990, 104 Stat. 1960, 1961.)

### Editorial Notes

#### AMENDMENTS

1990—Pub. L. 101-512 amended section generally, substituting provisions relating to declaration of findings

and purposes consisting of pars. (1) to (12) for provisions relating to declaration of purpose consisting of cls. (1) to (9).

1985—Cl. (2). Pub. L. 99-194, §102(1), struck out “man’s” before “scholarly and cultural activity”.

Cl. (3). Pub. L. 99-194, §102(2), inserted “, and access to the arts and the humanities,” after “form of education” and substituted “people of all backgrounds and wherever located” for “men”.

Cls. (8), (9). Pub. L. 99-194, §102(3)–(5), added cl. (8) and redesignated former cl. (8) as (9).

1984—Cls. (6) to (8). Pub. L. 98-306, §3, added cl. (6) and redesignated former cls. (6) and (7) as (7) and (8), respectively.

1973—Cl. (7). Pub. L. 93-133 struck out provisions relating to strengthening the responsibilities of the Office of Education with respect to education in the arts and the humanities.

1970—Cl. (2). Pub. L. 91-346 inserted “in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-512, title III, §318 [title IV, §403], Nov. 5, 1990, 104 Stat. 1960, 1977, provided that:

“(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act [probably means section, see Short Title of 1990 Amendment note below] and the amendments made by this Act shall take effect on October 1, 1990.

“(b) SPECIAL EFFECTIVE DATE.—The amendments made by sections 110, 204, and 301 [amending sections 960, 967, and 974 of this title] shall take effect on the date of the enactment of this Act [Nov. 5, 1990] or October 1, 1990, whichever is earlier.”

#### EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-133, §2(b), Oct. 19, 1973, 87 Stat. 465, provided that: “The amendments made by subsection (a) [amending this section and sections 952 and 954 to 960 of this title and repealing sections 962 and 963 of this title] shall be effective on and after July 1, 1973.”

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-512, title III, §318, Nov. 5, 1990, 104 Stat. 1960, provided that: “This section [enacting sections 954a and 969 of this title, amending this section, sections 952, 954, 955, 956, 958, 959, 960, 963, 964, 965, 967, and 974 of this title, and section 5315 of Title 5, Government Organization and Employees, and enacting notes under this section and section 954 of this title] may be cited as the ‘Arts, Humanities, and Museums Amendments of 1990’.”

#### SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-194, §1, Dec. 20, 1985, 99 Stat. 1332, provided that: “This Act [enacting section 177 of title 2, The Congress, amending this section and sections 952 to 955, 956, 957, 958 to 960, 963, 964, 967, 971, 972, and 974 of this title, enacting provisions set out as notes under sections 954 and 972 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Arts, Humanities, and Museums Amendments of 1985’.”

#### SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-306, §1, May 31, 1984, 98 Stat. 223, provided that: “This Act [enacting section 955b of this title and section 310 of Title 25, Indians, amending this section and sections 952 to 955, 956, 957, 958 to 960, 962, 963, 964, and 967 of this title, amending provisions set out as a note under this section and repealing provisions set out as notes under sections 960 and 967 of this title] may be cited as the ‘National Foundation on the Arts and the Humanities Act Amendments of 1983’.”

#### SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-496, §1, Dec. 4, 1980, 94 Stat. 2583, provided that: “This Act [amending sections 952, 954, 955, 956, 957, 958 to 960, 962, 963, 964, 965, 967, 974, and 3473 of this title] may be cited as the ‘Arts and Humanities Act of 1980’.”

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-462, §1, Oct. 8, 1976, 90 Stat. 1971, provided: “That this Act [enacting sections 961 to 968 of this title, amending sections 954, 955, 956, 957, 958, 960, and 1867 of this title, and enacting provisions set out as notes under sections 956, 960, and 961 of this title] may be cited as the ‘Arts, Humanities, and Cultural Affairs Act of 1976’.”

#### SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93-133, §1, Oct. 19, 1973, 87 Stat. 461, provided: “That this Act [amending this section and sections 351a, 952, 954, 955, 956, 957, and 958 to 960 of this title, repealing sections 962 and 963 of this title, and enacting provisions set out as notes under this section and section 351a of this title] may be cited as the ‘National Foundation on the Arts and the Humanities Amendments of 1973’.”

#### SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-346, §1, July 20, 1970, 84 Stat. 443, provided: “That this Act [amending this section and sections 952, 954, 955, 956, 957, and 958 to 960 of this title, repealing sections 781 to 788 and 790 of this title, and enacting provisions set out as notes under section 955 of this title and section 781 of this title] may be cited as ‘The National Foundation on the Arts and the Humanities Amendments of 1970’.”

#### SHORT TITLE

Pub. L. 89-209, §1, Sept. 29, 1965, 79 Stat. 845, as renumbered title I, §1, and amended by Pub. L. 98-306, §2, May 31, 1984, 98 Stat. 223; renumbered §1 and amended by Pub. L. 99-194, title I, §101, Dec. 20, 1985, 99 Stat. 1332, provided that: “This Act [enacting this subchapter, amending sections 784 to 786 of this title, repealing section 789 of this title, and enacting provisions formerly set out as a note under section 785 of this title] may be cited as the ‘National Foundation on the Arts and the Humanities Act of 1965’.”

#### SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

Pub. L. 101-512, title III, §318 [title IV, §§401, 402], Nov. 5, 1990, 104 Stat. 1960, 1977, provided that:

##### “SEC. 401. SENSE OF CONGRESS.

“It is the sense of the Congress that a recipient (including a nation, individual, group, or organization) of any form of subsidy, aid, or other Federal assistance under the Acts amended by this Act [probably means this section, see Short Title of 1990 Amendment note above] should, in expending that assistance, purchase American-made equipment and products.

##### “SEC. 402. NOTICE.

“Any entity that provides a form of subsidy, aid, or other Federal assistance under the Acts amended by this Act shall provide to each recipient of such form of subsidy, aid, or other Federal assistance a notice describing the sense of the Congress stated under section 401.”

#### 1979 WHITE HOUSE CONFERENCE ON THE ARTS

Pub. L. 95-272, title I, §§101-109, May 3, 1978, 92 Stat. 222-224, called for a White House Conference on the Arts to be held no later than Dec. 31, 1979, to help develop a climate in which the arts can flourish and to formulate recommendations relating to the appropriate growth of the arts in all parts of the Nation, established a National Conference Planning Council on the Arts to provide guidance and planning for the Conference, directed the Council to submit a report of the Conference to the

President and to the Congress no later than 180 days following the date on which the Conference was called, and provided the Council cease to exist 180 days, unless extended by the President, but in no event to exceed one year, after submission of the report.

#### 1979 WHITE HOUSE CONFERENCE ON THE HUMANITIES

Pub. L. 95-272, title II, §§201-209, May 3, 1978, 92 Stat. 224-226, called for a White House Conference on the Humanities to be held no later than Dec. 31, 1979, to help develop a climate in which the humanities can flourish and to formulate recommendations relating to the appropriate growth of the humanities in all parts of the Nation, established a National Planning Council on the Humanities to provide guidance and planning for the Conference, directed the Council to submit a report of the Conference to the President and to the Congress no later than 180 days following the date on which the Conference was called, and provided the Council cease to exist 180 days, unless extended by the President, but in no event to exceed one year, after submission of the report.

#### Executive Documents

##### EXECUTIVE ORDER NO. 12275

Ex. Ord. No. 12275, Jan. 16, 1981, 46 F.R. 5857, which established the Design Liaison Council and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12379, §10, Aug. 17, 1982, 47 F.R. 36099, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

#### § 952. Definitions

As used in this subchapter—

(a) The term “humanities” includes, but is not limited to, the study and interpretation of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archeology; comparative religion; ethics; the history, criticism, and theory of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to reflecting our diverse heritage, traditions, and history and to the relevance of the humanities to the current conditions of national life.

(b) The term “the arts” includes, but is not limited to, music (instrumental and vocal), dance, drama, 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, film, video, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, all those traditional arts practiced by the diverse peoples of this country,<sup>1</sup> and the study and application of the arts to the human environment.

(c) The term “production” means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, film, video, and tape and sound recordings, and any other activities involving the execution or rendition of the arts and meeting such standards as may be approved by the National Endowment for the Arts established by section 954 of this title.

(d) The term “project” means programs organized to carry out the purposes of this subchapter, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance the widest public knowledge and understanding of the arts, and includes, where appropriate, rental or purchase of facilities, purchase or rental of land, and acquisition of equipment. Such term also includes—

(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed \$250,000, or (B) two-thirds of the members of the National Council on the Arts or the National Council on the Humanities, as the case may be (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

(2) for purposes of sections 954(p), 956(c)(10), and 956(h) of this title only, the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic or humanistic purpose, and (B) two-thirds of the members of the National Council on the Arts and the National Council on the Humanities, as the case may be, (who are present and voting) approve of the grant or contract involving an expenditure for such purpose.

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

(f) The term “workshop” means an activity the primary purpose of which is to encourage the artistic development or enjoyment of amateur, student, or other nonprofessional participants, or to promote scholarship and teaching among the participants.

(g) The term “State” includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

(h) The term “local arts agency” means a community organization, or an agency of local government, that primarily provides financial support, services, or other programs for a variety of artists and arts organizations, for the benefit of the community as a whole.

(i) The term “developing arts organization” means a local arts organization of high artistic promise which—

(1) serves as an important source of local arts programming in a community; and

(2) has the potential to develop artistically and institutionally to broaden public access to the arts in rural and innercity areas and other areas that are underserved artistically.

(j) The term “determined to be obscene” means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

(k) The term “final judgment” means a judgment that is either—

<sup>1</sup> So in original. The period probably should be a comma.

- (1) not reviewed by any other court that has authority to review such judgment; or
- (2) is not reviewable by any other court.

(l) The term “obscene” means with respect to a project, production, workshop, or program that—

- (1) the average person, applying contemporary community standards, would find that such project, production, workshop, or program, when taken as a whole, appeals to the prurient interest;
- (2) such project, production, workshop, or program depicts or describes sexual conduct in a patently offensive way; and
- (3) such project, production, workshop, or program, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

(Pub. L. 89-209, §3, Sept. 29, 1965, 79 Stat. 845; Pub. L. 90-348, §§1, 7, June 18, 1968, 82 Stat. 184, 187; Pub. L. 91-346, §3, July 20, 1970, 84 Stat. 443; Pub. L. 93-133, §2(a)(2), Oct. 19, 1973, 87 Stat. 462; Pub. L. 96-496, title I, §101, Dec. 4, 1980, 94 Stat. 2583; renumbered title I, §3, Pub. L. 98-306, §2, May 31, 1984, 98 Stat. 223; renumbered §3 and amended Pub. L. 99-194, title I, §§101(1), 103, Dec. 20, 1985, 99 Stat. 1332; Pub. L. 101-512, title III, §318 [title I, §102], Nov. 5, 1990, 104 Stat. 1960, 1962.)

#### Editorial Notes

##### AMENDMENTS

1990—Subsec. (b). Pub. L. 101-512, §318 [title I, §102(a)(1), (b)(1)], inserted “all those traditional arts practiced by the diverse peoples of this country.” after “forms,” and “film, video,” after “radio.”

Subsec. (c). Pub. L. 101-512, §318 [title I, §102(b)(2)], inserted “film, video,” after “radio.”

Subsec. (d). Pub. L. 101-512, §318 [title I, §102(b)(3)(A)], inserted “the widest” after “enhance”.

Subsec. (d)(2). Pub. L. 101-512, §318 [title I, §102(b)(3)(B)], which directed the substitution of “sections 954(p), 956(c)(10),” for “sections 954(1)”, was executed by making the substitution for “sections 954(l)” to reflect the probable intent of Congress.

Subsecs. (h), (i). Pub. L. 101-512, §318 [title I, §102(a)(2)], added subsecs. (h) and (i).

Subsecs. (j) to (l). Pub. L. 101-512, §318 [title I, §102(c)], added subsecs. (j) to (l).

1985—Subsec. (a). Pub. L. 99-194, §103(1), substituted “study and interpretation of the following” for “study of the following” and inserted “to reflecting our diverse heritage, traditions, and history and” after “particular attention”.

Subsec. (d)(2). Pub. L. 99-194, §103(2), inserted “for purposes of sections 954(l) and 956(h) of this title only,” before “the construction of facilities if”, “or humanistic” after “artistic”, and “and the National Council on the Humanities, as the case may be,” after “the National Council on the Arts”.

1980—Subsec. (a). Pub. L. 96-496, §101(a), substituted “and theory of the arts” for “theory, and practice of the arts”.

Subsec. (d)(1)(B). Pub. L. 96-496, §101(b), inserted “or the National Council on the Humanities, as the case may be”.

Subsec. (g). Pub. L. 96-496, §101(c), inserted “the Northern Mariana Islands”.

1973—Subsec. (d). Pub. L. 93-133 substituted “or purchase of facilities” for “, purchase, renovation, or construction of facilities” and added pars. (1) and (2).

1970—Subsec. (a). Pub. L. 91-346 extended term “humanities” to include the study of comparative religion and ethics, and emphasized that particular attention be paid to relevance of humanities to current conditions

of national life when engaging in study and application of humanities to human environment.

1968—Subsec. (a). Pub. L. 90-348, §7, extended term “humanities” to include the study and application of enumerated fields to human environment.

Subsec. (b). Pub. L. 90-348, §7, extended term “arts” to include study and application of enumerated art forms to human environment.

Subsec. (f). Pub. L. 90-348, §1, substituted “activity” for “production” in definition of “workshop” and extended enumerated purposes to include promotion of scholarship and teaching among participants.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101-512, set out as a note under section 951 of this title.

##### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.

### § 953. National Foundation on the Arts and the Humanities

#### (a) Establishment; composition

There is established a National Foundation on the Arts and the Humanities (hereinafter referred to as the “Foundation”), which shall be composed of a National Endowment for the Arts, a National Endowment for the Humanities, a Federal Council on the Arts and the Humanities, and an Institute of Museum and Library Services.

#### (b) Purpose

The purpose of the Foundation shall be to develop and promote a broadly conceived national policy of support for the humanities and the arts in the United States, and for institutions which preserve the cultural heritage of the United States pursuant to this subchapter.

#### (c) Prohibition against Federal supervision over policy determination, personnel, or curriculum, or administration or operation of any school or other non-Federal body

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

(Pub. L. 89-209, §4, Sept. 29, 1965, 79 Stat. 846; renumbered title I, §4, and amended Pub. L. 98-306, §§2, 4, May 31, 1984, 98 Stat. 223; renumbered §4 and amended Pub. L. 99-194, title I, §§101(1), 104, Dec. 20, 1985, 99 Stat. 1332, 1333; Pub. L. 111-340, title II, §208(1), Dec. 22, 2010, 124 Stat. 3602.)

#### Editorial Notes

##### AMENDMENTS

2010—Subsec. (a). Pub. L. 111-340 substituted “Institute of Museum and Library Services” for “Institute of Museum Services”.

1985—Subsec. (a). Pub. L. 99-194, §104, struck out a second comma after “a National Endowment for the Humanities” and “(hereinafter established)” after “Institute of Museum Services”.

1984—Subsec. (a). Pub. L. 98-306, §4(a), substituted “, a Federal Council” for “and a Federal Council” and inserted “, and an Institute of Museum Services”.

Subsec. (b). Pub. L. 98-306, §4(b), inserted “, and for institutions which preserve the cultural heritage of the United States”.

#### **§ 954. National Endowment for the Arts**

##### **(a) Establishment**

There is established within the Foundation a National Endowment for the Arts.

##### **(b) Chairperson of the Endowment; term of office; vacancies**

(1) The Endowment shall be headed by a chairperson, to be known as the Chairperson of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairperson shall be four years and the Chairperson shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairperson. Upon expiration of the Chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified.

##### **(c) Program of contracts, grants-in-aid, or loans to groups and individuals for projects and productions; traditionally underrepresented recipients of financial assistance**

The Chairperson, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of contracts with, or grants-in-aid or loans to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts, for the purpose of enabling them to provide or support—

(1) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;

(2) projects and productions, meeting professional standards or standards of authenticity or tradition, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens for geographic or economic reasons;

(3) projects and productions that will encourage and assist artists and enable them to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or to achieve standards of professional excellence;

(4) projects and productions which have substantial artistic and cultural significance and that reach, or reflect the culture of, a minority, inner city, rural, or tribal community;

(5) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;

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

(7) programs for the arts at the local level;

(8) projects that enhance managerial and organizational skills and capabilities;

(9) projects, productions, and workshops of the kinds described in paragraphs (1) through (8) through film, radio, video, and similar media, for the purpose of broadening public access to the arts; and

(10) other relevant projects, including surveys, research, planning, and publications relating to the purposes of this subsection.

In the case of publications under paragraph (10) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44 only if the Chairperson consults with the Joint Committee on Printing of the Congress and the Chairperson submits to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501. Any loans made by the Chairperson under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury. In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to artists and artistic groups that have traditionally been underrepresented.

##### **(d) Application for payment; regulations and procedures**

No payment shall be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the Chairperson. In establishing such regulations and procedures, the Chairperson shall ensure that—

(1) artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

(2) applications are consistent with the purposes of this section. Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be obscene are prohibited from receiving financial assistance under this subchapter from the National Endowment for the Arts.

The disapproval or approval of an application by the Chairperson shall not be construed to mean, and shall not be considered as evidence that, the project, production, workshop, or program for which the applicant requested financial assistance is or is not obscene.

##### **(e) Limitation on amount of grant to group; grants and contracts of the National Endowment for the Arts**

The total amount of any grant to any group pursuant to subsection (c) of this section 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 National Endowment for the Arts for the purposes of subsection (c) for any fiscal year may be available for grants and contracts in that fiscal year without regard to such limitation.

**(f) Eligibility for financial assistance**

Any group shall be eligible for financial assistance pursuant to this section only if (1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals, and (2) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of title 26.

**(g) Grants to States for projects and productions; applications; terms and conditions of State plans; minimum allotments; excess appropriations; cost limitations; grants to regional groups; non-Federal funding; definitions**

(1) The Chairperson, with the advice of the National Council on the Arts, is authorized to establish and carry out a program of grants-in-aid to assist the several States in supporting existing projects and productions which meet the standards enumerated in subsection (c) of this section, 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.

