

1981 through 1985 for provisions authorizing appropriations for fiscal years 1977 through 1980.

Subsec. (d). Pub. L. 96496, §201(e)(2), substituted “1985” for “1980”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101512 effective Oct. 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101512, set out as a note under section 951 of this title.

§968. Definitions

For the purpose of this subchapter, the term—

(1) “Board” means the National Museum Services Board established under section 962 of this title;

(2) “Director” means the Director of the Institute established under section 962 of this title;

(3) “Institute” means the Institute of Museum Services established under section 962 of this title; and

(4) “museum” means a public or private non-profit agency or institution organized on a permanent basis for essentially educational or esthetic purposes, which, utilizing a professional staff, owns or utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis.

(Pub. L. 94462, title II, §210, Oct. 8, 1976, 90 Stat. 1978.)

§969. Assessment of certain museums

The Director, subject to the policy direction of the Board and in consultation¹ with appropriate representatives of the museum and cultural communities shall undertake an assessment of the needs of small, emerging, minority, and rural museums. The assessment, to be completed and presented to Congress within two years of November 5, 1990, shall include but not necessarily be limited to, the following subjects:

(1) The need for resources to identify, collect, document, research, preserve and interpret tangible and nontangible collections and to communicate with and involve their own communities and the general public.

(2) The personnel staffing and training needs for small, emerging, minority, and rural museums, including needs for professional positions and for the community persons employed or utilized by museums who are expert in the history, culture, customs, and other human resources of the communities.

(3) The building and construction needs, including impediments to accessing Federal and non-Federal funds for this purpose.

(4) The maintenance, operation and repair needs, including impediments to accessing Federal and non-Federal funds for these purposes.

(5) The status of the museums’ current collections and the museums’ interest in accessing, through gift, purchase, repatriation or borrowing, objects now held privately or in public collections.

(b)² As used in this subsection—³

¹So in original. Probably should be “consultation”.

²So in original. No subsec. (a) has been enacted.

³So in original. Probably should be “section—”.

(1) the term “small, emerging, minority, and rural museums” includes tribal museums and museums of other ethnic and cultural groups; and

(2) the term “Indian tribe” has the meaning given in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(b)).⁴

(Pub. L. 94462, title II, §211, as added Pub. L. 101512, title III, §318 [title II, §205 [(a)]], Nov. 5, 1990, 104 Stat. 1960, 1975.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (b)(2), is Pub. L. 93638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. “Indian tribe” is defined in section 4(e) of that Act which is classified to section 450b(e) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

EFFECTIVE DATE

Section effective Oct. 1, 1990, see section 318 [title IV, §403(a)] of Pub. L. 101512, set out as an Effective Date of 1990 Amendment note under section 951 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 967 of this title.

CHAPTER 26A—INDEMNITY FOR EXHIBITIONS OF ARTS AND ARTIFACTS

Sec.	
971.	Agreements to indemnify against loss or damage. (a) Authorization of Federal Council on the Arts and Humanities. (b) Council as “agency”.
972.	Items eligible for indemnity agreements. (a) Works of art; printed or published materials; other artifacts or objects; photographs, motion pictures, or tapes. (b) Extension of coverage; “on exhibition” defined.
973.	Application for indemnity agreements. (a) Parties. (b) Contents. (c) Approval.
974.	Indemnity limits. (a) Approval of estimated values. (b) Maximum limits of coverage. (c) Limit for single exhibition. (d) Deductible limit.
975.	Claims for losses. (a) Regulations for prompt adjustment. (b) Certification.
976.	Authorization of appropriations.
977.	Annual report to Congress.

§971. Agreements to indemnify against loss or damage

(a) Authorization of Federal Council on the Arts and Humanities

The Federal Council on the Arts and Humanities (hereinafter in this chapter referred to as the “Council”), established under section 958 of this title, is authorized to make agreements to indemnify against loss or damage such items as may be eligible for such indemnity agreements under section 972 of this title—

(1) in accordance with the provisions of this chapter; and

⁴See References in Text note below.

(2) on such terms and conditions as the Council shall prescribe, by regulation, in order to achieve the purposes of this chapter and, consistent with such purposes, to protect the financial interest of the United States.

(b) Council as “agency”

(1) For purposes of this chapter, the Council shall be an “agency” within the meaning of the appropriate definitions of such term in title 5.

