

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.)

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 arrangements, 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 au-

thority 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) of this section 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) of this section 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) of this section;

(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) of this section.

(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 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 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 author-

ized, 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) of this section 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 nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) of this section 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) of this section, 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.)

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 human-

ities 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) inserted 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 strength-

en 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.

#### 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.

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### 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.)

#### 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 National 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",