(2) In order to receive assistance under this subsection in any fiscal year, a State shall submit an application for such grants at such time as shall be specified by the Chairperson and accompany such application with a plan which the Chairperson finds—

(A) designates or provides for the establishment of a State agency (hereinafter in this section 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 subsection (c);

(C) provides that the State agency will make such reports, in such form and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the goals of the State plan;

(D) provides—

(i) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

(ii) a summary of such recommendations and the State agency’s response to such recommendations; and

(E) contains—

(i) a description of the level of participation during the most recent preceding year for which information is available by artists, artists’ organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;

(ii) for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State arts agency are available to all people and communities in the State; and

(iii) a description of projects and productions receiving financial assistance under this subsection that exist or are being developed to secure wider participation of artists, artists’ organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under clause (ii) of this subparagraph.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

(3) Of the sums available to carry out this subsection for any fiscal year, each State which has a plan approved by the Chairperson shall be allotted at least \$200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full, such sums shall be allotted among such States in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph—

(A) the amount of such excess which is no greater than 25 per centum of the sums available to carry out this subsection for any fiscal year shall be available only to the Chairperson for making grants under this subsection to States and regional groups, and

(B) the amount of such excess, if any, which remains after reserving in full for the Chairperson the amount required under clause (A) shall be allotted among the States which have plans approved by the Chairperson in equal amounts

but in no event shall any State be allotted less than \$200,000.

(4)(A) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State, which has a plan approved by the Chairperson in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any allotment made under paragraph (3) for any fiscal year which exceeds \$125,000 shall be available, at the discretion of the Chairperson, to pay up to 100 per centum of such cost of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State: *Provided*, That the total amount of any such allotment for any fiscal year which is exempted from such 50 per centum limitation shall not exceed 20 per centum of the total of such allotment for such fiscal year. Whenever a State agency requests that the Chairperson exercise such discretion, the Chairperson shall—

(i) give consideration to the various circumstances the State is encountering at the time of such request; and

(ii) ensure that such discretion is not exercised with respect to such State in perpetuity.

(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not obligated by the State prior to 60 days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups.

(C) Funds made available under this subsection shall not be used to supplant non-Federal funds. The non-Federal funds required by subparagraph (A) to pay 50 percent of the cost of a program or production shall be provided from funds directly controlled and appropriated by the State involved and directly managed by the State agency of such State.

(D) For the purpose of paragraph (3) and paragraph (4) of this section the term “regional group” means any multistate group, whether or not representative of contiguous States.

(E) For purposes of paragraph (3)(B), the term “State” includes, in addition to the several States of the Union, only those special jurisdictions specified in section 952(g) of this title which have a population of 200,000 or more, according to the latest decennial census.

(5) All amounts allotted or made available under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available at the end of such year to the National Endowment for the Arts for the purpose of carrying out subsection (c).

**(h) Suspension of grants for defaults, noncompliance with provisions and plans, and diversion of funds; repayment of funds**

Whenever the Chairperson, after reasonable notice and opportunity for hearing, finds that—

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

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

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

the Chairperson shall immediately notify the Secretary of the Treasury and the group or State agency with respect to which such finding was made that no further grants will be made under this section to such group or 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 such group or agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

**(i) Application for financial assistance; requirements**

It shall be a condition of the receipt of financial assistance provided under this section by the Chairperson or the State agency that the applicant for such assistance include in its application—

(1) a detailed description of the proposed project, production, workshop, or program for which the applicant requests such assistance;

(2) a timetable for the completion of such proposed project, production, workshop, or program;

(3) an assurance that the applicant will submit—

(A) interim reports describing the applicant’s—

(i) progress in carrying out such project, production, workshop, or program; and

(ii) compliance with this subchapter and the conditions of receipt of such assistance;

(B) if such proposed project, production, workshop, or program will be carried out during a period exceeding 1 year, an annual report describing the applicant’s—

(i) progress in carrying out such project, production, workshop, or program; and

(ii) compliance with this subchapter and the conditions of receipt of such assistance; and

(C) not later than 90 days after—

(i) the end of the period for which the applicant receives such assistance; or

(ii) the completion of such project, production, workshop, or program;

whichever occurs earlier, a final report to the Chairperson or the State agency (as the case may be) describing the applicant’s compliance with this subchapter and the conditions of receipt of such assistance; and

(4) an assurance that the project, production, workshop, or program for which assistance is requested will meet the standards of artistic excellence and artistic merit required by this subchapter.

**(j) Regulations for distribution of financial assistance in installments; implementation**

The Chairperson shall issue regulations to provide for the distribution of financial assistance to recipients in installments except in those cases where the Chairperson determines that installments are not practicable. In implementing any such installments, the Chairperson shall ensure that—

(1) not more than two-thirds of such assistance may be provided at the time such application is approved; and

(2) the remainder of such assistance may not be provided until the Chairperson finds that the recipient of such assistance is complying substantially with this section and with the conditions under which such assistance is provided to such recipient.

**(k) Reviews to ensure compliance with regulations**

The Inspector General of the Endowment shall conduct appropriate reviews to ensure that recipients of financial assistance under this section comply with the regulations under this subchapter that apply with respect to such assistance, including regulations relating to accounting and financial matters.

**(l) Use of financial assistance for obscene project, production, etc.; repayment of assistance; exceptions**

(1) If, after reasonable notice and opportunity for a hearing on the record, the Chairperson determines that a recipient of financial assistance provided under this section by the Chairperson or any non-Federal entity, used such financial assistance for a project, production, workshop, or program that is determined to be obscene, then the Chairperson shall require that until such recipient repays such assistance (in such amount, and under such terms and conditions, as the Chairperson determines to be appropriate) to the Endowment; no subsequent financial assistance be provided under this section to such recipient.

(2) Financial assistance repaid under this section to the Endowment shall be deposited in the Treasury of the United States and credited as miscellaneous receipts.

(3)(A) This subsection shall not apply with respect to financial assistance provided before the effective date of this subsection.

(B) This subsection shall not apply with respect to a project, production, workshop, or program after the expiration of the 7-year period beginning on the latest date on which financial assistance is provided under this section for such project, production, workshop, or program.

**(m) Labor standards of professional performers and personnel; healthy and safe working conditions**

It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel (other than laborers and mechanics with respect to whom labor standards are prescribed in subsection (n) of this section) employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. 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 the authority to prescribe standards, regulations, and procedures as the Secretary of Labor may deem necessary or appropriate to carry out the provisions of this subsection.

**(n) Labor standards of laborers and mechanics**

It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40. The Secretary of Labor shall have with respect to the labor standards specified in this subsection the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 3145 of title 40.

**(o) Correlation and development of endowment programs with other Federal and non-Federal programs; expenditure of appropriations**

The Chairperson shall correlate the programs of the National Endowment for the Arts insofar

as practicable, with existing Federal programs and with those undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this subchapter which can be made by other Federal agencies under existing programs. The Chairperson may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or non-reimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.

**(p) Program of contracts or grants-in-aid to public agencies and private nonprofit organizations; limitation on payments; authority of Chairperson**

(1) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and private nonprofit organizations, on a national, State, or local level, for the purpose of strengthening quality by—

(A) enabling cultural organizations and institutions to increase the levels of continuing support and to increase the range of contributors to the programs of such organizations or institutions;

(B) providing administrative and management improvements for cultural organizations and institutions, particularly in the field of long-range financial planning;

(C) enabling cultural organizations and institutions to increase audience participation in, and appreciation of, programs sponsored by such organizations and institutions;

(D) providing additional support for cooperative efforts undertaken by State arts agencies with local arts groups and local arts agencies to promote effective arts activity at the State and local level, including—

(i) support of professional artists in community based residencies;

(ii) support of rural arts development;

(iii) support of and models for regional, statewide, or local organizations to provide technical assistance to cultural organizations and institutions;

(iv) support of and models for visual and performing arts touring; and

(v) support of and models for professional staffing of arts organizations and for stabilizing and broadening the financial base for arts organizations;

(E) stimulating greater cooperation among cultural organizations and institutions especially designed to serve better the communities in which such organizations or institutions are located;

(F) fostering greater citizen involvement in planning the cultural development of a community; and

(G) stimulating artistic activity and awareness which are in keeping with the varied cultural traditions of this Nation.

(2)(A) The Chairperson of the National Endowment for the Arts, with the advice of the Na-



tional Council on the Arts, is authorized in accordance with this subsection, to establish and carry out a program of contracts with, or grants to, States for the purposes of—

(i) raising the artistic capabilities of developing arts organizations by providing for—

(I) artistic and programmatic development to enhance artistic capabilities, including staff development; and

(II) technical assistance to improve managerial and organizational skills, financial systems management, and long-range fiscal planning; and

(ii) stimulating artistic activity and awareness and broadening public access to the arts in rural and innercity areas and other areas that are underserved artistically.

(B) For purposes of providing financial assistance under this paragraph, the Chairperson shall give priority to the activities described in subparagraph (A)(i).

(C) The Chairperson may not provide financial assistance under this paragraph to a particular applicant in more than 3 fiscal years for the purpose specified in subparagraph (A)(i).

(3) The total amount of any payment made under this subsection for a program or project may not exceed 50 per centum of the cost of such program or project.

(4) In carrying out the program authorized by this subsection, the Chairperson of the National Endowment for the Arts shall have the same authority as is established in subsection (c) and section 959 of this title.

**(q) National information and data collection system on the arts, artists and art groups, and audiences; development and implementation plan; state of the arts reports**

The Chairperson of the National Endowment for the Arts shall, in ongoing consultation with State and local agencies, relevant organizations, and relevant Federal agencies, continue to develop and implement a practical system of national information and data collection and public dissemination on the arts, artists and arts groups, and their audiences. Such system shall include artistic and financial trends in the various artistic fields, trends in audience participation, and trends in arts education on national, regional, and State levels. Such system shall also include information regarding the availability of the arts to various audience segments, including rural communities. Such system shall be used, along with a summary of the data submitted with State plans under subsection (g), to prepare a periodic report on the state of the arts in the Nation. The state of the arts report shall include a description of the availability of the Endowment's programs to emerging, rural, and culturally diverse artists, arts organizations, and communities and of the participation by such artists, organizations, and communities in such programs. The state of the arts report shall be submitted to the President and the Congress, and provided to the States, not later than October 1, 1992, and quadrennially thereafter.

(Pub. L. 89-209, §5, Sept. 29, 1965, 79 Stat. 846; Pub. L. 90-83, §10(b), Sept. 11, 1967, 81 Stat. 223; Pub. L. 90-348, §§2, 3, June 18, 1968, 82 Stat. 185;

Pub. L. 91-346, §§4, 5(a)(1), (2), 6, 7, July 20, 1970, 84 Stat. 443, 445; Pub. L. 93-133, §2(a)(3), (4), Oct. 19, 1973, 87 Stat. 462; Pub. L. 94-462, title I, §§101, 102, title III, §301(a), title IV, §401(a), Oct. 8, 1976, 90 Stat. 1971, 1978, 1980; Pub. L. 96-496, title I, §§102, 109(a), (b), Dec. 4, 1980, 94 Stat. 2583, 2591; renumbered title I, §5, Pub. L. 98-306, §2, May 31, 1984, 98 Stat. 223; renumbered §5 and amended Pub. L. 99-194, title I, §§101(1), 105, Dec. 20, 1985, 99 Stat. 1332, 1333; Pub. L. 101-512, title III, §318 [title I, §§103(a)-(i)(1), 104], Nov. 5, 1990, 104 Stat. 1960, 1963-1966; Pub. L. 113-76, div. G, title IV, §416, Jan. 17, 2014, 128 Stat. 341.)

**Editorial Notes**

**REFERENCES IN TEXT**

The effective date of this subsection, referred to in subsec. (l)(3)(A), is October 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101-512, set out as an Effective Date of 1990 Amendment note under section 951 of this title.

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (n), is set out in the Appendix to Title 5, Government Organization and Employees.

**CODIFICATION**

In subsec. (n), “sections 3141-3144, 3146, and 3147 of title 40” substituted for “the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5)” and “section 3145 of title 40” substituted for “section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**AMENDMENTS**

2014—Subsec. (g)(4)(A). Pub. L. 113-76, §416(1), inserted at end “Whenever a State agency requests that the Chairperson exercise such discretion, the Chairperson shall—

“(i) give consideration to the various circumstances the State is encountering at the time of such request; and

“(ii) ensure that such discretion is not exercised with respect to such State in perpetuity.”

Subsec. (g)(4)(C). Pub. L. 113-76, §416(2), inserted at end “The non-Federal funds required by subparagraph (A) to pay 50 percent of the cost of a program or production shall be provided from funds directly controlled and appropriated by the State involved and directly managed by the State agency of such State.”

1990—Subsec. (c). Pub. L. 101-512, §318 [title I, §103(a)(7)], substituted “paragraph (10)” for “clause (8)” in concluding provisions.

Subsec. (c)(1). Pub. L. 101-512, §318 [title I, §103(a)(1)], amended par. (1) generally. Prior to amendment, par. (1) read as follows: “projects and productions which have substantial artistic and cultural significance, giving emphasis to American creativity and cultural diversity and the maintenance and encouragement of professional excellence;”.

Subsec. (c)(2). Pub. L. 101-512, §318 [title I, §103(a)(2)], inserted “or tradition” after “authenticity”.

Subsec. (c)(5). Pub. L. 101-512, §318 [title I, §103(a)(3)], inserted “education,” after “knowledge.”

Subsec. (c)(8) to (10). Pub. L. 101-512, §318 [title I, §103(a)(4)-(6)], added pars. (8) and (9) and redesignated former par. (8) as (10).

Subsec. (d). Pub. L. 101-512, §318 [title I, §103(b)], amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “No payment may be made to any group under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations and procedures established by the Chairperson.”

Subsec. (f). Pub. L. 101-512, §318 [title I, §103(c)], substituted “Internal Revenue Code of 1986” for “Internal

Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

Subsec. (g)(2)(E)(i), (ii). Pub. L. 101-512, § 318 [title I, § 103(d)], added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

"(i) a description of the level of participation during the previous 2 years by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this subsection;

"(ii) a description of the extent to which projects and productions receiving financial assistance under this subsection are available to all people and communities in the State; and".

Subsecs. (i) to (k). Pub. L. 101-512, § 318 [title I, § 103(g)(2)], added subsecs. (i) to (k), and redesignated former subsecs. (i) to (k) as (l) to (n), respectively.

Subsec. (l). Pub. L. 101-512, § 318 [title I, § 103(h)(2)], added subsec. (l). Former subsec. (l), redesignated (m).

Pub. L. 101-512, § 318 [title I, § 103(g)(1)], redesignated subsec. (i) as (l). Former subsec. (l) redesignated (o).

Subsec. (m). Pub. L. 101-512, § 318 [title I, § 103(i)(1)], substituted "subsection (n)" for "subsection (j)".

Pub. L. 101-512, § 318 [title I, § 103(h)(1)], redesignated subsec. (l) as (m). Former subsec. (m) redesignated (n).

Pub. L. 101-512, § 318 [title I, § 103(g)(1)], redesignated subsec. (j) as (m). Former subsec. (m) redesignated (p).

Subsecs. (n), (o). Pub. L. 101-512, § 318 [title I, § 103(h)(1)], redesignated subsecs. (m) and (n) as (n) and (o), respectively. Former subsecs. (n) and (o) redesignated (o) and (p), respectively.

Pub. L. 101-512, § 318 [title I, § 103(g)(1)], redesignated subsecs. (k) and (l) as (n) and (o), respectively.

Subsec. (p). Pub. L. 101-512, § 318 [title I, § 103(h)(1)], redesignated subsec. (o) as (p). Former subsec. (p) redesignated (q).

Pub. L. 101-512, § 318 [title I, § 103(g)(1)], redesignated subsec. (m) as (p).

Subsec. (p)(1)(G). Pub. L. 101-512, § 318 [title I, § 103(e)], added subpar. (G).

Subsec. (p)(2) to (4). Pub. L. 101-512, § 318 [title I, § 104], added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and in par. (4), substituted "subsection (c)" for "section 5(c)", which for purposes of codification was translated as "subsection (c)" thus requiring no change in text.

Subsec. (q). Pub. L. 101-512, § 318 [title I, § 103(h)(1)], redesignated subsec. (p) as (q).

Pub. L. 101-512, § 318 [title I, § 103(f)], inserted "ongoing" after "shall, in", substituted "continue to develop and implement" for "develop", inserted "and public dissemination" after "collection", struck out "Not later than one year after December 20, 1985, the Chairperson shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the development and implementation of such system, including a recommendation regarding the need for any additional funds to be appropriated to develop and implement such system." after "including rural communities.", and substituted "1992, and quadrennially" for "1988, and biennially".

1985—Subsec. (b)(1). Pub. L. 99-194, § 105(1), (6), substituted "chairperson" for "chairman" and "Chairperson" for "Chairman".

Subsec. (b)(2). Pub. L. 99-194, § 105(6), (7), substituted "Chairperson" for "Chairman" wherever appearing and "the Chairperson's" for "his" in two places.

Subsec. (c). Pub. L. 99-194, § 105(2)(C), (D), (6), substituted "Chairperson" for "Chairman" in provisions preceding par. (1), and in provisions following cl. (8) substituted "Chairperson" for "Chairman" wherever appearing and "clause (8)" for "clause (5)", and inserted "In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to artists and artistic groups that have traditionally been underrepresented".

Subsec. (c)(4) to (8). Pub. L. 99-194, § 105(2)(A), (B), added cls. (4) and (5) and redesignated former cls. (4) to (6) as (6) to (8), respectively.

Subsec. (d). Pub. L. 99-194, § 105(6), substituted "Chairperson" for "Chairman".

Subsec. (g). Pub. L. 99-194, § 105(3), (6), substituted "Chairperson" for "Chairman" wherever appearing, and in par. (2) struck out "and" at end of cl. (B), substituted ", including a description of the progress made toward achieving the goals of the State plan;" for the period at end of cl. (C), and added cls. (D) and (E).

Subsec. (h). Pub. L. 99-194, § 105(6), substituted "Chairperson" for "Chairman" wherever appearing.

Subsec. (i). Pub. L. 99-194, § 105(4), substituted "Secretary of Labor may deem" for "he may deem" in last sentence.

Subsec. (k). Pub. L. 99-194, § 105(6), substituted "Chairperson" for "Chairman" wherever appearing.

Subsec. (l)(1). Pub. L. 99-194, § 105(6), substituted "Chairperson" for "Chairman" in provisions preceding subpar. (A).

Subsec. (l)(1)(D). Pub. L. 99-194, § 105(5), inserted "and local arts agencies" after "local arts groups", designated existing provisions as cl. (i), and added cls. (ii) to (v).

Subsec. (l)(3). Pub. L. 99-194, § 105(6), substituted "Chairperson" for "Chairman".

Subsec. (m). Pub. L. 99-194, § 105(8), added subsec. (m).