(2) For purposes of this chapter, the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, the member designated by the Chairman of the Senate Commission of Art and Antiquities and the member designated by the Speaker of the House of Representatives shall not serve as members of the Council.

(Pub. L. 94158, §2, Dec. 20, 1975, 89 Stat. 844; Pub. L. 99194, title III, §301, Dec. 20, 1985, 99 Stat. 1345.)

AMENDMENTS

1985—Subsec. (b). Pub. L. 99194 designated existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE

Section 9 of Pub. L. 94158 provided that: “This Act [see Short Title note below] shall become effective 30 days after the date of the enactment of this Act [Dec. 20, 1975].”

SHORT TITLE

Section 1 of Pub. L. 94158 provided that: “This Act [enacting this chapter and provisions set out as a note under this section] may be cited as the ‘Arts and Artifacts Indemnity Act.’”

§972. Items eligible for indemnity agreements

(a) Works of art; printed or published materials; other artifacts or objects; photographs, motion pictures, or tapes

The Council may make an indemnity agreement under this chapter with respect to—

- (1) works of art, including tapestries, paintings, sculpture, folk art, graphics, and craft arts;
- (2) manuscripts, rare documents, books, and other printed or published materials;
- (3) other artifacts or objects; and
- (4) photographs, motion pictures, or audio and video tape;

which are (A) of educational, cultural, historical, or scientific value, and (B) the exhibition of which is certified by the Director of the United States Information Agency or his designee as being in the national interest.

(b) Extension of coverage; “on exhibition” defined

(1) An indemnity agreement made under this chapter shall cover eligible items while on exhibition in the United States or elsewhere preferably when part of an exchange of exhibitions.

(2) For purposes of this subsection, the term “on exhibition” includes that period of time beginning on the date the eligible items leave the premises of the lender or place designated by the lender and ending on the date such items are returned to the premises of the lender or place designated by the lender.

(Pub. L. 94158, §3, Dec. 20, 1975, 89 Stat. 844; 1977 Reorg. Plan No. 2, §7(a)(10), 42 F.R. 62461, 91 Stat. 1637; Pub. L. 97241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 99194, title III, §302(a), Dec. 20, 1985, 99 Stat. 1345.)

AMENDMENTS

1985—Subsec. (b)(1). Pub. L. 99194, which directed the substitution of “or elsewhere preferably when part of an exchange of exhibitions” for “, or elsewhere when part of an exchange of exhibitions, but in no case shall both parts of such an exhibition be so covered” was executed by making the substitution for “, or elsewhere when part of an exchange of exhibitions, but in no case shall both parts of such an exchange be so covered”, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 302(b) of Pub. L. 99194 provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to any exhibition which is certified under section 3(a) of the Arts and Artifacts Indemnity Act [subsec. (a) of this section] after the date of enactment of this Act [Dec. 20, 1985].”

TRANSFER OF FUNCTIONS

“Director of the United States Information Agency” substituted for “Director of the International Communication Agency” in subsec. (a) pursuant to section 303(b) of Pub. L. 97241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of Title 22, Foreign Relations and Intercourse. Previously, “Director of the International Communication Agency” substituted for “Secretary of State” in subsec. (a) pursuant to Reorg. Plan No. 2 of 1977, §7(a)(10), 42 F.R. 62461, 91 Stat. 1637, set out in the Appendix to Title 5, Government Organization and Employees, effective on or before July 1, 1978, at such time as specified by President, which transferred functions vested in Secretary of State in subsec. (a) of this section to Director of International Communication Agency.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 971, 973 of this title.

§973. Application for indemnity agreements

(a) Parties

Any person, nonprofit agency, institution, or government desiring to make an indemnity agreement for eligible items under this chapter shall make application therefor in accordance with such procedures, in such form, and in such manner as the Council shall, by regulation, prescribe.

(b) Contents

An application under subsection (a) of this section shall—

- (1) describe each item to be covered by the agreement (including an estimated value of such item);
- (2) show evidence that the items are eligible under section 972(a) of this title; and
- (3) set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of, exhibition of the items, and any transportation related to such items.

