

ment 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", "operating budget", and "operating budgets" in third and fourth pars.

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

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

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

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

#### REDESIGNATION OF WASHINGTON OPERA AS NATIONAL OPERA

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

"SECTION 1. DESIGNATION.

"The Washington Opera, organized under the laws of the District of Columbia, is designated as the 'National Opera'.

"SEC. 2. REFERENCES.

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

### § 957. National Council on the Humanities

#### (a) Establishment

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

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

The Council shall be composed of the Chairperson of the National Endowment for the Humanities, who shall be the Chairperson of the Council, and twenty-six other members appointed by the President, by and with the advice and consent of the Senate, from private life. Such members shall be individuals who (1) are selected from among private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of distinguished service and scholarship or creativity and in a manner which will provide a comprehensive representation of the views of scholars and professional practitioners in the humanities and of the public throughout the United States. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations concerned with the humanities. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.

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

Each member shall hold office for a term of six years, except that (1) the members first taking office shall serve, as designated by the President, nine for terms of two years, nine for terms of four years, and eight for terms of six years, and (2) any member appointed to fill a vacancy

shall serve for the remainder of the term for which such member's predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of such member's term. Notwithstanding any other provisions of this subsection, a member shall serve after the expiration of such member's term until such member's successor takes office.

**(d) Meetings; quorum**

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

**(e) Compensation and travel expenses**

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

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

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

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

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-194, § 108(1), substituted "Chairperson" for "Chairman" in two places, substituted "individuals who (1) are selected from among

private citizens of the United States who are recognized for their broad knowledge of, expertise in, or commitment to the humanities, and (2) have established records of" for "selected on the basis of", and inserted provision that in making such appointments, the President shall give due regard to equitable representation of women, minorities, and individuals with disabilities who are involved in the humanities.

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

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

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

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

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

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

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

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

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

EFFECTIVE DATE OF 1973 AMENDMENT

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

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

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

§ 957a. Omitted

CODIFICATION

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

**§ 958. Federal Council on the Arts and the Humanities**

**(a) Establishment**

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

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

The Council shall be composed of the Chairperson of the National Endowment for the Arts,