1980—Subsec. (c). Pub. L. 96-496, § 102(a), 109(a), inserted "or loans" in provisions preceding cl. (1) and "and cultural diversity" in cl. (1), redesignated cl. (5) as (6), added cl. (5), substituted "Committee on Labor and Human Resources" for "Committee on Labor and Public Welfare" in provisions following cl. (6), and provided that any loans made by the Chairman under subsec. (c) were to be made in accordance with terms and conditions approved by the Secretary of the Treasury.

Subsec. (g)(2)(A). Pub. L. 96-496, § 102(b)(1), struck out provision that the Recreation Board, or any successor designated for purposes of this subchapter by the Commissioner of the District of Columbia, was to be considered the "State agency" within the District of Columbia.

Subsec. (g)(4)(A). Pub. L. 96-496, § 109(b), substituted "such projects" for "such project".

Subsec. (g)(4)(E). Pub. L. 96-496, § 102(b)(2), added subpar. (E).

Subsec. (k). Pub. L. 96-496, § 102(c), authorized the Chairman to enter into interagency agreements to promote or assist the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and to use funds authorized to be appropriated for the purposes of subsec. (c) of this section for the costs of such activities.

Subsec. (l). Pub. L. 96-496, § 102(d), inserted ", on a national, State, or local level," and "strengthening quality by" in provisions of par. (1) preceding subpar. (A), redesignated subpars. (D) and (E) as (E) and (F), respectively, and added subpar. (D).

Subsec. (m). Pub. L. 96-496, § 102(e), struck out subsec. (m) which related to grants or contracts to State arts agencies for photography and film projects.

1976—Subsec. (c). Pub. L. 94-462, § 101, struck out in provisions preceding par. (1) "in the United States" after "provide or support".

Subsec. (g)(4)(A). Pub. L. 94-462, § 102, inserted provision that amount of each allotment to a State for any fiscal year shall be available to each State which has a plan approved by the Chairman to pay not more than 50 percent of total cost of any project or production described in subsec. (g)(1).

Subsec. (l). Pub. L. 94-462, § 301(a), added subsec. (l).

Subsec. (m). Pub. L. 94-462, § 401(a), added subsec. (m).

1973—Subsec. (c). Pub. L. 93-133, § 3, in opening paragraph, struck out reference to Federal Council on the Arts and Humanities, in cl. (1), substituted "projects and productions" for "production", in cl. (2), substituted "projects and productions" and "for geographic or economic reasons" for "production" and "in many areas of the country" respectively, in cl. (3), substituted "projects and productions" for "projects", in cl. (5), substituted ", planning, and publications relating to the purposes of this subsection" for "and planning in the arts", and added paragraph following cl. (5).

Subsec. (g)(1). Pub. L. 93-133, §2(a)(4)(A), struck out reference to Federal Council on the Arts and Humanities.

Subsec. (g)(2). Pub. L. 93-133, §2(a)(4)(B), (C), in provisions preceding cl. (A), substituted “assistance under this subsection” and “at such time as shall be specified by the Chairman” for “such assistance” and “prior to the first day of such fiscal year” respectively, and in cl. (B), struck out exception that in the first fiscal year in which the state was allotted funds after Sept. 29, 1965, the plan may provide that amount not exceeding \$25,000 will be expended to conduct a study to plan the development and the establishment of a State agency.

Subsec. (g)(3). Pub. L. 93-133, §2(a)(4)(D), added par. (3) and struck out former par. (3) which read as follows: “From the sums appropriated to carry out the purposes of this subsection for any fiscal year, not less than \$65,000 shall be allotted to each State. That part of such sums as may remain after such allotment shall be allotted among the States in equal amounts, except that for the purposes of this sentence the term ‘State’ shall not include Guam and American Samoa. If the sums appropriated for any fiscal year to carry out the purposes of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts.”

Subsec. (g)(4). Pub. L. 93-133, §2(a)(4)(D), added par. (4) and struck out former par. (4) which read as follows: “The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State, which has a plan approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), and to pay up to 100 per centum of the cost of conducting a study and establishing a State agency under paragraph (2)(B) of this subsection.”

Subsec. (g)(5). Pub. L. 93-133, §2(a)(4)(E), substituted “All amounts allotted or made available” for “All amounts allotted”.

1970—Subsec. (b). Pub. L. 91-346, §5(a)(1), designated existing provisions as cl. (1), and, in cl. (1) as so designated, provided for appointment of the Chairman of the National Endowment for the Arts by the President with the advice and consent of the Senate, and added cl. (2).

Subsec. (c)(3). Pub. L. 91-346, §4, expanded grants-in-aid program to enable talented groups or individuals to achieve wider distribution of their works and to work in residence at an educational or cultural institution.

Subsecs. (d) to (l). Pub. L. 91-346, §5(a)(2), struck out subsec. (d) which provided for the individual appointed as Chairman of the National Council on the Arts to also serve as the Chairman of the National Endowment for the Arts, and redesignated subsecs. (e) to (l), and all references thereto, as subsecs. (d) to (k), respectively.

Subsec. (g)(2)(A). Pub. L. 91-346, §6, permitted the Commissioner of the District of Columbia to designate a successor to the Recreation Board for the purpose of this chapter.

Subsec. (g)(3). Pub. L. 91-346, §7, provided minimum of \$65,000 allotment to each State from sums appropriated for this subsec., authorized remaining funds to be equally allotted among the States, excluded Guam and American Samoa from term “State”, and provided for equal allotments to States if the sums appropriated are insufficient to satisfy the minimum allotment.

1968—Subsec. (c). Pub. L. 90-348, §2(a), authorized contracts with groups, or in appropriate cases, individuals engaged in the arts, for the purpose of enabling them to provide or support programs and productions in the arts.

Subsec. (f). Pub. L. 90-348, §2(a), provided that contracts as well as grants made by the National Endowment for the Arts be subject to the amount limitation, and eliminated the provision requiring that groups seeking funds from the National Endowment for the Arts submit evidence to the Endowment that it had 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 had secured represent the funds applied for by such group.

Subsec. (h)(3). Pub. L. 90-348, §3, substituted “Funds appropriated to carry out the purpose of this subsection” for “The funds appropriated pursuant to section 960(c) of this title”.

Subsec. (h)(5). Pub. L. 90-348, §3, struck out provision that amounts available to the National Endowment for the Arts at the end of the fiscal year shall be limited to the excess of the value of gifts, bequests, and devises received by the Endowment over the amounts appropriated to the Endowment, the appropriated amounts to be equal to the amounts received by the Endowment in the form of donations, bequests, and devises, but not to exceed \$2,250,000.

Subsecs. (j), (k). Pub. L. 90-348, §2(b), inserted “of exceptional talent” after “the group or individual”.

1967—Subsec. (d). Pub. L. 90-83 struck out provisions setting the compensation for the Chairman of the National Council on the Arts and the National Endowment for the Arts.

### Statutory Notes and Related Subsidiaries

#### CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101-512, set out as a note under section 951 of this title.

#### APPLICABILITY OF 1985 AMENDMENT

Pub. L. 99-194, title I, §112, Dec. 20, 1985, 99 Stat. 1344, provided that: “The amendments made by sections 105(3) and 107(3) [amending this section and section 956 of this title] shall not apply with respect to plans submitted for financial assistance to be provided with funds appropriated for fiscal year 1986.”

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by section 5(a)(1), (2) of Pub. L. 91-346 effective after June 30, 1970, see section 5(d)(3)(A) of Pub. L. 91-346, set out as a note under section 955 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (q) of this section relating to quadrennially submitting the state of the arts report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 183 of House Document No. 103-7.

#### GAO STUDY REGARDING FEDERAL, STATE, AND LOCAL FUNDING OF THE ARTS

Pub. L. 101-512, title III, §318 [title I, §111], Nov. 5, 1990, 104 Stat. 1960, 1974, required the Comptroller General of the United States to conduct a study to evaluate the roles and responsibilities of the National Endowment for the Arts, the States (including State agencies), and local arts agencies, in providing financial assistance under this section, the relative effectiveness of the Endowment, and the existing capacity of the States to receive and manage increased alloca-

tions, and to submit to Congress by Oct. 1, 1992, a report summarizing the results of the study.

TEMPORARY INDEPENDENT COMMISSION TO REVIEW GRANT MAKING PROCEDURES AND CONSIDER STANDARDS FOR PUBLICLY FUNDED ART

Pub. L. 101-121, title III, § 304(a)–(c), Oct. 23, 1989, 103 Stat. 741, 742, prohibited use of funds for National Endowment for the Arts or National Endowment for the Humanities to promote, disseminate, or produce materials which in judgment of National Endowment for the Arts or National Endowment for the Humanities may be considered obscene; stated the sense of Congress concerning present procedures employed for awarding National Endowment for the Arts grants; and established Independent Commission, to expire Sept. 30, 1990, for purpose of reviewing National Endowment for the Arts grant making procedures, and considering whether standard for publicly funded art should be different than standard for privately funded art.

**§ 954a. Access to the arts through support of education**

**(a) Purposes**

The purposes of this section are—

(1) to increase accessibility to the arts through providing education to all Americans, including diverse cultures, urban and rural populations by encouraging and developing quality education in the arts at all levels, in conjunction with programs of nonformal education for all age groups, with formal systems of elementary, secondary, and postsecondary education;

(2) to develop and stimulate research to teach quality education in the arts; and

(3) to encourage and facilitate the work of artists, arts institutions, and Federal, State, regional, and local agencies in the area of education in the arts.

**(b) Program of contracts or grants**

The Chairperson of the National Endowment for the Arts,<sup>1</sup> is authorized to establish and carry out a program of contracts with, or grants to, any State or other public agency, individual, artist, any nonprofit society, performing and nonperforming arts and educational institution or organization, association, or museum in the United States, in order to foster and encourage exceptional talent, public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation's artists, through such activities as projects that will—

(1) promote and improve the availability of arts instruction for American youth and lifelong learning in the arts;

(2) enhance the quality of arts instruction in programs of teacher education;

(3) develop arts faculty resources and talents;

(4) support and encourage the development of improved curriculum materials in the arts;

(5) improve evaluation and assessment of education in the arts programs and instruction;

(6) foster cooperative programs with the Department of Education and encourage partnerships between arts and education agencies at State and local levels, arts organizations, business colleges and universities;

(7) support apprenticeships, internships, and other career oriented work-study experiences for artists and arts teachers, and encourage residencies of artists at all educational levels;

(8) support the use of technology and improved facilities and resources in education in the arts programs at all levels; and

(9) foster the development of demonstration projects, demonstration productions, demonstration workshops, and demonstration programs in arts education and collect, and make available to the public, information on their implementation and effectiveness.

**(c) Advisory council on arts education**

In order to provide advice and counsel concerning arts education, the Chairperson shall appoint an advisory council on arts education.

(Pub. L. 89-209, § 5A, as added Pub. L. 101-512, title III, § 318 [title I, § 105], Nov. 5, 1990, 104 Stat. 1960, 1967.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Section effective Oct. 1, 1990, see section 318 [title IV, § 403(a)] of Pub. L. 101-512, set out as an Effective Date of 1990 Amendment note under section 951 of this title.

**§ 955. National Council on the Arts**

**(a) Inclusion within the National Endowment for the Arts**

There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the “Council”).

**(b) Appointment and composition of Council**

(1) The Council shall be composed of members as follows:

(A) The Chairperson of the National Endowment for the Arts, who shall be the chairperson of the Council.

(B) Members of Congress appointed for a 2-year term beginning on January 1 of each odd-numbered year as follows:

(i) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(ii) One Member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(iii) Two Senator<sup>1</sup> appointed by the Majority Leader of the Senate.

(iv) One Senator appointed by the Minority Leader of the Senate.

Members of the Council appointed under this subparagraph shall serve ex officio and shall be nonvoting members of the Council.

(C) 18 members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—

(i) from among private citizens of the United States who—

(I) are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in the arts; and

(II) have established records of distinguished service, or achieved eminence, in the arts;

<sup>1</sup> So in original. The comma probably should not appear.

<sup>1</sup> So in original. Probably should be “Senators”.

(ii) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and

(iii) so as collectively to provide an appropriate distribution of membership among major art fields and interested citizens groups.

In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the arts and shall make such appointments so as to represent equitably all geographical areas in the United States.

(2) TRANSITION TO THE NEW COUNCIL COMPOSITION.—

(A) Notwithstanding subsection (b)(1)(B), members first appointed pursuant to such subsection shall be appointed not later than December 31, 1997. Notwithstanding such subsection, such members shall be appointed to serve until December 31, 1998.

(B) Members of the Council serving on the effective date of this subsection may continue to serve on the Council until their current terms expire and new members shall not be appointed under subsection (b)(1)(C) until the number of Presidentially appointed members is less than 14.

**(c) Terms of office; vacancies**

Each member appointed under subsection (b)(1)(C) shall hold office for a term of six years, and the terms of office shall be staggered. The terms of office of all Council members appointed under subsection (b)(1)(C) shall expire on the third day of September in the year of expiration. No member appointed under subsection (b)(1)(C) shall be eligible for reappointment during the two-year period following the expiration of such member's term. Any member appointed under subsection (b)(1)(C) appointed<sup>2</sup> to fill a vacancy shall serve for the remainder of the term for which such member's predecessor was appointed. Notwithstanding any other provision of this subsection, a member appointed under subsection (b)(1)(C) shall serve after the expiration of such member's term until such member's successor takes office.

**(d) Meetings of Council; quorum; written records**

(1) The Council shall meet at the call of the Chairperson but not less often than twice during each calendar year. Ten members of the Council shall constitute a quorum. All policy meetings of the Council shall be open to the public.

(2) The Council shall—

(A) create written records summarizing—

(i) all meetings and discussions of the Council; and

(ii) the recommendations made by the Council to the Chairperson; and

(B) make such records available to the public in a manner that protects the privacy of individual applicants, panel members, and Council members.

**(e) Compensation of members**

Members shall receive compensation at a rate to be fixed by the Chairperson but not to exceed

the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (section 5703 of title 5) for persons in the Government service employed intermittently.

**(f) Advisory functions; policies, programs, and procedures; recommendations; authority of Chairperson; action by Chairperson pursuant to delegation of authority**

The Council shall advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's functions, duties, or responsibilities under this subchapter, and review applications for financial assistance under this subchapter and make recommendations to the Chairperson with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant. The Council shall make recommendations to the Chairperson concerning—

(1) whether to approve particular applications for financial assistance under subsections (c) and (p) of section 954 of this title that are determined by panels under section 959(c) of this title to have artistic excellence and artistic merit; and

(2) the amount of financial assistance the Chairperson should provide with respect to each such application the Council recommends for approval.

The Chairperson shall not approve or disapprove any such application until the Chairperson has received the recommendation of the Council on such application. The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation. In the case of an application involving \$30,000, or less, the Chairperson may approve or disapprove such request if such action is taken pursuant to the terms of an expressed and direct delegation of authority from the Council to the Chairperson, and provided that each such action by the Chairperson shall be reviewed by the Council, and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 960(a) of this title.

(Pub. L. 89-209, §6, Sept. 29, 1965, 79 Stat. 849; Pub. L. 90-348, §4, June 18, 1968, 82 Stat. 185; Pub. L. 91-346, §5(b), July 20, 1970, 84 Stat. 444; Pub. L. 93-133, §2(a)(5), Oct. 19, 1973, 87 Stat. 463; Pub. L. 94-462, title I, §103(a), Oct. 8, 1976, 90 Stat. 1971; Pub. L. 96-496, title I, §103, Dec. 4, 1980, 94 Stat. 2584; renumbered title I, §6, and amended Pub. L. 98-306, §§2, 5(a), May 31, 1984, 98 Stat. 223, 224; renumbered §6 and amended Pub. L. 99-194, title I, §§101(1), 106, Dec. 20, 1985, 99 Stat. 1332, 1335; Pub. L. 101-512, title III, §318 [title I, §106], Nov. 5,

<sup>2</sup> So in original.

1990, 104 Stat. 1960, 1968; Pub. L. 105-83, title III, § 346(e), (f), Nov. 14, 1997, 111 Stat. 1605, 1606; Pub. L. 105-119, title VI, § 624, Nov. 26, 1997, 111 Stat. 2522; Pub. L. 105-277, div. A, § 101(e) [title III, § 330], Oct. 21, 1998, 112 Stat. 2681-231, 2681-293; Pub. L. 111-88, div. A, title IV, § 417, Oct. 30, 2009, 123 Stat. 2959.)

### Editorial Notes

#### REFERENCES IN TEXT

The effective date of this subsection, referred to in subsec. (b)(2)(B), probably means Nov. 14, 1997, the date of enactment of Pub. L. 105-83 which amended subsec. (b) of this section generally.

#### AMENDMENTS

2009—Subsec. (b)(1)(C). Pub. L. 111-88, § 417(1), substituted “18” for “14” in introductory provisions.

Subsec. (d)(1). Pub. L. 111-88, § 417(2), substituted “Ten” for “Eight” in second sentence.

1998—Subsec. (b)(1)(B)(iii). Pub. L. 105-277 substituted “Two” for “One”.

1997—Subsec. (b). Pub. L. 105-83, § 346(e), inserted heading and amended text of subsec. (b) generally. Prior to amendment, text read as follows: “The Council shall be composed of the Chairperson of the National Endowment for the Arts, who shall be Chairperson of the Council, and twenty-six other members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—

“(1) from among private citizens of the United States who (A) are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts and (B) have established records of distinguished service, or achieved eminence, 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 the President by leading national organizations in these fields. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the arts. Members of the Council shall be appointed so as to represent equitably all geographical areas in the United States.”

Subsec. (c). Pub. L. 105-83, § 346(f), inserted “appointed under subsection (b)(1)(C)” after “member” wherever appearing and after “all Council members” in second sentence.

Subsec. (d)(1). Pub. L. 105-119, which directed the substitution of “eight” for “fourteen”, was executed by substituting “Eight” for “Fourteen” to reflect the probable intent of Congress.

1990—Subsec. (b). Pub. L. 101-512, § 318 [title I, § 106(a)], inserted at end “Members of the Council shall be appointed so as to represent equitably all geographical areas in the United States.”

Subsec. (d). Pub. L. 101-512, § 318 [title I, § 106(b)], designated existing text as par. (1), inserted at end “All policy meetings of the Council shall be open to the public.”, and added par. (2).

Subsec. (f). Pub. L. 101-512, § 318 [title I, § 106(c)], struck out “(1)” and “(2)” before “advise the Chairperson” and “review applications for”, respectively, struck out “thereon” before “to the Chairperson”, inserted before period at end of first sentence “with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant”, struck out “, unless the Council fails to make a recommendation thereon within a reason-

able time” after “on such application”, substituted “an expressed and direct delegation” for “a delegation” and “, and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that” for “; *Provided, That*”, inserted “The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation.”, and inserted “The Council shall make recommendations to the Chairperson concerning—” and added pars. (1) and (2) immediately thereafter.

