

§ 957a. Omitted

Editorial Notes

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serving on National Council on the Humanities continue until their successors are qualified for office, was omitted as superseded.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, the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum and Library Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, the Assistant Secretary for Aging, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House. The President shall designate the presiding officer of the Council from among the members. The President is authorized to change the membership of the Council from time to time as the President deems necessary to meet changes in Federal programs or executive branch organization.

(c) Functions

The Council shall—

(1) advise and consult with the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities on major problems arising in carrying out the purposes of the Foundation;

(2) advise and consult with the National Museum Services Board and with the Director of the Institute of Museum and Library Services on major problems arising in carrying out the purposes of such Institute;

(3) coordinate, by advice and consultation, so far as is practicable, the policies and operations of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services, including joint support of activities, as appropriate;

(4) promote coordination between the programs and activities of the Foundation and related programs and activities of other Federal agencies;

(5) plan and coordinate appropriate participation (including productions and projects) in major and historic national events;

(6) undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems; and

(7) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies.

(Pub. L. 89-209, § 9, Sept. 29, 1965, 79 Stat. 851; Pub. L. 91-346, § 9, July 20, 1970, 84 Stat. 446; Pub. L. 93-133, § 2(a)(8), Oct. 19, 1973, 87 Stat. 464; Pub. L. 94-462, title II, § 208, Oct. 8, 1976, 90 Stat. 1977; Pub. L. 96-496, title I, §§ 106, 109(d), Dec. 4, 1980, 94 Stat. 2587, 2591; renumbered title I, § 9, and amended Pub. L. 98-306, §§ 2, 6, May 31, 1984, 98 Stat. 223, 224; renumbered § 9 and amended Pub. L. 99-194, title I, §§ 101(1), 109, Dec. 20, 1985, 99 Stat. 1332, 1339; Pub. L. 101-512, title III, § 318 [title I, § 108], Nov. 5, 1990, 104 Stat. 1960, 1970; Pub. L. 103-171, § 3(b)(2), Dec. 2, 1993, 107 Stat. 1991; Pub. L. 111-340, title II, § 208(2), Dec. 22, 2010, 124 Stat. 3603.)

Editorial Notes

AMENDMENTS

2010—Subsecs. (b), (c)(2), (3). Pub. L. 111-340 substituted “Institute of Museum and Library Services” for “Institute of Museum Services”.

1993—Subsec. (b). Pub. L. 103-171 substituted “Assistant Secretary for Aging” for “Commissioner on Aging”.

1990—Subsec. (c)(7). Pub. L. 101-512, § 318 [title I, § 108(a)], added par. (7).

Subsec. (d). Pub. L. 101-512, § 318 [title I, § 108(b)], struck out subsec. (d) which related to studies on Federal support to museums and the impact of Institute of Museum Services and of conservation and preservation practices.

1985—Subsec. (b). Pub. L. 99-194, § 109(1), substituted “Chairperson” for “Chairman” in two places in first sentence, “presiding officer” for “Chairman” in second sentence, and “the President” for “he” in last sentence.

Subsec. (c)(1). Pub. L. 99-194, § 109(2), substituted “Chairperson” for “Chairman” wherever appearing.

Subsec. (d). Pub. L. 99-194, § 109(3), added subsec. (d). Former subsec. (d), relating to a study and report to the President and the Congress on artistic employment opportunities, was struck out.

Subsec. (e). Pub. L. 99-194, § 109(3), struck out subsec. (e) which provided for a study and report to the President and the Congress on arts and artifacts indemnification.

1984—Subsec. (b). Pub. L. 98-306, § 6(a), inserted “the Director of the Institute of Museum Services,”.

Subsec. (c)(4). Pub. L. 98-306, § 6(b), struck out “and the Institute of Museum Services” after “Foundation”.

1980—Subsec. (b). Pub. L. 96-496, §§ 106(a), 109(d), inserted “the Commissioner on Aging,” and substituted “Secretary of Education” for “United States Commissioner of Education”.

