

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 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,¹ 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

¹ So in original. The period probably should be a comma.

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—

(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.)

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.

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.)

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