1985—Subsec. (b). Pub. L. 99-194, § 106(1), substituted “Chairperson” for “Chairman” in two places in provisions preceding par. (1), in par. (1) designated existing provisions following “who” as cl. (A) and added cl. (B), and in provisions following par. (3) substituted “the President” for “him” and inserted “In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the arts.”

Subsec. (c). Pub. L. 99-194, § 106(2), substituted “such member’s” for “his” wherever appearing.

Subsecs. (d), (e). Pub. L. 99-194, § 106(3), (4), substituted “Chairperson” for “Chairman”.

Subsec. (f). Pub. L. 99-194, § 106(5), substituted “Chairperson” for “Chairman” wherever appearing, “the Chairperson’s” for “his”, “until the Chairperson has received” for “until he has received”, and “\$30,000” for “\$17,500”.

1984—Subsec. (c). Pub. L. 98-306, § 5(a), inserted “Notwithstanding any other provision of this subsection, a member shall serve after the expiration of his term until his successor takes office.”

1980—Subsec. (c). Pub. L. 96-496 provided that the terms of office of all Council members were to expire on the third day of September in the year of expiration.

1976—Subsec. (b). Pub. L. 94-462 inserted “, by and with the advice and consent of the Senate,” after “by the President”.

1973—Subsec. (f). Pub. L. 93-133 substituted “\$17,500” for “\$10,000” and inserted proviso that the terms of delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year.

1970—Pub. L. 91-346 generally incorporated into this section the substantive provisions of the National Arts and Cultural Development Act of 1964 except for the independent study authority of the National Council on the Arts under the 1964 Act, provided for the appointment and composition of the Council, prescribed the terms of office for members of the Council, provided that the Council meet at the call of the Chairman at least twice a year, established 14 as the number of members constituting a quorum, set forth provisions governing compensation of persons employed for the Government service on an intermittent basis, and set forth functions and duties of the council essentially similar to the function and duties of the Council as set out in this section prior to this amendment.

1968—Subsec. (b). Pub. L. 90-348 inserted provision which authorized the Chairman, in the case of any application involving \$10,000 or less, to approve or disapprove the application if such action is pursuant to the terms of a delegation of authority from the Endowment Council and such action is reviewed by the Endowment Council.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, § 403(a)] of Pub. L. 101-512, set out as a note under section 951 of this title.

## EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.

## EFFECTIVE DATE OF 1970 AMENDMENT

Pub. L. 91-346, §5(d)(3)(A), July 20, 1970, 84 Stat. 445, provided that: "The amendments made by subsections (a) and (b) [amending this section and sections 954, 959, and 960 of this title] shall be effective after June 30, 1970."

## REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

## CONTINUATION OF COUNCIL AS ESTABLISHED UNDER THE NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964

Pub. L. 91-346, §5(d)(1), July 20, 1970, 84 Stat. 445, provided that: "The National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965 [this section], as amended by subsection (b), shall, for any purpose determined to be necessary by the Chairman of the National Endowment for the Arts, be deemed to be a continuation of the National Council on the Arts established under the National Arts and Cultural Development Act of 1964, Public Law 88-579 [former section 781 et seq. of this title], without interruption."

## APPOINTEES TO COUNCIL UNDER NATIONAL ARTS AND CULTURAL DEVELOPMENT ACT OF 1964 DEEMED APPOINTED UNDER 1965 ACT

Pub. L. 91-346, §5(d)(2), July 20, 1970, 84 Stat. 445, provided that: "Members appointed to the National Council on the Arts pursuant to section 5 of the National Arts and Cultural Development Act of 1964 [section 784 of this title] shall be deemed to have been appointed as members of the National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965 [this section], with such terms of office as may be remaining under the prior appointment on the effective date of the amendments made by subsection (b) [July 1, 1970]."

## § 955a. Omitted

## Editorial Notes

## CODIFICATION

Section, Pub. L. 98-146, title II, Nov. 4, 1983, 97 Stat. 949, which provided that persons serving on National Council on the Arts continue until their successors are qualified for office, was omitted as superseded. See section 955(c) of this title as amended by Pub. L. 98-306. Similar provisions were contained in Pub. L. 97-394, title II, Dec. 30, 1982, 96 Stat. 1994.

## § 955b. National Medal of Arts

## (a) Establishment

There is hereby established a National Medal of Arts, which shall be a medal of such design as is deemed appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and which shall be awarded as provided in subsection (b).

## (b) Award of Medal; conditions; recipients; presentation ceremonies

(1) The President shall from time to time award the National Medal of Arts, on the basis

of recommendations from the National Council on the Arts, to individuals or groups who in the President's judgment are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support, and availability of the arts in the United States.

(2) Not more than twelve of such medals may be awarded in any calendar year.

(3) An individual may be awarded the National Medal of Arts only if at the time such award is made such individual—

(A) is a citizen or other national of the United States; or

(B) is an alien lawfully admitted to the United States for permanent residence who (i) has filed an application or petition for naturalization in the manner prescribed by section 1445 of title 8 and (ii) is not permanently ineligible to become a citizen of the United States.

(4) A group may be awarded the National Medal of Arts only if such group is organized or incorporated in the United States.

(5) The presentation of the National Medal of Arts shall be made by the President with such ceremonies as the President may deem proper, including attendance by appropriate Members of Congress.

## (c) Availability of funds

Funds made available to the National Endowment for the Arts shall be used to carry out this section.

(Pub. L. 98-306, §13, May 31, 1984, 98 Stat. 225.)

## Editorial Notes

## CODIFICATION

Section was enacted as part of the National Foundation on the Arts and the Humanities Act Amendments of 1983, and not as part of the National Foundation on the Arts and the Humanities Act of 1965 which comprises this subchapter.

## § 956. National Endowment for the Humanities

## (a) Establishment

There is established within the Foundation the National Endowment for the Humanities.

## (b) Chairperson of the Endowment; appointment, term, reappointment; vacancy; expiration of term

(1) The Endowment shall be headed by a chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of office of the Chairperson shall be four years, and the Chairperson shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairperson. Upon expiration of the Chairperson's term of office the Chairperson shall serve until the Chairperson's successor shall have been appointed and shall have qualified.

## (c) Functions of the Endowment; publications; traditionally underrepresented recipients of financial assistance

The Chairperson, with the advice of the National Council on the Humanities (hereinafter established), is authorized to enter into arrange-

ments, including contracts, grants, loans, and other forms of assistance, to—

(1) develop and encourage the pursuit of a national policy for the promotion of progress and scholarship in the humanities;

(2) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities by making arrangements with individuals or groups to support such activities; any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;

(3) initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships awarded to individuals under this authority may be for the purpose of study or research at appropriate nonprofit institutions selected by the recipient of such aid, for stated periods of time);

(4) initiate and support programs and research which have substantial scholarly and cultural significance and that reach, or reflect the diversity and richness of our American cultural heritage, including the culture of, a minority, inner city, rural, or tribal community;

(5) foster international programs and exchanges;

(6) foster the interchange of information in the humanities;

(7) foster, with groups, education in, and public understanding and appreciation of the humanities;

(8) support the publication of scholarly works in the humanities;

(9) insure that the benefit of its programs will also be available to our citizens where such programs would otherwise be unavailable due to geographic or economic reasons; and

(10) foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities.

In the case of publications under clause (8) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44 only if the Chairperson consults with the Joint Committee on Printing of the Congress and the Chairperson submits to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501. In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that have traditionally been underrepresented.

**(d) Coordination and development of Endowment programs with other Federal and non-Federal programs**

The Chairperson shall coordinate the programs of the National Endowment for the Humanities, insofar as practicable, with existing Federal programs, designated State humanities agencies and with those undertaken by other

public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this subchapter which can be made by other Federal agencies under existing programs.

**(e) Limitation on amount of grant for workshop activities for which an admission or other charge is made to the general public**

The total amount of any grant under subsection (c)(3) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 per centum of the total cost of such activities.

**(f) Grants-in-aid programs; designation of State administrative agency; matching funds; applications and plans; allotments; cost limitations; grants to regional groups; non-Federal funding; definitions; suspension of grants; single entity limitation**

(1) The Chairperson, with the advice of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of grants-in-aid in each of the several States in order to support not more than 50 per centum of the cost of existing activities which meet the standards enumerated in subsection (c) of this section, and in order to develop a program in the humanities in such a manner as will furnish adequate programs in the humanities in each of the several States.

(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council in existence on the date the State agency is established as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this subparagraph, the State shall submit, before the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairperson finds—

(i) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the “State agency”) as the sole agency for the administration of the State plan;

(ii) provides that the chief executive officer of the State will appoint new members to the State humanities council designated under the provisions of this subparagraph, as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive officer has appointed all of the members of such council;

(iii) provides, from State funds, an amount equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described



in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved;

(iv) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out the objectives of subsection (c) and which are designed to bring the humanities to the public;

(v) provides assurances that State funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph;

(vi) provides that the State agency will make such reports, in such form and containing such information, as the Chairperson may require, including a description of the progress made toward achieving the goals of the State plan;

(vii) provides—

(I) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow scholars, interested organizations, and the public to present views and make recommendations regarding the State plan; and

(II) a summary of such recommendations and of the response of the State agency to such recommendations; and

(viii) contains—

(I) a description of the level of participation during the most recent preceding year for which information is available by scholars and scholarly organizations in programs receiving financial assistance under this subsection;

(II) for the most recent preceding year for which information is available, a description of the extent to which the programs receiving financial assistance under this subsection are available to all people and communities in the State; and

(III) a description of programs receiving financial assistance under this subsection that exist or are being developed to secure wider participation of scholars and scholarly organizations identified under subclause (I) of this clause or that address the availability of the humanities to all people or communities identified under subclause (II) of this clause.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

(B) In any State in which the chief executive officer of the State fails to submit an application under subparagraph (A), the grant recipient in such State shall—

(i) establish a procedure which assures that six members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed 25 per centum of the total membership of such governing body; and

(ii) provide, from any source, an amount equal to the amount of Federal financial assistance received by such grant recipient

under this subsection for the fiscal year involved.

(3) Whenever a State selects to receive Federal financial assistance under this subsection for any fiscal year under paragraph (2)(B), any appropriate entity desiring to receive such assistance shall submit an application for such assistance at such time as shall be specified by the Chairperson. Each such application shall be accompanied by a plan which the Chairperson finds—

(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2)(B);

(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c);

(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

(G) establishes procedures to assure public access to information relating to such activities;

(H) provides that such grant recipient will make reports to the Chairperson, in such form, at such times, and containing such information, as the Chairperson may require, including a description of the progress made toward achieving the goals of the plan;

(I) provides—

(i) assurances that the grant recipient has held, after reasonable notice, public meetings in the State to allow scholars, interested organizations, and the public to present views and make recommendations regarding the plan; and

(ii) a summary of such recommendations and of the response of the grant recipient to such recommendations; and

(J) contains—

(i) a description of the level of participation during the most recent preceding year for which information is available by scholars and scholarly organizations in programs receiving financial assistance under this subsection;

(ii) for the most recent preceding year for which information is available, a description of the extent to which the programs receiving financial assistance under this subsection are available to all people and communities in the State; and

(iii) a description of programs receiving financial assistance under this subsection that exist or are being developed to secure wider participation of scholars and scholarly organizations identified under clause (i) of this subparagraph or that address the availability of the humanities to all people or communities identified under clause (ii) of this subparagraph.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

(4) Of the sums available to carry out this subsection for any fiscal year, each State and each grant recipient which has a plan approved by the Chairperson shall be allotted at least \$200,000. If the sums appropriated are insufficient to make the allotments under the preceding sentence in full, such sums shall be allotted among such States and grant recipients in equal amounts. In any case where the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under the first sentence of this paragraph—

(A) 34 per centum of the amount of such excess for such fiscal year shall be available to the Chairperson for making grants under this subsection to States and regional groups and entities applying for such grants;

(B) 44 per centum of the amount of such excess for such fiscal year shall be allotted in equal amounts among the States and grant recipients which have plans approved by the Chairperson; and

(C) 22 per centum of the amount of such excess for such fiscal year shall be allotted among the States and grant recipients which have plans approved by the Chairperson in amounts which bear the same ratio to such excess as the population of the State for which the plan is approved (or, in the case of a grant recipient other than a State, the population of the State in which such grant recipient is located) bears to the population of all the States.

(5)(A) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairperson in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any allotment made under paragraph (4) for any fiscal year—

(i) which exceeds \$125,000, but

(ii) which does not exceed 20 per centum of such allotment,

shall be available, at the discretion of the Chairperson, to pay up to 100 per centum of the cost of programs under this subsection if such programs would otherwise be unavailable to the residents of that State.

(B) Any amount allotted to a State under the first sentence of paragraph (4) for any fiscal year which is not obligated by the State agency or grant recipient prior to sixty days prior to the end of the fiscal year for which such sums are appropriated shall be available to the Chairperson for making grants to regional groups.

(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.

(D) For the purposes of this paragraph, the term “regional group” means any multistate group, whether or not representative of contiguous States.

(E) For purposes of paragraph (4)(B), the term “State” and the term “grant recipient” include, in addition to the several States of the Union, only those special jurisdictions specified in section 952(g) of this title which have a population of 200,000 or more, according to the latest decennial census.

(6) All amounts allotted or made available under paragraph (4) for a fiscal year which are not granted to any entity during such fiscal year shall be available to the National Endowment for the Humanities for the purpose of carrying out subsection (c).

(7) Whenever the Chairperson, after reasonable notice and opportunity for hearing, finds that—

(A) a group or grant recipient is not complying substantially with the provisions of this subsection;

(B) a State agency or grant recipient is not complying substantially with terms and conditions of its State plan or grant recipient application approved under this subsection; or

(C) any funds granted to any group or State agency or grant recipient under this subsection have been diverted from the purposes for which they are allotted or paid,

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

(8) Except as provided in the third sentence of paragraph (4), and paragraphs (5) and (6), the Chairperson may not make grants under this subsection to more than one entity in any State.

**(g) Payment of performers and supporting personnel; standards, regulations, and procedures**

It shall be a condition of the receipt of any grant under this section that the group, individual, or State agency or entity receiving such grant furnish adequate assurances to the Secretary of Labor that (1) all professional performers and related or supporting professional personnel employed on projects or productions which are financed in whole or in part under this section will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and (2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are un-

sanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. 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 prescribe standards, regulations, and procedures necessary to carry out this subsection.

**(h) Program of contracts or grants-in-aid to public agencies and private nonprofit organizations; limitation on payments**

(1) The Chairperson of the National Endowment for the Humanities, with the advice of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of contracts with, or grants-in-aid to, public agencies and private nonprofit organizations for the purpose of—

(A) enabling cultural organizations and institutions to increase the levels of continuing support and to increase the range of contributors to the program of such organizations or institutions;

(B) providing administrative and management improvements for cultural organizations and institutions, particularly in the field of long-range financial planning;

(C) enabling cultural organizations and institutions to increase audience participation in, and appreciation of, programs sponsored by such organizations and institutions;

(D) stimulating greater cooperation among cultural organizations and institutions especially designed to serve better the communities in which such organizations or institutions are located;

(E) fostering greater citizen involvement in planning the cultural development of a community; and

(F) for bicentennial programs, assessing where our society and Government stand in relation to the founding principles of the Republic, primarily focused on projects which will bring together the public and private citizen sectors in an effort to find new processes for solving problems facing our Nation in its third century.

(2)(A) Except as provided in subparagraph (B) of this paragraph, the total amount of any payment made under this subsection for a program or project may not exceed 50 per centum of the cost of such program or project.

(B) The Chairperson, with the advice of the Council, may waive all or part of the requirement of matching funds provided in subparagraph (A) of this paragraph, but only for the purposes described in clause (F) of paragraph (1), whenever he determines that highly meritorious proposals for grants and contracts under such clause, could not otherwise be supported from non-Federal sources or from Federal sources other than funds authorized by section 960(a)(3) of this title, unless such matching requirement is waived. Such waiver may not exceed 15 per centum of the amount appropriated in any fiscal year and available to the National Endowment for the Humanities for the purpose of this subsection.

(3) In carrying out the program authorized by this subsection, the Chairperson of the National Endowment for the Humanities shall have the same authority as is established in subsection (c) and section 959 of this title.

**(i) Interagency agreements**

The Chairperson may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.

**(j) Payment of wages at prevailing rates; authority of Secretary of Labor**

It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State, State agency, or entity receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141-3144, 3146, and 3147 of title 40. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 3145 of title 40.

**(k) National information and data collection system on humanities, scholars, educational and cultural groups, and audiences; development and implementation plan; state of the humanities reports**

The Chairperson of the National Endowment for the Humanities shall, in ongoing consultation with State and local agencies, other relevant organizations, and relevant Federal agencies, continue to develop and implement a practical system of national information and data collection and public dissemination on the humanities, scholars, educational and cultural groups, and their audiences. Such system shall include cultural and financial trends in the various humanities fields, trends in audience participation, and trends in humanities education on national, regional, and State levels. Such system shall be used, along with a summary of the data submitted with plans under subsection (f), to prepare a report on the state of the humanities in the Nation. The state of the humanities report shall include a description of the availability of the Endowment's programs to emerging and culturally diverse scholars, cultural and educational organizations, and communities and of the participation of such scholars, organizations, and communities in such programs. The state of the humanities report shall be submitted to the President and the Congress, and provided the States, not later than October 1, 1992, and quadrennially thereafter.

**(l) Eligibility of group for financial assistance**

Any group shall be eligible for financial assistance under this section only if—

(1) no part of its net earnings inures to the benefit of any private stockholder or stockholders, or individual or individuals; and

(2) donations to such group are allowable as a charitable contribution under the standards of section 170(c) of title 26.

**(m) Annual awards**

The Chairperson, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

(1) The Jefferson Lecture in the Humanities Award to one individual for distinguished intellectual achievement in the humanities. The annual award shall not exceed \$10,000.

(2) The Charles Frankel Prize to honor individuals who have made outstanding contributions to the public understanding of the humanities. Not more than 5 individuals may receive such prize each year. Each prize shall not exceed \$5,000.

(Pub. L. 89-209, §7, Sept. 29, 1965, 79 Stat. 850; Pub. L. 90-83, §10(b), Sept. 11, 1967, 81 Stat. 223; Pub. L. 91-346, §8, July 20, 1970, 84 Stat. 445; Pub. L. 93-133, §§2(a)(6), 3, Oct. 19, 1973, 87 Stat. 464, 465; Pub. L. 94-462, title I, §§104(a), 105, title III, §301(b), Oct. 8, 1976, 90 Stat. 1971, 1974, 1979; Pub. L. 96-496, title I, §§104, 109(c), Dec. 4, 1980, 94 Stat. 2584, 2591; renumbered title I, §7, Pub. L. 98-306, §2, May 31, 1984, 98 Stat. 223; renumbered §7 and amended Pub. L. 99-194, title I, §§101(1), 107, Dec. 20, 1985, 99 Stat. 1332, 1335; Pub. L. 101-512, title III, §318 [title I, §107], Nov. 5, 1990, 104 Stat. 1960, 1969.)