Subsec. (c)(6). Pub. L. 96-496, § 106(b), added par. (6).

Subsecs. (d), (e). Pub. L. 96-496, § 106(c), added subsecs. (d) and (e).

1976—Subsec. (c)(2), (3). Pub. L. 94-462, § 208(1), (2), added par. (2), redesignated former par. (2) as (3), and as so redesignated inserted “and the Institute of Museum Services,” after “Humanities,”. Former par. (3) redesignated (4).

Subsec. (c)(4), (5). Pub. L. 94-462, § 208(1), (3), redesignated former par. (3) as (4), inserted “and the Institute of Museum Services” after “Foundation”, and redesignated former par. (4) as (5).

1973—Subsec. (b). Pub. L. 93-133 included the Commissioner, Public Buildings Service, General Service Administration, a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House, as members of the Federal Council on the Arts and Humanities.

1970—Subsec. (b). Pub. L. 91-346 included the Archivist of the United States as a member of the Federal Council on the Arts and Humanities.

Statutory Notes and Related Subsidiaries

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.

§ 959. Administrative provisions

(a) General authority of Chairpersons

In addition to any authorities vested in them by other provisions of this subchapter, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, in carrying out their respective functions, shall each have authority—

(1) to prescribe such regulations as the Chairperson deems necessary governing the manner in which the Chairperson's functions shall be carried out;

(2) in the discretion of the Chairperson of an Endowment, after receiving the recommendation of the National Council of that Endowment, to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, including a condition that the Chairperson use other funds of that Endowment for the purposes of the gift, except that a Chairperson may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 955(f) and 957(f) of this title, and may receive a gift of \$15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time, and to use, sell, or otherwise dispose of such property for the purpose of carrying out sections 954(c) and 956(c) of this title;

(3) to appoint employees, subject to the civil service laws, as necessary to carry out the Chairperson's functions, define their duties, and supervise and direct their activities;

(4) to utilize experts and consultants, including panels of experts, who may be employed as authorized by section 3109 of title 5;

(5) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5 for persons in the Government service employed without compensation;

(6) to make advance, progress, and other payments without regard to section 3324 of title 31;

(7) to rent office space in the District of Columbia; and

(8) to make other necessary expenditures.

(b) Rules for distribution of donations, bequests, and devises; gifts with or without conditions; transfers for tax purposes

(1) In any case in which any money or other property is donated, bequeathed, or devised to the Foundation without designation of the Endowment for the benefit of which such property is intended, and without condition or restriction other than that it be used for the purposes of the Foundation, such property shall be deemed to have been donated, bequeathed, or devised in equal shares to each Endowment and each Chairperson of an Endowment shall have authority to receive such property.

(2) In any case in which any money or other property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to that Endowment whose function it is to carry out the purpose or purposes described or referred to by the terms of such condition or restriction, and each Chairperson of an Endowment shall have authority to receive such property.

(3) For the purposes of the preceding sentence, if one or more of the purposes of such a condition or restriction is covered by the functions of both Endowments, or if some of the purposes of such a condition or restriction are covered by the functions of one Endowment and other of the purposes of such a condition or restriction are covered by the functions of the other Endowment, the Federal Council on the Arts and the Humanities shall determine an equitable manner for distribution between each of the Endowments of the property so donated, bequeathed, or devised.

(4) For the purposes of the income tax, gift tax, and estate tax laws of the United States, any money or other property donated, bequeathed, or devised to the Foundation or one of its Endowments and received by the Chairperson of an Endowment pursuant to authority derived under this subsection shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States.

(c) Advisory panels; membership; procedures

The Chairperson of the National Endowment for the Arts shall utilize advisory panels to review applications, and to make recommendations to the National Council on the Arts in all cases except cases in which the Chairperson exercises authority delegated under section 955(f) of this title. When reviewing applications, such panels shall recommend applications for projects, productions, and workshops solely on the basis of artistic excellence and artistic merit. The Chairperson shall issue regulations and establish procedures—

(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;