

submitting the state of the arts report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 183 of House Document No. 103-7.

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

Pub. L. 101-512, title III, §318 [title I, §111], Nov. 5, 1990, 104 Stat. 1960, 1974, provided that:

“(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study—

“(1) to evaluate the roles and responsibilities of the National Endowment for the Arts, the States (including State agencies), and local arts agencies, in providing financial assistance under section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954),

“(2) the relative effectiveness of the Endowment, the States (including State agencies), and local arts agencies in maximizing the amount of financial assistance they make available under such section, and

“(3) the existing capacity of the States to receive increased allocations under section 5 of such Act and the ability of the States to manage such increased allocations effectively.

“(b) REPORT REQUIRED.—Not later than October 1, 1992, the Comptroller General shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report summarizing the results of the study conducted under subsection (a).”

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

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

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

**(a) Purposes**

The purposes of this section are—

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

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

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

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

The Chairperson of the National Endowment for the Arts,<sup>1</sup> is authorized to establish and carry out a program of contracts with, or grants

to, any State or other public agency, individual, artist, any nonprofit society, performing and nonperforming arts and educational institution or organization, association, or museum in the United States, in order to foster and encourage exceptional talent, public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation's artists, through such activities as projects that will—

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

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

(3) develop arts faculty resources and talents;

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) TRANSITION TO THE NEW COUNCIL COMPOSITION.—

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

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

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

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

shall serve for the remainder of the term for which such member's predecessor was appointed. Notwithstanding any other provision of this subsection, a member appointed under subsection (b)(1)(C) shall serve after the expiration of such member's term until such member's successor takes office.

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

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

(2) The Council shall—

(A) create written records summarizing—

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

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

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

**(e) Compensation of members**

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

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

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

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

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

The Chairperson shall not approve or disapprove any such application until the Chairperson has received the recommendation of the Council on such application. The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation. In the case of an application involving \$30,000, or

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

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

less, the Chairperson may approve or disapprove such request if such action is taken pursuant to the terms of an expressed and direct delegation of authority from the Council to the Chairperson, and provided that each such action by the Chairperson shall be reviewed by the Council, and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 960(a) of this title.

(Pub. L. 89-209, § 6, Sept. 29, 1965, 79 Stat. 849; Pub. L. 90-348, § 4, June 18, 1968, 82 Stat. 185; Pub. L. 91-346, § 5(b), July 20, 1970, 84 Stat. 444; Pub. L. 93-133, § 2(a)(5), Oct. 19, 1973, 87 Stat. 463; Pub. L. 94-462, title I, § 103(a), Oct. 8, 1976, 90 Stat. 1971; Pub. L. 96-496, title I, § 103, Dec. 4, 1980, 94 Stat. 2584; renumbered title I, § 6, and amended Pub. L. 98-306, § 2, 5(a), May 31, 1984, 98 Stat. 223, 224; renumbered § 6 and amended Pub. L. 99-194, title I, §§ 101(1), 106, Dec. 20, 1985, 99 Stat. 1332, 1335; Pub. L. 101-512, title III, § 318 [title I, § 106], Nov. 5, 1990, 104 Stat. 1960, 1968; Pub. L. 105-83, title III, § 346(e), (f), Nov. 14, 1997, 111 Stat. 1605, 1606; Pub. L. 105-119, title VI, § 624, Nov. 26, 1997, 111 Stat. 2522; Pub. L. 105-277, div. A, § 101(e) [title III, § 330], Oct. 21, 1998, 112 Stat. 2681-231, 2681-293; Pub. L. 111-88, div. A, title IV, § 417, Oct. 30, 2009, 123 Stat. 2959.)

#### REFERENCES IN TEXT

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

#### AMENDMENTS

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

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

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

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

“(1) from among private citizens of the United States who (A) are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts and (B) have established records of distinguished service, or achieved eminence, in the arts;

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

“(3) so as collectively to provide an appropriate distribution of membership among the major art fields. The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to the President by leading national organizations in these fields. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities

who are involved in the arts. Members of the Council shall be appointed so as to represent equitably all geographical areas in the United States.”

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

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

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

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

Subsec. (f). Pub. L. 101-512, § 318 [title I, § 106(c)], struck out “(1)” and “(2)” before “advise the Chairperson” and “review applications for”, respectively, struck out “thereon” before “to the Chairperson”, inserted before period at end of first sentence “with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant”, struck out “, unless the Council fails to make a recommendation thereon within a reasonable time” after “on such application”, substituted “an expressed and direct delegation” for “a delegation” and “, and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that” for “; *Provided, That*”, inserted “The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation.”, and inserted “The Council shall make recommendations to the Chairperson concerning—” and added pars. (1) and (2) immediately thereafter.

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

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

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

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

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

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

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

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

1970—Pub. L. 91-346 generally incorporated into this section the substantive provisions of the National Arts and Cultural Development Act of 1964 except for the

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

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

#### EFFECTIVE DATE OF 1990 AMENDMENT

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

#### EFFECTIVE DATE OF 1973 AMENDMENT

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

#### EFFECTIVE DATE OF 1970 AMENDMENT

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

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

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

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

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

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

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

## § 955a. Omitted

### CODIFICATION

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

## § 955b. National Medal of Arts

### (a) Establishment

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

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

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

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

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

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

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

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

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

### (c) Availability of funds

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

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

### 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.