**Editorial Notes**

**REFERENCES IN TEXT**

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (j), is set out in the Appendix to Title 5, Government Organization and Employees.

**CODIFICATION**

In subsec. (j), “sections 3141-3144, 3146, and 3147 of title 40” substituted for “the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5)” and “section 3145 of title 40” substituted for “section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**AMENDMENTS**

1990—Subsec. (a). Pub. L. 101-512, §318 [title I, §107(a)], substituted “the” for “a” after “Foundation”.

Subsec. (c). Pub. L. 101-512, §318 [title I, §107(b)(1)], inserted “enter into arrangements, including contracts, grants, loans, and other forms of assistance, to” after “is authorized to”.

Subsec. (c)(2). Pub. L. 101-512, §318 [title I, §107(b)(2)], struck out “(including contracts, grants, loans, and other forms of assistance)” after “arrangements”.

Subsec. (c)(3). Pub. L. 101-512, §318 [title I, §107(b)(3)], substituted “initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships)” for “award fellowships and grants to institutions or individuals for training and workshops in the humanities. Fellowships”, and inserted closing parenthesis after “periods of time”.

Subsec. (c)(7). Pub. L. 101-512, §318 [title I, §107(b)(4)], struck out “through grants or other arrangements” after “foster”.

Subsec. (c)(10). Pub. L. 101-512, §318 [title I, §107(b)(5)-(7)], added par. (10).

Subsec. (d). Pub. L. 101-512, §318 [title I, §107(c)], substituted “coordinate” for “correlate”.

Subsec. (f)(2)(A). Pub. L. 101-512, §318 [title I, §107(d)(1)], substituted “the date the State agency is established” for “December 20, 1985”.

Subsec. (f)(2)(A)(viii)(I). Pub. L. 101-512, §318 [title I, §107(d)(2)(A)], substituted “most recent preceding year for which information is available” for “previous two years”.

Subsec. (f)(2)(A)(viii)(II). Pub. L. 101-512, §318 [title I, §107(d)(2)(B)], inserted “for the most recent preceding year for which information is available”.

Subsec. (f)(3)(J)(i). Pub. L. 101-512, §318 [title I, §107(d)(3)(A)], substituted “most recent preceding year for which information is available” for “previous two years”.

Subsec. (f)(3)(J)(ii). Pub. L. 101-512, §318 [title I, §107(d)(3)(B)], inserted “for the most recent preceding year for which information is available”.

Subsec. (g). Pub. L. 101-512, §318 [title I, §107(e)], struck out “not later than 180 days after December 20, 1985” before period at end.

Subsec. (h)(2)(B). Pub. L. 101-512, §318 [title I, §107(f)], substituted “Endowment for” for “Endowment on”.

Subsec. (k). Pub. L. 101-512, §318 [title I, §107(g)], inserted “ongoing” after “shall, in”, substituted “continue to develop and implement” for “develop”, inserted “and public dissemination” after “collection”, struck out “Not later than one year after December 20, 1985, the Chairperson shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate a plan for the development and implementation of such system, including a recommendation regarding the need for any additional funds to be appropriated to develop and implement such system.” after “and State levels.”, and substituted “1992, and quadrennially” for “1988, and biennially”.

Subsecs. (l), (m). Pub. L. 101-512, §318 [title I, §107(h)], added subsecs. (l) and (m) and struck out former subsec. (l) which related to reports and plans required by regulation or directives and the transmittal of such reports and plans to the Equal Employment Opportunity Commission.

1985—Subsec. (b). Pub. L. 99-194, §107(1), (5), substituted “chairperson” for “chairman” in par. (1), and in par. (2), substituted “Chairperson” for “Chairman” and “the Chairperson’s” for “his” wherever appearing.

Subsec. (c). Pub. L. 99-194, §107(2), (5), substituted “Chairperson” for “Chairman” wherever appearing, substituted “workshops” for “workships” in cl. (3), added cls. (4) and (5) and redesignated existing cls. (4) to (7) as (6) to (9), respectively, substituted “clause (8)” for “clause (6)” in second sentence, and inserted at end “In selecting individuals and groups of exceptional talent as recipients of financial assistance to be provided under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that have traditionally been underrepresented.”

Subsec. (d). Pub. L. 99-194, §107(5), substituted “Chairperson” for “Chairman”.

Subsec. (f). Pub. L. 99-194, §107(3), (5), substituted “Chairperson” for “Chairman” wherever appearing; in par. (2)(A) substituted “December 20, 1985” for “December 4, 1980”, inserted “officer” after “chief executive” wherever appearing in cl. (ii), struck out “and” at end of cl. (v), substituted “, including a description of the progress made toward achieving the goals of the State plan;” for the period at end of cl. (vi), and added cls. (vii) and (viii) and sentence providing that no application may be approved unless the accompanying plan satisfies the requirements specified in this subsection; in par. (2)(B)(i) substituted “six” and “25” for “four” and “20”, respectively; and in par. (3) struck out “and” at end of cl. (G), substituted “, including a description of the progress made toward achieving the goals of the plan;” for the period at end of cl. (H), and added cls. (I) and (J) and sentence providing that no application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

Subsec. (g). Pub. L. 99-194, §107(4), substituted “The Secretary of Labor shall prescribe standards, regulations, and procedures necessary to carry out this subsection not later than 180 days after December 20, 1985”

for “The Secretary of Labor shall have the authority to prescribe standards, regulations, and procedures as he may deem necessary or appropriate to carry out the provisions of this subsection”.

Subsecs. (h)(1), (2)(B), (3), (i). Pub. L. 99-194, §107(5), substituted “Chairperson” for “Chairman” wherever appearing.

Subsecs. (j) to (l). Pub. L. 99-194, §107(6), added subsecs. (j) to (l).

1980—Subsec. (c). Pub. L. 96-496, §109(c), substituted “Committee on Labor and Human Resources” for “Committee on Labor and Public Welfare” in last sentence.

Subsec. (f)(2). Pub. L. 96-496, §104(a)(1), substituted provisions relating to the designation of State humanities councils as State administrative agencies, requiring matching State funding and submission by States wishing to designate administrative State agencies of grant applications and accompanying administrative plans, and prescribing a grant recipient application procedure for provisions requiring entities desiring to receive financial assistance under this subsection to submit grant applications and accompanying administrative plans.

Subsec. (f)(3). Pub. L. 96-496, §104(a)(2), substituted provisions requiring entities desiring to receive financial assistance under this subsection to submit grant applications and accompanying administrative plans for provisions relating to the appointment of grant recipient members.

Subsec. (f)(4). Pub. L. 96-496, §104(a)(3), in provisions preceding subpar. (A), substituted “each State and each grant recipient” for “each grant recipient” and “such States and grant recipients” for “such grant recipients”, in subpar. (A), substituted “34 per centum of the amount of such excess for such” for “the amount of such excess which is no greater than 25 per centum of the sums available to carry out this subsection for any” and inserted “States and regional groups and”, in subpar. (B), substituted “44 per centum of the amount of such excess for such fiscal year” for “the amount of such excess, if any, which remains after reserving in full for the Chairman the amount required under subparagraph (A)” and “States and grant recipients” for “grant recipients” and struck out “but in no event shall any grant recipient be allotted less than \$200,000” after “Chairman” and added subpar. (C).

Subsec. (f)(5)(A). Pub. L. 96-496, §104(a)(4)(A), substituted “The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any” for “Whenever the provisions of paragraph (3)(B) of this subsection apply in any State, that part of any”.

Subsec. (f)(5)(B). Pub. L. 96-496, §104(a)(4)(B), inserted “State agency or”.

Subsec. (f)(5)(E). Pub. L. 96-496, §104(a)(4)(C), added subpar. (E).

Subsec. (f)(7). Pub. L. 96-496, §104(a)(5), inserted “group or” in subpar. (A), inserted “State agency or” and substituted “State plan or grant recipient application” for “plan” in subpar. (B), inserted “group or State agency or” in subpar. (C), and inserted “group, State agency, or” in three places in provisions following subpar. (C).

Subsec. (f)(8). Pub. L. 96-496, §104(a)(6), substituted “the third sentence of paragraph (4), and paragraphs (5) and (6)” for “paragraphs (4), (5), and (6)”.

Subsec. (g). Pub. L. 96-496, §104(b), substituted “State agency or” for “State”.

Subsec. (i). Pub. L. 96-496, §104(c), added subsec. (i).

1976—Subsecs. (f), (g). Pub. L. 94-462, §§104(a), 105, added subsecs. (f) and (g).

Subsec. (h). Pub. L. 94-462, §301(b), added subsec. (h).

1973—Subsec. (c). Pub. L. 93-133, §2(a)(6), in provisions preceding cl. (1) struck out reference to the Federal Council on the Arts and the Humanities, in cl. (2) in-

serted proviso that loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury, in cl. (6) struck out reference to section 111 of title 44, and added cl. (7) and provisions following cl. (7).

Subsec. (d). Pub. L. 93-133, §3, required the Chairman to correlate the programs of the National Endowment for the Humanities with designated State humanities agencies.

1970—Subsec. (b)(2). Pub. L. 91-346, §8(a), provided that upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified.

Subsec. (c)(2). Pub. L. 91-346, §8(b), announced intention of the Endowment for the Humanities to strengthen teaching potential as well as research potential and authorized the Endowment to make contracts as well as grants etc., in its efforts to accomplish its goals.

Subsec. (c)(5). Pub. L. 91-346, §8(c), announced intention to foster education in as well as public understanding and appreciation of the humanities.

1967—Subsec. (b)(1). Pub. L. 90-83 struck out provision setting the compensation of the Chairman at the level prescribed by law for the Director of the National Science Foundation.

## Statutory Notes and Related Subsidiaries

### CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101-512, set out as a note under section 951 of this title.

### APPLICABILITY OF 1985 AMENDMENT

Amendment by section 107(3) of Pub. L. 99-194 not applicable with respect to plans submitted for financial assistance to be provided with funds appropriated for fiscal year 1986, see section 112 of Pub. L. 99-194, set out as a note under section 954 of this title.

### EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-462, title I, §104(b), Oct. 8, 1976, 90 Stat. 1974, provided that: “The amendment made by subsection (a) [amending this section] shall be effective with respect to fiscal year 1977 and succeeding fiscal years.”

### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by section 2(a)(6) of Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.

### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (k) of this section relating to quadrennially submitting the state of the humanities report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 183 of House Document No. 103-7.

## § 956a. National Capital arts and cultural affairs; grant programs

There is hereby authorized a program to support artistic and cultural programs in the Nation's Capital to be established under the direction of the Commission of Fine Arts. Not to exceed \$10,000,000 annually is authorized to provide grants for general operating support to eligible organizations located in the District of Columbia whose primary purpose is performing, exhibiting and/or presenting arts.

Eligibility for grants shall be limited to not-for-profit, non-academic institutions of demonstrated national repute and is further limited to organizations having annual income, exclusive of Federal funds, in excess of \$1,000,000 for each of the three years prior to receipt of a grant. Each eligible organization must have its principal place of business in the District of Columbia and in a facility or facilities located in the District of Columbia.

The Chairman of the Commission of Fine Arts shall establish an application process and shall, along with the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities determine the eligibility of applicant organizations.

Of the funds provided for grants, 70 per centum shall be equally distributed among all qualifying organizations and 30 per centum shall be distributed based on the size of an organization's total annual income, exclusive of Federal funds, compared to the combined total of the annual income, exclusive of Federal funds, of all eligible institutions. No organization shall receive a grant in excess of \$650,000 in a single year.

An application process shall be established no later than March 1, 1986, and initial grants shall be awarded no later than June 1, 1986.

(Pub. L. 99-190, §101(d) [title II, §201], Dec. 19, 1985, 99 Stat. 1224, 1261; Pub. L. 99-500, §101(h) [title II, §201], Oct. 18, 1986, 100 Stat. 1783-242, 1783-281, and Pub. L. 99-591, §101(h) [title II, §201], Oct. 30, 1986, 100 Stat. 3341-242, 3341-281; Pub. L. 100-202, §101(g) [title II, §201], Dec. 22, 1987, 101 Stat. 1329-213, 1329-250; Pub. L. 101-121, title II, Oct. 23, 1989, 103 Stat. 739; Pub. L. 106-219, §2, June 20, 2000, 114 Stat. 346; Pub. L. 108-81, title V, §502(b), Sept. 25, 2003, 117 Stat. 1003; Pub. L. 111-88, div. A, title IV, §418, Oct. 30, 2009, 123 Stat. 2960; Pub. L. 112-74, div. E, title III, Dec. 23, 2011, 125 Stat. 1035.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Section was not enacted as part of the National Foundation on the Arts and the Humanities Act of 1965 which comprises this subchapter.

##### AMENDMENTS

2011—Pub. L. 112-74 substituted “Each eligible organization must have its principal place of business in the District of Columbia and in a facility or facilities located in the District of Columbia.” for “The following organizations are deemed eligible to receive grants under this section: Folger Theater, Corcoran Gallery of Art, Phillips Gallery, Arena Stage, the National Building Museum, the National Children's Museum, the National Symphony Orchestra, the National Opera, and Ford's Theater.” in second par. and struck out “in addition to those herein named” at end of third par.

2009—Pub. L. 111-88 substituted “\$10,000,000” for “\$7,500,000” in first par. and “\$650,000” for “\$500,000” in fourth par.

2003—Pub. L. 108-81 substituted “National Children's Museum” for “National Capital Children's Museum” in second par.

2000—Pub. L. 106-219 substituted “National Opera” for “Washington Opera Society” in second par.

1989—Pub. L. 101-121 substituted “\$7,500,000” for “\$5,000,000” in first par.

1987—Pub. L. 100-202 substituted “direction of the Commission of Fine Arts” for “direction of the Na-

tional Endowment for the Humanities” in first par. and amended third par. generally. Prior to amendment, third par. read as follows: “The Chairman of the National Endowment for the Humanities shall establish an application process and shall, along with the Chairman of the National Endowment for the Arts and the Chairman of the Commission on Fine Arts determine the eligibility of applicant organizations in addition to those herein named.”

1986—Pub. L. 99-500 and Pub. L. 99-591 substituted “whose primary purpose is” for “which are engaged primarily in” in first par. and “annual income, exclusive of Federal Funds,” for “an annual operating budget”, “operating budget”, and “operating budgets” in third and fourth pars.

#### Statutory Notes and Related Subsidiaries

##### REDESIGNATION OF CAPITAL CHILDREN'S MUSEUM AS NATIONAL CHILDREN'S MUSEUM

Pub. L. 108-81, title V, §502, Sept. 25, 2003, 117 Stat. 1003, provided that:

“(a) DESIGNATION.—The Capital Children's Museum located at 800 Third Street, NE, Washington, D.C. (or any successor location), organized under the laws of the District of Columbia, is designated as the ‘National Children's Museum’.

“(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum referred to in subsection (a) shall be deemed to be a reference to the ‘National Children's Museum’.”

##### REDESIGNATION OF WASHINGTON OPERA AS NATIONAL OPERA

Pub. L. 106-219, June 20, 2000, 114 Stat. 346, provided that:

##### “SECTION 1. DESIGNATION.

“The Washington Opera, organized under the laws of the District of Columbia, is designated as the ‘National Opera’.

##### “SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper or other record of the United States to the Washington Opera referred to in section 1 shall be deemed to be a reference to the ‘National Opera’.”

#### § 957. National Council on the Humanities

##### (a) Establishment

There is established in the National Endowment for the Humanities a National Council on the Humanities.

##### (b) Composition; basis for selection of members; representation of interests; recommendations of national organizations

The Council shall be composed of the Chairperson of the National Endowment for the Humanities, who shall be the Chairperson of the Council, and twenty-six other members appointed by the President, by and with the advice and consent of the Senate, from private life. Such members shall be individuals who (1) are selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States. The President is requested in the making of such appointments to give consider-

ation to such recommendations as may from time to time be submitted to him by leading national organizations concerned with the humanities. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.

**(c) Term of office; vacancies; reappointment**

Each member shall hold office for a term of six years, except that (1) the members first taking office shall serve, as designated by the President, nine for terms of two years, nine for terms of four years, and eight for terms of six years, and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which such member's predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of such member's term. Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of such member's term until such member's successor takes office.

**(d) Meetings; quorum**

The Council shall meet at the call of the Chairperson but not less often than twice during each calendar year. Fourteen members of the Council shall constitute a quorum.

**(e) Compensation and travel expenses**

Members shall receive compensation at a rate to be fixed by the Chairperson but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (section 5703 of title 5) for persons in the Government service employed intermittently.

**(f) Advisory functions: policies, programs, and procedures; review of applications for financial support; recommendations prerequisite to action of Chairperson; unilateral action by Chairperson pursuant to delegation of authority**

The Council shall (1) advise the Chairperson with respect to policies, programs, and procedures for carrying out the Chairperson's functions, and (2) shall review applications for financial support and make recommendations thereon to the Chairperson. The Chairperson shall not approve or disapprove any such application until the Chairperson has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of any application involving \$30,000, or less, the Chairperson may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairperson, and provided that each such action by the Chairperson shall be reviewed by the Council: *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 960(a) of this title.

(Pub. L. 89-209, §8, Sept. 29, 1965, 79 Stat. 851; Pub. L. 90-348, §4, June 18, 1968, 82 Stat. 186; Pub. L. 91-346, §5(c), July 20, 1970, 84 Stat. 444; Pub. L. 93-133, §2(a)(7), Oct. 19, 1973, 87 Stat. 464; Pub. L. 94-462, title I, §103(b), Oct. 8, 1976, 90 Stat. 1971; Pub. L. 96-496, title I, §105, Dec. 4, 1980, 94 Stat. 2587; renumbered title I, §8, and amended Pub. L. 98-306, §§2, 5(b), May 31, 1984, 98 Stat. 223, 224; renumbered §8 and amended Pub. L. 99-194, title I, §§101(1), 108, Dec. 20, 1985, 99 Stat. 1332, 1338.)

**Editorial Notes**

**AMENDMENTS**

1985—Subsec. (b). Pub. L. 99-194, §108(1), substituted "Chairperson" for "Chairman" in two places, substituted "individuals who (1) are selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of" for "selected on the basis of", and inserted provision that in making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.

