

## 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.

## 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.)

## 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 inner-city 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 grant-

ees, 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 grantees, 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) of this section 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) of this section 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.

**(d) Total amount of appropriations**

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

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

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

- (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 appropriations 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.)

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.

#### 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

## 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, 1976, 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.

## 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 the National Gallery of Art, the member designated by the Chairman of the Senate Commission of Art and Antiquities and the member designated by the Speaker of the House of Representatives shall not serve as members of the Council.