Subsec. (c). Pub. L. 99-194, §108(2), substituted "such member's" for "his" wherever appearing.

Subsecs. (d), (e). Pub. L. 99-194, §108(3), substituted "Chairperson" for "Chairman" wherever appearing.

Subsec. (f). Pub. L. 99-194, §108(3), (4), substituted "Chairperson" for "Chairman" wherever appearing, "the Chairperson's" for "his", and "until the Chairperson has received" for "until he has received".

1984—Subsec. (c). Pub. L. 98-306, §5(b), inserted "Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of his term until his successor takes office."

1980—Subsec. (f). Pub. L. 96-496 substituted "\$30,000" for "\$17,500".

1976—Subsec. (b). Pub. L. 94-462 inserted ", by and with the advice and consent of the Senate," after "by the President".

1973—Subsec. (f). Pub. L. 93-133 substituted "\$17,500" for "\$10,000" and inserted proviso that the terms of delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceeds an amount equal to 10 per centum of the sums appropriated for that fiscal year.

1970—Subsec. (e). Pub. L. 91-346 set forth provisions governing compensation of persons employed for the Government service on an intermittent basis.

1968—Subsec. (f). Pub. L. 90-348 inserted provisions which authorized the Chairman, in the case of any application involving \$10,000 or less, to approve or disapprove the application if such action is pursuant to the terms of a delegation of authority from the Endowment Council and such action is reviewed by the Endowment Council.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 1973 AMENDMENT**

Amendment by Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.

**REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES**

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 957a. Omitted****Editorial Notes****CODIFICATION**

Section, Pub. L. 98-146, title II, Nov. 4, 1983, 97 Stat. 949, which directed that persons serving on National Council on the Humanities continue until their successors are qualified for office, was omitted as superseded. See section 957(c) of this title, as amended by Pub. L. 98-306. Similar provisions were contained in Pub. L. 97-394, title II, Dec. 30, 1982, 96 Stat. 1994.

**§ 958. Federal Council on the Arts and the Humanities****(a) Establishment**

There is established within the Foundation a Federal Council on the Arts and the Humanities.

**(b) Composition; presiding officer; changes in membership to meet changes in programs or executive branch organization**

The Council shall be composed of the Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum and Library Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, the Assistant Secretary for Aging, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House. The President shall designate the presiding officer of the Council from among the members. The President is authorized to change the membership of the Council from time to time as the President deems necessary to meet changes in Federal programs or executive branch organization.

**(c) Functions**

The Council shall—

(1) advise and consult with the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation;

(2) advise and consult with the National Museum Services Board and with the Director of the Institute of Museum and Library Services on major problems arising in carrying out the purposes of such Institute;

(3) coordinate, by advice and consultation, so far as is practicable, the policies and operations of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services, including joint support of activities, as appropriate;

(4) promote coordination between the programs and activities of the Foundation and related programs and activities of other Federal agencies;

(5) plan and coordinate appropriate participation (including productions and projects) in major and historic national events;

(6) undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems; and

(7) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies.

(Pub. L. 89-209, § 9, Sept. 29, 1965, 79 Stat. 851; Pub. L. 91-346, § 9, July 20, 1970, 84 Stat. 446; Pub. L. 93-133, § 2(a)(8), Oct. 19, 1973, 87 Stat. 464; Pub. L. 94-462, title II, § 208, Oct. 8, 1976, 90 Stat. 1977; Pub. L. 96-496, title I, §§ 106, 109(d), Dec. 4, 1980, 94 Stat. 2587, 2591; renumbered title I, § 9, and amended Pub. L. 98-306, §§ 2, 6, May 31, 1984, 98 Stat. 223, 224; renumbered § 9 and amended Pub. L. 99-194, title I, §§ 101(1), 109, Dec. 20, 1985, 99 Stat. 1332, 1339; Pub. L. 101-512, title III, § 318 [title I, § 108], Nov. 5, 1990, 104 Stat. 1960, 1970; Pub. L. 103-171, § 3(b)(2), Dec. 2, 1993, 107 Stat. 1991; Pub. L. 111-340, title II, § 208(2), Dec. 22, 2010, 124 Stat. 3603.)

**Editorial Notes****AMENDMENTS**

2010—Subsecs. (b), (c)(2), (3). Pub. L. 111-340 substituted “Institute of Museum and Library Services” for “Institute of Museum Services”.

1993—Subsec. (b). Pub. L. 103-171 substituted “Assistant Secretary for Aging” for “Commissioner on Aging”.

1990—Subsec. (c)(7). Pub. L. 101-512, § 318 [title I, § 108(a)], added par. (7).

Subsec. (d). Pub. L. 101-512, § 318 [title I, § 108(b)], struck out subsec. (d) which related to studies on Federal support to museums and the impact of Institute of Museum Services and of conservation and preservation practices.

1985—Subsec. (b). Pub. L. 99-194, § 109(1), substituted “Chairperson” for “Chairman” in two places in first sentence, “presiding officer” for “Chairman” in second sentence, and “the President” for “he” in last sentence.

Subsec. (c)(1). Pub. L. 99-194, § 109(2), substituted “Chairperson” for “Chairman” wherever appearing.

Subsec. (d). Pub. L. 99-194, § 109(3), added subsec. (d). Former subsec. (d), relating to a study and report to the President and the Congress on artistic employment opportunities, was struck out.

Subsec. (e). Pub. L. 99-194, § 109(3), struck out subsec. (e) which provided for a study and report to the President and the Congress on arts and artifacts indemnification.

1984—Subsec. (b). Pub. L. 98-306, § 6(a), inserted “the Director of the Institute of Museum Services.”.

Subsec. (c)(4). Pub. L. 98-306, § 6(b), struck out “and the Institute of Museum Services” after “Foundation”.

1980—Subsec. (b). Pub. L. 96-496, §§ 106(a), 109(d), inserted “the Commissioner on Aging,” and substituted “Secretary of Education” for “United States Commissioner of Education”.

Subsec. (c)(6). Pub. L. 96-496, § 106(b), added par. (6).

Subsecs. (d), (e). Pub. L. 96-496, § 106(c), added subsecs. (d) and (e).

1976—Subsec. (c)(2), (3). Pub. L. 94-462, § 208(1), (2), added par. (2), redesignated former par. (2) as (3), and as so redesignated inserted “and the Institute of Museum Services,” after “Humanities.”. Former par. (3) redesignated (4).

Subsec. (c)(4), (5). Pub. L. 94-462, § 208(1), (3), redesignated former par. (3) as (4), inserted “and the Institute of Museum Services” after “Foundation”, and redesignated former par. (4) as (5).



1973—Subsec. (b). Pub. L. 93-133 included the Commissioner, Public Buildings Service, General Service Administration, a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House, as members of the Federal Council on the Arts and Humanities.

1970—Subsec. (b). Pub. L. 91-346 included the Archivist of the United States as a member of the Federal Council on the Arts and Humanities.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, § 403(a)] of Pub. L. 101-512, set out as a note under section 951 of this title.

##### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.

### § 959. Administrative provisions

#### (a) General authority of Chairpersons

In addition to any authorities vested in them by other provisions of this subchapter, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, in carrying out their respective functions, shall each have authority—

(1) to prescribe such regulations as the Chairperson deems necessary governing the manner in which the Chairperson's functions shall be carried out;

(2) in the discretion of the Chairperson of an Endowment, after receiving the recommendation of the National Council of that Endowment, to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, including a condition that the Chairperson use other funds of that Endowment for the purposes of the gift, except that a Chairperson may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 955(f) and 957(f) of this title, and may receive a gift of \$15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time, and to use, sell, or otherwise dispose of such property for the purpose of carrying out sections 954(c) and 956(c) of this title;

(3) to appoint employees, subject to the civil service laws, as necessary to carry out the Chairperson's functions, define their duties, and supervise and direct their activities;

(4) to utilize experts and consultants, including panels of experts, who may be employed as authorized by section 3109 of title 5;

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5 for persons in the Government service employed without compensation;

(6) to make advance, progress, and other payments without regard to section 3324 of title 31;

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

(8) to make other necessary expenditures.

#### (b) Rules for distribution of donations, bequests, and devises; gifts with or without conditions; transfers for tax purposes

(1) In any case in which any money or other property is donated, bequeathed, or devised to the Foundation without designation of the Endowment for the benefit of which such property is intended, and without condition or restriction other than that it be used for the purposes of the Foundation, such property shall be deemed to have been donated, bequeathed, or devised in equal shares to each Endowment and each Chairperson of an Endowment shall have authority to receive such property.

(2) In any case in which any money or other property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to that Endowment whose function it is to carry out the purpose or purposes described or referred to by the terms of such condition or restriction, and each Chairperson of an Endowment shall have authority to receive such property.

(3) For the purposes of the preceding sentence, if one or more of the purposes of such a condition or restriction is covered by the functions of both Endowments, or if some of the purposes of such a condition or restriction are covered by the functions of one Endowment and other of the purposes of such a condition or restriction are covered by the functions of the other Endowment, the Federal Council on the Arts and the Humanities shall determine an equitable manner for distribution between each of the Endowments of the property so donated, bequeathed, or devised.

(4) For the purposes of the income tax, gift tax, and estate tax laws of the United States, any money or other property donated, bequeathed, or devised to the Foundation or one of its Endowments and received by the Chairperson of an Endowment pursuant to authority derived under this subsection shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States.

#### (c) Advisory panels; membership; procedures

The Chairperson of the National Endowment for the Arts shall utilize advisory panels to review applications, and to make recommendations to the National Council on the Arts in all cases except cases in which the Chairperson exercises authority delegated under section 955(f) of this title. When reviewing applications, such panels shall recommend applications for projects, productions, and workshops solely on the basis of artistic excellence and artistic merit. The Chairperson shall issue regulations and establish procedures—

(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;

(2) to ensure that all panels include representation of lay individuals who are knowledgeable about the arts but who are not engaged in the arts as a profession and are not members of either artists' organizations or arts organizations;

(3) to ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized;

(4) to require panels—

(A) to create written records summarizing—

(i) all meetings and discussions of such panel; and

(ii) the recommendations made by such panel to the Council; and

(B) to make such records available to the public in a manner that protects the privacy of individual applicants and panel members;

(5) to require, when necessary and feasible, the use of site visitations to view the work of the applicant and deliver a written report on the work being reviewed, in order to assist panelists in making their recommendations; and

(6) to require that the membership of each panel change substantially from year to year and to provide that each individual is ineligible to serve on a panel for more than 3 consecutive years.

In making appointments to panels, the Chairperson shall ensure that an individual who has a pending application for financial assistance under this subchapter, or who is an employee or agent of an organization with a pending application, does not serve as a member of any panel before which such application is pending. The prohibition described in the preceding sentence shall commence with respect to such individual beginning on the date such application is submitted and shall continue for so long as such application is pending.

#### **(d) Endowment activities reports**

The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall each submit an annual report to the President for transmittal to the Congress on or before the 15th day of April of each year. The report shall summarize the activities of the Endowment for the preceding year, and may include such recommendations as the Chairperson deems appropriate.

#### **(e) Council activities reports**

The National Council on the Arts and the National Council on the Humanities, respectively, may each submit an annual report to the President for transmittal to the Congress on or before the 15th day of April of each year setting forth a summary of its activities during the preceding year or its recommendations for any measures which it considers necessary or desirable.

#### **(f) Post-award evaluation of assisted projects, productions, and programs; reports; extension of time for compliance; failure to satisfy purposes of assistance**

(1) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall con-

duct a post-award evaluation of projects, productions, and programs for which financial assistance is provided by their respective Endowments under sections 954(c) and 956(c) of this title. Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by recipients under clauses (i) and (ii) of paragraph (2)(A). As a condition of receiving such financial assistance, a recipient shall comply with the requirements specified in paragraph (2) that are applicable to the project, production, or program for which such financial assistance is received.

(2)(A) The recipient of financial assistance provided by either of the Endowments shall submit to the Chairperson of the Endowment involved—

(i) a financial report containing such information as the Chairperson deems necessary to ensure that such financial assistance is expended in accordance with the terms and conditions under which it is provided;

(ii) a report describing the project, production, or program carried out with such financial assistance; and

(iii) if practicable, as determined by the Chairperson, a copy of such project, production, or program.

(B) Such recipient shall comply with the requirements of this paragraph not later than 90 days after the end of the period for which such financial assistance is provided. The Chairperson may extend the 90-day period only if the recipient shows good cause why such an extension should be granted.

(3) If such recipient substantially fails to satisfy the purposes for which such financial assistance is provided and the criteria specified in subsection (c)(3)(A),<sup>1</sup> as determined by the Chairperson of the Endowment that provided such financial assistance, then such Chairperson may—

(A) for purposes of determining whether to provide any subsequent financial assistance, take into consideration the results of the post-award evaluation conducted under this subsection;

(B) prohibit the recipient of such financial assistance to use the name of, or in any way associate such project, production, or program with the Endowment that provided such financial assistance; and

(C) if such project, production, or program is published, require that the publication contain the following statement: "The opinions, findings, conclusions, and recommendations expressed herein do not reflect the views of the National Endowment for the Arts or the National Endowment for the Humanities."

(Pub. L. 89-209, § 10, Sept. 29, 1965, 79 Stat. 852; Pub. L. 90-348, § 5, June 18, 1968, 82 Stat. 186; Pub. L. 91-346, §§ 5(a)(3), 10, 11, July 20, 1970, 84 Stat. 443, 446; Pub. L. 93-133, § 2(a)(9), (10), Oct. 19, 1973, 87 Stat. 465; Pub. L. 96-496, title I, § 107, Dec. 4, 1980, 94 Stat. 2588; renumbered title I, § 10, Pub. L. 98-306, § 2, May 31, 1984, 98 Stat. 223; renumbered § 10 and amended Pub. L. 99-194, title I, §§ 101(1), 110, Dec. 20, 1985, 99 Stat. 1332, 1339; Pub.

<sup>1</sup> So in original. Subsec. (c)(3) does not contain a subpar. (A).

L. 101-512, title III, §318 [title I, §109], Nov. 5, 1990, 104 Stat. 1960, 1970.)

### Editorial Notes

#### CODIFICATION

In subsec. (a)(5), reference to “section 5703 of title 5” substituted for “law (5 U.S.C. 73b-2)” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

#### AMENDMENTS

1990—Subsec. (a). Pub. L. 101-512, §318 [title I, §109(5)(A)], redesignated concluding provisions of subsec. (a) as subsec. (b).

Subsec. (a)(4). Pub. L. 101-512, §318 [title I, §109(1)(A)], struck out “from time to time, as appropriate,” after “to utilize”.

Subsec. (a)(6). Pub. L. 101-512, §318 [title I, §109(1)(B)], substituted “section 3324 of title 31” for “the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)”.

Subsec. (b). Pub. L. 101-512, §318 [title I, §109(9)], which directed amendment of this section by striking the sixth sentence and all that follows through “pending,” was executed by striking all that follows through “pending.” the second place it appeared to reflect the probable intent of Congress. The provisions struck out read as follows: “In selecting panels of experts under clause (4) to review and make recommendations with respect to the approval of applications for financial assistance under this subchapter, each Chairperson shall appoint individuals who have exhibited expertise and leadership in the field under review, who broadly represent diverse characteristics in terms of aesthetic or humanistic perspective, and geographical factors, and who broadly represent cultural diversity. Each Chairperson shall assure that the membership of panels changes substantially from year to year, and that no more than 20 per centum of the annual appointments shall be for service beyond the limit of three consecutive years on a subpanel. In making appointments, each Chairperson shall give due regard to the need for experienced as well as new members on each panel. Panels of experts appointed to review or make recommendations with respect to the approval of applications or projects for funding by the National Endowment for the Arts shall, when reviewing such applications and projects, recommend for funding only applications and projects that in the context in which they are presented, in the experts’ view, foster excellence, are reflective of exceptional talent, and have significant literary, scholarly, cultural, or artistic merit. Whenever there is pending an application submitted by an individual for financial assistance under section 954(c) of this title, such individual may not serve as a member of any subpanel (or panel where a subpanel does not exist) before which such application is pending. The prohibition described in the previous sentence shall commence on the date the application is submitted and continue for so long as the application is pending.”

Pub. L. 101-512, §318 [title I, §109(8)], which directed amendment of the fifth sentence of this section by making the substitution for “For the purpose”, was executed by substituting “(4) For the purposes” for “For the purposes” to reflect the probable intent of Congress.

Pub. L. 101-512, §318 [title I, §109(4)-(7)], redesignated concluding provisions of subsec. (a) as subsec. (b), inserted pars. (1), (2), and (3) designations, and struck out “(A)” before “without designation” and “(B)” before “without condition”. Former subsec. (b) redesignated (d).

Subsecs. (c) to (e). Pub. L. 101-512, §318 [title I, §109(3), (4), (9)], added subsec. (c), redesignated former subsecs. (b) and (c) as (d) and (e), respectively, and struck out former subsec. (e) which related to studies and reports on the state and quality of arts and humanities education in public elementary and secondary schools. Former subsec. (d) redesignated (f).

Subsec. (f). Pub. L. 101-512, §318 [title I, §109(2)-(4)], redesignated subsec. (d) as (f) and, in par. (3), substituted “subsection (c)(3)(A)” for “the last sentence of subsection (a)”, and struck out former subsec. (f) which related to report to Congress on selection of experts for appointment to panels, and procedures for recommendations on financial assistance applications.

1985—Subsec. (a). Pub. L. 99-194, §110(1), substituted “Chairperson” for “Chairman” in two places in provisions preceding cl. (1); in cl. (1) substituted “the chairperson” and “the chairperson’s” for “he” and “his”, respectively; in cl. (2) substituted “Chairperson” for “Chairman” wherever appearing; in cl. (3) substituted “the Chairperson’s” for “his”; in cl. (4) substituted “section 3109 of title 5” for “section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a)” and struck out proviso that any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding was to have broad geographic and culturally diverse representation; and in provisions following par. (8) substituted “Chairperson” for “Chairman” wherever appearing and inserted provisions relating to the selection of a panel of experts to review financial assistance applications and the considerations to be made in the review of such applications.

Subsec. (b). Pub. L. 99-194, §110(2), substituted “Chairperson” for “Chairman” wherever appearing.

Subsecs. (d) to (f). Pub. L. 99-194, §110(3), added subsecs. (d) to (f). Former subsec. (d), relating to studies and reports to the President and the Congress on endowment uses of donations, bequests, and devises, was struck out.

1980—Subsec. (a)(4). Pub. L. 96-496, §107(a), inserted “and culturally diverse”.

Subsecs. (b), (c). Pub. L. 96-496, §107(b), (c), substituted “April” for “January”.

Subsec. (d). Pub. L. 96-496, §107(d), added subsec. (d).

1973—Subsec. (a)(2). Pub. L. 93-133, §2(a)(9), added exception that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 955(f) and 957(f) of this title, and may receive a gift of \$15,000 or less without Council recommendation when the Council fails to recommend within a reasonable period of time.

Subsec. (a)(4). Pub. L. 93-133, §2(a)(10), inserted proviso that any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding shall have broad geographic representation.

1970—Subsec. (a)(2). Pub. L. 91-346, §5(a)(3), struck out reference to the functions transferred by section 955(a) of this title.

Subsec. (a)(3) to (5). Pub. L. 91-346, §11(1)-(3), inserted “to” at beginning of cls. (3) to (5).

Subsec. (a)(6) to (8). Pub. L. 91-346, §§10, 11(4), (5), redesignated cls. (6) and (7), and all references thereto, as cls. (7) and (8), added new cl. (6), and inserted “to” at beginning of cls. (7) and (8).

1968—Subsec. (a). Pub. L. 90-348 combined provisions of cls. (2) and (3) into cl. (2), and, in cl. (2) as thus combined, extended the area for the exercise of discretion of the Chairman of an Endowment, after receiving the recommendation of the National Council of that Endowment, in the disposition of gifts to include both gifts made with condition and gifts made without condition, redesignated cls. (4) to (8) as (3) to (7), and in provisions following cl. (7), struck out references to cls. (2) and (3) wherever appearing.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101-512, set out as a note under section 951 of this title.

## EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93–133, set out as a note under section 951 of this title.

## EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by section 5(a)(3) of Pub. L. 91–346 effective after June 30, 1970, see section 5(d)(3)(A) of Pub. L. 91–346, set out as a note under section 955 of this title.

## TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which certain reporting requirements under subsec. (d) of this section are listed in item 7 on page 183), see section 3003 of Pub. L. 104–66, as amended, and section 1(a)(4) [div. A, § 1402(1)] of Pub. L. 106–554, set out as notes under section 1113 of Title 31, Money and Finance.

## Executive Documents

## DELEGATION OF CERTAIN REPORTING AUTHORITY

Memorandum of President of the United States, Dec. 8, 2004, 69 F.R. 74937, provided:

Memorandum for the Chairperson of the National Endowment for the Arts

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President in the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)) to provide the specified report relating to the National Endowment for the Arts to the Congress.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

Memorandum of President of the United States, Dec. 8, 2004, 69 F.R. 74939, provided:

Memorandum for the Chairperson of the National Endowment for the Humanities

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President in the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)) to provide the specified report relating to the National Endowment for the Humanities to the Congress.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

## § 959a. Gifts, bequests, and devises

The National Endowment for the Arts and the National Endowment for the Humanities are on and after August 2, 2005, authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

(Pub. L. 109–54, title IV, § 410, Aug. 2, 2005, 119 Stat. 551.)

## Editorial Notes

## CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the National Foundation on the Arts and the Humanities Act of 1965 which comprises this subchapter.

## PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108–447, div. E, title III, § 310, Dec. 8, 2004, 118 Stat. 3094.

Pub. L. 108–108, title III, § 310, Nov. 10, 2003, 117 Stat. 1303.

Pub. L. 108–7, div. F, title III, § 310, Feb. 20, 2003, 117 Stat. 271.

Pub. L. 107–63, title III, § 315, Nov. 5, 2001, 115 Stat. 467.

Pub. L. 106–291, title III, § 318, Oct. 11, 2000, 114 Stat. 989.

Pub. L. 106–113, div. B, § 1000(a)(3) [title III, § 319], Nov. 29, 1999, 113 Stat. 1535, 1501A–193.

Pub. L. 105–277, div. A, § 101(e) [title III, § 320], Oct. 21, 1998, 112 Stat. 2681–231, 2681–289.

Pub. L. 105–83, title III, § 330, Nov. 14, 1997, 111 Stat. 1600.

## § 960. Authorization of appropriations

(a) **Contracts, grants-in-aid, and loans to groups, individuals, public agencies, and private nonprofit organizations; availability of appropriations; guidelines**

(1)(A)(i) For the purpose of carrying out section 954(c) of this title, there are authorized to be appropriated to the National Endowment for the Arts \$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

(ii) For fiscal years—

(I) 1991 and 1992 not less than 25 percent of the amount appropriated for the respective fiscal year; and

(II) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out section 954(g) of this title.

(iii) For fiscal years—

(I) 1991 and 1992 not less than 5 percent of the amount appropriated for the respective fiscal year; and

(II) 1993 not less than 7.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out programs under section 954(p)(2) of this title (relating to programs to expand public access to the arts in rural and innercity areas). Not less than 50 percent of the funds required by this clause to be used for carrying out such programs shall be used for carrying out such programs in rural areas.

(B) For the purpose of carrying out section 956(c) of this title, there are authorized to be appropriated to the National Endowment for the Humanities \$119,900,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993. Of the sums so appropriated for any fiscal year, not less than 20 per centum shall be for carrying out section 956(f) of this title.

(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Arts an amount equal to the sum of—

(i) the total amounts received by such Endowment under section 959(a)(2) of this title,

including the value of property donated, bequeathed, or devised to such Endowment; and

(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out projects and other activities under paragraph (1) through paragraph (10) of section 954(c) of this title;

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed \$13,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Humanities an amount equal to the sum of—

- (i) the total amounts received by such Endowment under section 959(a)(2) of this title, including the value of property donated, bequeathed, or devised to such Endowment; and
- (ii) the total amounts received by the grantees and subgrantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees and subgrantees, for use in carrying out activities under paragraph (1) through paragraph (10) of section 956(c) of this title;

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed \$12,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Arts an amount equal to the sum of—

- (i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 954(p)(1) of this title pursuant to the authority of section 959(a)(2) of this title; and
- (ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 954(p)(1) of this title;

except that the amounts so appropriated to such Endowment shall not exceed \$15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1993, to the National Endowment for the Humanities an amount equal to the sum of—

- (i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 956(h)(1) of this title pursuant to the authority of section 959(a)(2) of this title; and
- (ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grant-

ees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 956(h)(1) of this title;

except that the amounts so appropriated to such Endowment shall not exceed \$15,150,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993.

(C) Sums appropriated pursuant to subparagraph (A) and subparagraph (B) for any fiscal year shall remain available for obligation and expenditure until expended.

(4) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 954(e), section 954(l)(2),<sup>1</sup> section 956(f), and section 956(h)(2) of this title, as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this subchapter.

**(b) Availability of appropriated unexpended funds; notice of availability of funds by advance appropriation**

(1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

(2) In order to afford adequate notice to interested persons of available assistance under this subchapter, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation.

**(c) Administrative appropriations**

(1) There are authorized to be appropriated to the National Endowment for the Arts \$21,200,000<sup>2</sup> for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993, to administer the provisions of this subchapter, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, including not to exceed \$50,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for fiscal year 1995 through the use of appropriated funds or any other source of funds shall not exceed \$100,000.

(2) There are authorized to be appropriated to the National Endowment for the Humanities \$17,950,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993, to administer the provisions of this subchapter, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, including not to exceed \$50,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for fiscal year 1995 through the use of appropriated funds or any other source of funds shall not exceed \$100,000.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. The closing quotation marks probably should not appear.

**(d) Total amount of appropriations**

(1) The total amount of appropriations to carry out the activities for the National Endowment for the Arts shall not exceed—

- (A) \$167,060,000 for fiscal year 1986,
- (B) \$170,206,400 for fiscal year 1987, and
- (C) \$177,014,656 for fiscal year 1988.

(2) The total amount of appropriations to carry out the activities for the National Endowment for the Humanities shall not exceed—

- (A) \$139,878,000 for fiscal year 1986,
- (B) \$145,057,120 for fiscal year 1987, and
- (C) \$150,859,405 for fiscal year 1988.

**(e) Prohibition of grants to production workshops using admission proceeds for unauthorized purposes**

No grant shall be made to a workshop (other than a workshop conducted by a school, college, or university) for a production for which a direct or indirect admission charge is asked if the proceeds, after deducting reasonable costs, are used for purposes other than assisting the grantee to develop high standards of artistic excellence or encourage greater appreciation of the arts and humanities by our citizens.

**(f) Availability of appropriations for arts education**

(1) Subject to subparagraph (2), in any fiscal year in which the aggregate amount appropriated to the National Endowment for the Arts exceeds \$175,000,000, 50 percent of such excess shall be available to carry out section 954a of this title.

(2) In each fiscal year, the amount made available to carry out section 954a of this title shall not exceed \$40,000,000, in the aggregate.

(3) Funds made available to carry out section 954a of this title shall remain available until expended.

(Pub. L. 89-209, §11, Sept. 29, 1965, 79 Stat. 853; Pub. L. 90-348, §6, June 18, 1968, 82 Stat. 187; Pub. L. 91-346, §§5(a)(4), 12, July 20, 1970, 84 Stat. 444, 446; Pub. L. 93-133, §2(a)(11), Oct. 19, 1973, 87 Stat. 465; Pub. L. 94-462, title I, §106(a), title III, §302, title IV, §401(b), Oct. 8, 1976, 90 Stat. 1974, 1980, 1981; Pub. L. 94-555, title II, §219(b), Oct. 19, 1976, 90 Stat. 2629; Pub. L. 96-496, title I, §108, Dec. 4, 1980, 94 Stat. 2589; renumbered title I, §11, and amended Pub. L. 98-306, §§2, 7, May 31, 1984, 98 Stat. 223, 224; renumbered §11 and amended Pub. L. 99-194, title I, §§101(1), 111, Dec. 20, 1985, 99 Stat. 1332, 1342; Pub. L. 99-362, §1, July 9, 1986, 100 Stat. 769; Pub. L. 101-512, title III, §318 [title I, §§103(i)(2), 110], Nov. 5, 1990, 104 Stat. 1960, 1966, 1972; Pub. L. 103-382, title III, §371, Oct. 20, 1994, 108 Stat. 3977.)

**Editorial Notes****REFERENCES IN TEXT**

Section 954(l)(2) of this title, referred to in subsec. (a)(4), was redesignated section 954(p)(3) by Pub. L. 101-512, title III, §318 [title I, §§103(g)(1), (h)(1), 104(2)], Nov. 5, 1990, 104 Stat. 1960, 1964, 1965, 1966.

**PRIOR PROVISIONS**

This subchapter, Pub. L. 89-209, Sept. 29, 1965, 79 Stat. 845, consisted originally of additional sections 12, 13, and 14, which were classified to sections 961, 962, and 963

of this title prior to repeal. For further details, see Prior Provisions notes set out under sections 961 to 963 of this title.

**AMENDMENTS**

1994—Subsec. (c)(1), (2). Pub. L. 103-382 substituted “fiscal year 1995” for “any fiscal year” and “shall not exceed \$100,000” for “shall not exceed \$50,000”.

1990—Subsec. (a)(1)(A). Pub. L. 101-512, §318 [title I, §110(a)], designated existing provisions as cl. (i), substituted “\$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$121,678,000 for fiscal year 1986, \$123,425,120 for fiscal year 1987, \$128,362,125 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”, struck out at end “Of the sums so appropriated for any fiscal year, not less than 20 per centum shall be for carrying out section 954(g) of this title.”, and added cls. (ii) and (iii).

Subsec. (a)(1)(B). Pub. L. 101-512, §318 [title I, §110(b)], substituted “\$119,900,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$95,207,000 for fiscal year 1986, \$99,015,280 for fiscal year 1987, \$102,975,891 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

Subsec. (a)(1)(C). Pub. L. 101-512, §318 [title I, §110(c)], struck out subpar. (C) which related to appropriations for the National Endowment for the Arts for the fiscal year ending September 30, 1977.

Subsec. (a)(2)(A). Pub. L. 101-512, §318 [title I, §110(d)(1)], substituted “1993” for “1990” in introductory provisions and “paragraph (10)” for “paragraph (8)” in cl. (ii), and in closing provisions substituted “\$13,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$8,820,000 for fiscal year 1986, \$9,172,800 for fiscal year 1987, \$9,539,712 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

Subsec. (a)(2)(B). Pub. L. 101-512, §318 [title I, §110(d)(2)], substituted “1993” for “1990” in introductory provisions and “paragraph (10)” for “paragraph (9)” in cl. (ii), and in closing provisions substituted “\$12,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$10,780,000 for fiscal year 1986, \$11,211,200 for fiscal year 1987, \$11,659,648 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

Subsec. (a)(3)(A). Pub. L. 101-512, §318 [title I, §110(d)(3)], in introductory provisions, substituted “1993” for “1990” and in closing provisions, substituted “\$15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$20,580,000 for fiscal year 1986, \$21,403,200 for fiscal year 1987, \$22,259,328 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

Subsec. (a)(3)(A)(i), (ii). Pub. L. 101-512, §318 [title I, §103(i)(2)(A)(i)], substituted “954(p)(1)” for “954(l)(1)”.

Subsec. (a)(3)(B). Pub. L. 101-512, §318 [title I, §110(d)(4)], in introductory provisions, substituted “1993” for “1990” and in closing provisions, substituted “\$15,150,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$19,600,000 for fiscal year 1986, \$20,384,000 for fiscal year 1987, \$21,199,360 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990”.

Subsec. (a)(3)(C). Pub. L. 101-512, §318 [title I, §110(e)], redesignated subpar. (D) as (C) and struck out former subpar. (C) which read as follows: “If either Chairperson determines at the end of the ninth month of any fiscal year that funds which would otherwise be available under this paragraph to an Endowment cannot be used, the Chairperson shall transfer such funds to the other Endowment for the purposes described in section 954(p)(1) or section 956(h)(1) of this title, as may be necessary.”

Pub. L. 101-512, §318 [title I, §103(i)(2)(A)(ii)], substituted “954(p)(1)” for “954(l)(1)”.

Subsec. (a)(3)(D). Pub. L. 101-512, §318 [title I, §110(e)(2)], redesignated subpar. (D) as (C).

Subsec. (a)(4). Pub. L. 101-512, §318 [title I, §103(i)(2)(B)], which directed the substitution of “954(p)(1)” for “954(l)(1)”, could not be executed because “954(l)(1)” does not appear in text.

Subsec. (c)(1). Pub. L. 101-512, §110(f)(1), substituted “\$21,200,000” for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$15,982,000 for fiscal year 1986, \$16,205,280 for fiscal year 1987, \$16,853,491 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” and “\$50,000” for “\$35,000” wherever appearing.

Subsec. (c)(2). Pub. L. 101-512, §110(f)(2), substituted “\$17,950,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993” for “\$14,291,000 for fiscal year 1986, \$14,446,640 for fiscal year 1987, \$15,024,506 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” and “\$50,000” for “\$35,000” wherever appearing.

Subsec. (f). Pub. L. 101-512, §110(g), added subsec. (f). 1986—Subsec. (a)(2)(A)(ii). Pub. L. 99-362, §1(1), substituted “paragraph (8)” for “paragraph (5)”.

Subsec. (a)(2)(B)(ii). Pub. L. 99-362, §1(2), substituted “paragraph (9)” for “paragraph (7)”.

1985—Subsec. (a)(1)(A). Pub. L. 99-194, §111(a)(1), substituted “\$121,678,000 for fiscal year 1986, \$123,425,120 for fiscal year 1987, \$128,362,125 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$115,500,000 for fiscal year 1981, \$127,000,000 for fiscal year 1982, \$140,000,000 for fiscal year 1983, \$128,500,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985”.

Subsec. (a)(1)(B). Pub. L. 99-194, §111(a)(2), substituted “\$95,207,000 for fiscal year 1986, \$99,015,280 for fiscal year 1987, \$102,975,891 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$114,500,000 for fiscal year 1981, \$126,000,000 for fiscal year 1982, \$138,500,000 for fiscal year 1983, \$127,000,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985”.

Subsec. (a)(2)(A). Pub. L. 99-194, §111(b)(1)(A), substituted “October 1, 1990” for “October 1, 1985” and “\$8,820,000 for fiscal year 1986, \$9,172,800 for fiscal year 1987, \$9,539,712 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$18,500,000 for fiscal year 1981, \$18,500,000 for fiscal year 1982, \$18,500,000 for fiscal year 1983, \$10,000,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985”.

Subsec. (a)(2)(B). Pub. L. 99-194, §111(b)(1)(B), substituted “October 1, 1990” for “October 1, 1985” in provisions preceding cl. (i), substituted “grantees and subgrantees” for “grantees” in two places in cl. (ii), and in provisions following cl. (ii) substituted “\$10,780,000 for fiscal year 1986, \$11,211,200 for fiscal year 1987, \$11,659,648 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$12,500,000 for fiscal year 1981, \$14,000,000 for fiscal year 1982, \$15,000,000 for fiscal year 1983, \$11,500,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985”.

Subsec. (a)(3)(A). Pub. L. 99-194, §111(b)(2)(A), substituted “October 1, 1990” for “October 1, 1985” and “\$20,580,000 for fiscal year 1986, \$21,403,200 for fiscal year 1987, \$22,259,328 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$27,000,000 for fiscal year 1981, \$30,000,000 for fiscal year 1982, \$32,500,000 for fiscal year 1983, \$28,000,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985”.

Subsec. (a)(3)(B). Pub. L. 99-194, §111(b)(2)(B), substituted “October 1, 1990” for “October 1, 1985” and “\$19,600,000 for fiscal year 1986, \$20,384,000 for fiscal year 1987, \$21,199,360 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$30,000,000 for fiscal year 1981, \$33,000,000 for fiscal year 1982, \$36,000,000 for fiscal year 1983, \$20,000,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985”.

Subsec. (a)(3)(C). Pub. L. 99-194, §111(b)(2)(C), substituted “either Chairperson” for “either Chairman” and “the Chairperson” for “he”.

Subsec. (a)(4). Pub. L. 99-194, §111(b)(3), substituted “Chairperson” for “Chairman” wherever appearing.

Subsec. (c)(1). Pub. L. 99-194, §111(c)(1), (3), substituted “\$15,982,000 for fiscal year 1986, \$16,205,280 for fiscal year 1987, \$16,853,491 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$14,000,000 for fiscal year 1981, \$15,000,000 for fiscal year 1982, \$16,000,000 for fiscal year 1983, \$17,000,000 for fiscal year 1984, and \$18,000,000 for fiscal year 1985” and “Chairperson” for “Chairman”.

Subsec. (c)(2). Pub. L. 99-194, §111(c)(2), (3), substituted “\$14,291,000 for fiscal year 1986, \$14,446,640 for fiscal year 1987, \$15,024,506 for fiscal year 1988, and such sums as may be necessary for each of the fiscal years 1989 and 1990” for “\$13,000,000 for fiscal year 1981, \$14,500,000 for fiscal year 1982, \$15,500,000 for fiscal year 1983, \$16,500,000 for fiscal year 1984, and \$17,500,000 for fiscal year 1985” and “Chairperson” for “Chairman”.

Subsecs. (d), (e). Pub. L. 99-194, §111(d), added subsec. (d), redesignated former subsec. (d) as (e), and struck out “under this subchapter” after “No grant shall be made”.

1984—Subsec. (a)(1)(A). Pub. L. 98-306, §7(a)(1)(A), substituted “\$128,500,000 for fiscal year 1984, and such sums as may be necessary” for “\$154,000,000 for fiscal year 1984, and \$170,000,000”.

Subsec. (a)(1)(B). Pub. L. 98-306, §7(a)(1)(B), substituted “\$127,000,000 for fiscal year 1984, and such sums as may be necessary” for “\$152,000,000 for fiscal year 1984, and \$167,500,000”.

Subsec. (a)(2)(A). Pub. L. 98-306, §7(a)(2)(A), substituted “\$10,000,000 for fiscal year 1984, and such sums as may be necessary” for “\$20,000,000 for fiscal year 1984, and \$22,500,000”.

Subsec. (a)(2)(B). Pub. L. 98-306, §7(a)(2)(B), substituted “\$11,500,000 for fiscal year 1984, and such sums as may be necessary” for “\$16,500,000 for fiscal year 1984, and \$18,500,000”.

Subsec. (a)(3)(A). Pub. L. 98-306, §7(a)(3)(A), substituted “\$28,000,000 for fiscal year 1984, and such sums as may be necessary” for “\$36,000,000 for fiscal year 1984, and \$40,000,000”.

Subsec. (a)(3)(B). Pub. L. 98-306, §7(a)(3)(B), substituted “\$20,000,000 for fiscal year 1984, and such sums as may be necessary” for “\$40,000,000 for fiscal year 1984, and \$44,000,000”.

Subsec. (d). Pub. L. 98-306, §7(b), inserted “under this subchapter”.

1980—Subsec. (a)(1)(A). Pub. L. 96-496, §108(a), substituted “to the National Endowment for the Arts \$115,500,000 for fiscal year 1981, \$127,000,000 for fiscal year 1982, \$140,000,000 for fiscal year 1983, \$154,000,000 for fiscal year 1984, and \$170,000,000 for fiscal year 1985” for “\$93,500,000 for fiscal year 1977, \$105,000,000 for fiscal year 1978, and such sums as may be necessary for fiscal years 1979 and 1980”.

Subsec. (a)(1)(B). Pub. L. 96-496, §108(b), substituted “\$114,500,000 for fiscal year 1981, \$126,000,000 for fiscal year 1982, \$138,500,000 for fiscal year 1983, \$152,000,000 for fiscal year 1984, and \$167,500,000 for fiscal year 1985” for “\$93,500,000 for fiscal year 1977, \$105,000,000 for fiscal year 1978, and such sums as may be necessary for fiscal years 1979 and 1980”.

Subsec. (a)(2). Pub. L. 96-496, §108(c), substituted provisions authorizing appropriations for each fiscal year ending before Oct. 1, 1985, for the National Endowments for the Arts and for the Humanities for provisions authorizing appropriations for such endowments for each fiscal year ending prior to Oct. 1, 1980.

Subsec. (a)(3)(A). Pub. L. 96-496, §108(d), substituted provisions authorizing appropriations for each fiscal year ending before Oct. 1, 1985, for the National Endowment for the Arts for provisions authorizing appropriations for such endowment for fiscal years ending before Oct. 1, 1980.

Subsec. (a)(3)(B). Pub. L. 96-496, §108(e), substituted provisions authorizing appropriations for each fiscal year ending before Oct. 1, 1985, for the National Endowment for the Humanities for provisions authorizing appropriations for such endowment for fiscal years ending before Oct. 1, 1980.

Subsec. (a)(4). Pub. L. 96-496, §108(f), substituted provisions authorizing the Chairmen of the National Endowments for the Arts and for the Humanities to issue guidelines for the implementation of the provisions of pars. (2) and (3) of this subsection for provisions authorizing and allocating appropriations for the National Endowment for the Arts for the purpose of carrying out subsec. (m) of section 954 of this title.

Subsec. (c). Pub. L. 96-496, §108(g), substituted provisions authorizing specific appropriations for administrative expenses of the National Endowments for the Arts and for the Humanities for fiscal years 1981 to 1985 for provisions authorizing appropriations for administrative expenses of such endowments of such sums as were necessary.

1976—Subsec. (a)(1)(A). Pub. L. 94-462, §106(a)(1)(A), substituted provisions authorizing appropriations of \$93,500,000 for fiscal year 1977, \$105,000,000 for fiscal year 1978, and such sums as are necessary for fiscal years 1979 and 1980 to carry out section 954(c) of this title and such sums so appropriated for any fiscal year, not less than 20 per centum to carry out section 954(g) of this title for provisions authorizing appropriations of \$54,000,000, \$90,000,000, and \$113,500,000 for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, respectively, to the National Endowment for the Arts to carry out section 954(c) of this title and to carry out section 954(g) of this title \$11,000,000 for the fiscal year ending June 30, 1974 and requiring that not less than 20 per centum of funds appropriated for section 954(c) of this title may be used only for purpose of section 954(g) of this title for fiscal years ending June 30, 1975 and June 30, 1976.

Subsec. (a)(1)(B). Pub. L. 94-462, §106(a)(1)(B), substituted provisions authorizing appropriations of \$93,500,000 for fiscal year 1977, \$105,000,000 for fiscal year 1978, and such sums as may be necessary for fiscal years 1979 and 1980, not less than 20 per centum of such appropriated funds shall be to carry out section 956(f) of this title for provisions authorizing appropriations of \$65,000,000 for the fiscal year ending June 30, 1974, \$90,000,000 for the fiscal year ending June 30, 1975, and \$113,500,000 for the fiscal year ending June 30, 1976.

Subsec. (a)(1)(C). Pub. L. 94-555 added subpar. (C).

Subsec. (a)(2). Pub. L. 94-462, §106(a)(2), substituted "October 1, 1980" for "July 1, 1976" and provisions authorizing appropriations not to exceed \$20,000,000 for fiscal year 1977, \$25,000,000 for fiscal year 1978, and such sums as may be necessary for fiscal years 1979 and 1980 for provisions authorizing appropriations not to exceed \$15,000,000 for fiscal year ending June 30, 1974, \$20,000,000 for fiscal year ending June 30, 1975, and \$25,000,000 for fiscal year ending June 30, 1976.

Subsec. (a)(3), (4). Pub. L. 94-462, §§302, 401(b), added pars. (3) and (4).

Subsec. (c). Pub. L. 94-462, §106(a)(3), inserted reference to any program for which the Chairman of the National Endowment for the Arts or the Chairman of the National Endowment for the Humanities is responsible.

1973—Subsec. (a)(1). Pub. L. 93-133 incorporated into subpar. (A) provisions relating to the authorization of appropriation for carrying out section 954(c) of this title, substituted authorization of appropriation for fiscal years ending June 30, 1974, 1975, 1976 for such authorization for fiscal years 1969 through 1973, and inserted provisions for authorization of appropriation for carrying out section 954(g) of this title, and, in subpar. (B), incorporated provisions of former subsec. (a) relating to authorization of appropriation for carrying out section 956(c) of this title, and substituted authorization of appropriation for fiscal years ending June 30, 1974, 1975, and 1976, for such authorization for 1969 through 1973.

Subsec. (a)(2). Pub. L. 93-133 incorporated provisions of former subsec. (b) relating to matching grants and substituted new limitations for fiscal years ending June 30, 1974, 1975, and 1976 for such limitations for 1969 through 1973.

Subsec. (b)(1). Pub. L. 93-133 incorporated provisions formerly contained in subsecs. (a) and (b) relating to the availability of unexpended appropriated funds.

Subsec. (b)(2). Pub. L. 93-133 added par. (2).

1970—Subsec. (a). Pub. L. 91-346, §§5(a)(4), 12(a), struck out reference to the functions transferred by section 955(a) of this title, added appropriations to the National Endowment for the Arts of \$12,875,000, \$21,000,000, and \$28,625,000 for the fiscal years ending June 30, 1971, 1972, and 1973, respectively, for the purpose of carrying out section 954(c) of this title, and \$4,125,000, \$5,500,000, and \$6,875,000 for the fiscal years ending June 30, 1971, 1972, and 1973, respectively, for the purposes of section 954(h) of this title, and further appropriated to the National Endowment for the Humanities \$17,000,000, \$26,500,000, \$35,500,000 for the fiscal years ending June 30, 1971, 1972, and 1973, respectively, for the purpose of carrying out section 956(c) of this title.

Subsec. (b). Pub. L. 91-346, §12(b), placed limitation on appropriation to each Endowment based on an amount equal to the total of amounts received by each Endowment under section 959(a)(2) of this title by placing ceilings of \$6,000,000, \$7,000,000, and \$9,000,000 on the amounts appropriated for the fiscal years ending June 30, 1971, 1972, and 1973, respectively.

1968—Subsec. (a). Pub. L. 90-348, §6(a), substituted provisions which authorized for the enumerated purposes appropriations totaling \$8,000,000 for the fiscal year ending June 30, 1969, and \$9,000,000 for the fiscal year ending June 30, 1970 to both the National Endowment for the Arts and the National Endowment for the Humanities, and which authorized the Congress to appropriate funds for subsequent fiscal years for provisions which authorized for grants to groups and individuals for projects and productions, for grants for activities authorized by the Chairman of the National Endowment for the Humanities, and for the functions of the National Council on the Arts in the National Endowment for the Arts appropriations of \$10,000,000 for the fiscal year ending June 30, 1966, and each of the two succeeding fiscal years, and that the funds appropriated be equally divided between the Endowments of the Foundation.

Subsec. (b). Pub. L. 90-348, §6(b), substituted provisions authorizing appropriations not to exceed \$13,500,000 for the fiscal years ending June 30, 1969, and June 30, 1970, and authorizing the Congress to appropriate funds for subsequent fiscal years for provisions authorizing appropriations for the National Endowment for the Arts not to exceed \$2,250,000 for any fiscal year, and authorizing appropriations for the National Endowment for the Humanities not to exceed \$5,000,000 for any fiscal year.

Subsecs. (c) to (e). Pub. L. 90-348, §6(c), (d), struck out subsec. (c) which authorized appropriations for the National Endowment for the Arts for each fiscal year, beginning with the fiscal year beginning on July 1, 1966, of \$2,750,000, and redesignated subsecs. (d) and (e) as (c) and (d), respectively.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-512 effective Oct. 1, 1990, see section 318 [title IV, §403] of Pub. L. 101-512, set out as a note under section 951 of this title.

### EFFECTIVE DATE OF 1976 AMENDMENTS

Amendment by Pub. L. 94-555 effective Oct. 1, 1976, see section 303 of Pub. L. 94-555, set out as a note under section 702 of Title 45, Railroads.

Pub. L. 94-462, title I, §106(b), Oct. 8, 1976, 90 Stat. 1975, provided that: "The amendments made by subsection (a) [amending this section] shall be effective with respect to fiscal year 1977 and succeeding fiscal years."

### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-133 effective on and after July 1, 1973, see section 2(b) of Pub. L. 93-133, set out as a note under section 951 of this title.



## EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by section 5(a)(4) of Pub. L. 91-346 effective after June 30, 1970, see section 5(d)(3)(A) of Pub. L. 91-346, set out as a note under section 955 of this title.

## SUBCHAPTER II—MUSEUM SERVICES

## §§ 961 to 969. Omitted

## Editorial Notes

## CODIFICATION

The Museum Services Act (Pub. L. 94-462, title II, Oct. 8, 1976, 90 Stat. 1975, as amended), which was classified to this subchapter (§§ 961 to 963 and 964 to 969), was amended generally by Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293, and transferred to chapter 72 (§ 9101 et seq.) of this title.

Section 961, Pub. L. 94-462, title II, § 202, Oct. 8, 1976, 90 Stat. 1975, related to declaration of purpose of this subchapter.

A prior section 961, Pub. L. 89-209, § 12, Sept. 29, 1965, 79 Stat. 854; Pub. L. 90-575, title V, § 501, Oct. 16, 1968, 82 Stat. 1061, related to State educational agencies' acquisition of equipment, remodeling of laboratories, and making loans to strengthen instruction in the humanities and the arts, providing in: subsec. (a) appropriations authorization; subsec. (b) reservation, allotment and reallocation of funds as provided in section 442(a) and (c) of this title; subsec. (c) State plan, submission, requirements, terms and conditions; subsec. (d) approval of State plan by Commissioner, application of section 584(b) and (c) of this title; subsec. (e) payments to States as provided in section 444 of this title; and subsec. (f) administration of loans to schools as provided in section 445 of this title, prior to repeal by Pub. L. 91-230, title VIII, § 807(b), Apr. 13, 1970, 84 Stat. 192.

Section 962, Pub. L. 94-462, title II, § 203, Oct. 8, 1976, 90 Stat. 1975; Pub. L. 96-496, title II, § 201(a), Dec. 4, 1980, 94 Stat. 2591; Pub. L. 98-306, § 8, May 31, 1984, 98 Stat. 225, related to establishment of Institute of Museum Services, within National Foundation on Arts and Humanities, consisting of National Museum Services Board and Director of Institute. See sections 9102 and 9103 of this title.

A prior section 962, Pub. L. 89-209, § 13, Sept. 29, 1965, 79 Stat. 855, provided for appropriation to Commissioner of Education of funds for grants and contracts for operation of institutes to strengthen teaching of humanities and the arts, prior to repeal by Pub. L. 93-133, § 2(a)(12), Oct. 19, 1973, 87 Stat. 465.

Section 963, Pub. L. 94-462, title II, § 204, Oct. 8, 1976, 90 Stat. 1975; Pub. L. 96-496, title II, § 201(b), Dec. 4, 1980, 94 Stat. 2592; Pub. L. 98-306, § 9, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, § 201, Dec. 20, 1985, 99 Stat. 1344; Pub. L. 101-512, title III, § 318 [title II, § 201], Nov. 5, 1990, 104 Stat. 1960, 1974, related to membership, meetings, and functions of National Museum Service Board, and appointment and compensation of Board members.

A prior section 963, Pub. L. 89-209, § 14, Sept. 29, 1965, 79 Stat. 855, requested President to make appointments within ninety days after Sept. 29, 1965, prior to repeal by Pub. L. 93-133, § 2(a)(12), Oct. 19, 1973, 87 Stat. 465.

Section 963a, Pub. L. 98-146, title II, Nov. 4, 1983, 97 Stat. 949, which directed that persons serving on Museum Services Board continue until their successors are qualified for office, was omitted as superseded by former section 963(b) of this title as amended by Pub. L. 98-306. Similar provisions were contained in Pub. L. 97-394, title II, Dec. 30, 1982, 96 Stat. 1994.

Section 964, Pub. L. 94-462, title II, § 205, Oct. 8, 1976, 90 Stat. 1976; Pub. L. 96-496, title II, § 201(c), Dec. 4, 1980, 94 Stat. 2592; Pub. L. 98-306, § 10, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, § 202, Dec. 20, 1985, 99 Stat. 1344; Pub. L. 101-512, title III, § 318 [title II, § 202(a)(1), (b)], Nov. 5, 1990, 104 Stat. 1960, 1974, 1975, related to appointment, compensation, and functions of Director of Institute. See section 9103 of this title.

Section 965, Pub. L. 94-462, title II, § 206, Oct. 8, 1976, 90 Stat. 1977; Pub. L. 96-496, title II, § 201(d), Dec. 4, 1980, 94 Stat. 2592; Pub. L. 101-512, title III, § 318 [title II, § 203], Nov. 5, 1990, 104 Stat. 1960, 1975, authorized Director, subject to policy direction of Board, to make grants to museums to increase and improve services through specified activities. See section 9173 of this title.

Section 966, Pub. L. 94-462, title II, § 207, Oct. 8, 1976, 90 Stat. 1977, related to authority of Institute to accept contributions. See section 9106 of this title.

Section 967, Pub. L. 94-462, title II, § 209, Oct. 8, 1976, 90 Stat. 1978; Pub. L. 96-496, title I, § 201(e), Dec. 4, 1980, 94 Stat. 2593; Pub. L. 98-306, § 11, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, § 203, Dec. 20, 1985, 99 Stat. 1344; Pub. L. 101-512, title III, § 318 [title II, § 204, 205(b)], Nov. 5, 1990, 104 Stat. 1960, 1975, authorized appropriations for purpose of making grants under section 965(a) of this title and for administering provisions of this subchapter. See section 9176 of this title.

Section 968, Pub. L. 94-462, title II, § 210, Oct. 8, 1976, 90 Stat. 1978, defined "Board", "Director", "Institute", and "museum" for purposes of this subchapter. See sections 9101 and 9172 of this title.

Section 969, Pub. L. 94-462, title II, § 211, as added Pub. L. 101-512, title III, § 318 [title II, § 205 [(a)]]], Nov. 5, 1990, 104 Stat. 1960, 1975, related to assessment of needs of small, emerging, minority, and rural museums.

## Statutory Notes and Related Subsidiaries

## SHORT TITLE

Pub. L. 94-462, title II, § 201, Oct. 8, 1976, 90 Stat. 1975, which provided that title II of Pub. L. 94-462, which enacted this subchapter and amended section 958 of this title, could be cited as the "Museum Services Act", was omitted in the general amendment of title II by Pub. L. 104-208. See chapter 72 (§ 9101 et seq.) of this title.

## CHAPTER 26A—INDEMNITY FOR EXHIBITIONS OF ARTS AND ARTIFACTS

Sec. 971.	Agreements to indemnify against loss or damage.
972.	Items eligible for indemnity agreements.
973.	Application for indemnity agreements.
974.	Indemnity limits.
975.	Claims for losses.
976.	Authorization of appropriations.
977.	Omitted.

## § 971. Agreements to indemnify against loss or damage

## (a) Authorization of Federal Council on the Arts and Humanities

The Federal Council on the Arts and Humanities (hereinafter in this chapter referred to as the "Council"), established under section 958 of this title, is authorized to make agreements to indemnify against loss or damage such items as may be eligible for such indemnity agreements under section 972 of this title—

(1) in accordance with the provisions of this chapter; and

(2) on such terms and conditions as the Council shall prescribe, by regulation, in order to achieve the purposes of this chapter and, consistent with such purposes, to protect the financial interest of the United States.

## (b) Council as "agency"

(1) For purposes of this chapter, the Council shall be an "agency" within the meaning of the appropriate definitions of such term in title 5.

(2) For purposes of this chapter, the Secretary of the Smithsonian Institution, the Director of