(c) Approval

Upon receipt of an application under this section, the Council shall, if such application conforms with the requirements of this chapter, approve the application and make an indemnity agreement with the applicant. Upon such ap-

proval, the agreement shall constitute a contract between the Council and the applicant pledging the full faith and credit of the United States to pay any amount for which the Council becomes liable under such agreement. The Council, for such purpose, is hereby authorized to pledge the full faith and credit of the United States.

(Pub. L. 94158, §4, Dec. 20, 1975, 89 Stat. 845.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 974 of this title.

§974. Indemnity limits

(a) Approval of estimated values

Upon receipt of an application meeting the requirements of subsections (a) and (b) of section 973 of this title, the Council shall review the estimated value of the items for which coverage by an indemnity agreement is sought. If the Council agrees with such estimated value, for the purposes of this chapter, the Council shall, after approval of the application as provided in subsection (c) of section 973 of this title, make an indemnity agreement.

(b) Maximum limits of coverage

The aggregate of loss or damage covered by indemnity agreements made under this chapter shall not exceed \$3,000,000,000 at any one time.

(c) Limit for single exhibition

No indemnity agreement for a single exhibition shall cover loss or damage in excess of \$300,000,000.

(d) Deductible limit

If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

(1) \$2,000,000 or less, then coverage under this chapter shall extend only to loss or damage in excess of the first \$15,000 of loss or damage to items covered;

(2) more than \$2,000,000 but less than \$10,000,000 then coverage under this chapter shall extend only to loss or damage in excess of the first \$25,000 of loss or damage to items covered;

(3) not less than \$10,000,000 but less than \$125,000,000, then coverage under this chapter shall extend to loss or damage in excess of the first \$50,000 of loss or damage to items covered;

(4) not less than \$125,000,000 but less than \$200,000,¹ then coverage under this chapter shall extend to loss or damage in excess of the first \$100,000 of loss or damage to items covered; or

(5) \$200,000,000 or more, then coverage under the chapter shall extend only to loss or damage in excess of the first \$200,000, of loss or damage to items covered.

(Pub. L. 94158, §5, Dec. 20, 1975, 89 Stat. 845; Pub. L. 96496, title III, §§301, 302, Dec. 4, 1980, 94 Stat. 2593; Pub. L. 99194, title III, §303, Dec. 20, 1985, 99 Stat. 1345; Pub. L. 100202, §101(g) [title II, §201], Dec. 22, 1987, 101 Stat. 1329213, 1329249; Pub. L.

101512, title III, §318 [title III, §301], Nov. 5, 1990, 104 Stat. 1960, 1976.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101512, §318 [title III, §301(a)], substituted “\$3,000,000,000” for “\$1,200,000,000”.

Subsec. (c). Pub. L. 101512, §318 [title III, §301(b)(1)], substituted “\$300,000,000” for “\$125,000,000”.

Subsec. (d)(3). Pub. L. 101512, §318 [title III, §301(b)(2)(B)], amended par. (3) generally. Prior to amendment, par. (3) read as follows: “\$10,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first \$50,000 of loss or damage to items covered.”

Subsec. (d)(4), (5). Pub. L. 101512, §318 [title III, §301(b)(2)(A), (C)], added pars. (4) and (5).

1987—Subsec. (b). Pub. L. 100202 substituted “\$1,200,000,000” for “\$650,000,000”.

Subsec. (c). Pub. L. 100202 substituted “\$125,000,000” for “\$75,000,000”.

1985—Subsec. (b). Pub. L. 99194, §303(a), substituted “\$650,000,000” for “\$400,000,000”.

Subsec. (c). Pub. L. 99194, §303(b), substituted “\$75,000,000” for “\$50,000,000”.

1980—Subsec. (b). Pub. L. 96496, §301, substituted “\$400,000,000” for “\$250,000,000”.

Subsec. (d). Pub. L. 96496, §302, substituted provisions relating to deductible amounts under indemnity agreements for provisions limiting coverage under this chapter to loss or damage in excess of the first \$15,000 resulting from a single exhibition.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101512 effective Oct. 1, 1990, see section 318 [title IV, §403(b)] of Pub. L. 101512, set out as a note under section 951 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 975 of this title.

§975. Claims for losses

(a) Regulations for prompt adjustment

The Council shall prescribe regulations providing for prompt adjustment of valid claims for losses which are covered by an agreement made pursuant to section 974 of this title, including provision for arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of such covered objects.

(b) Certification

In the case of a claim of loss with respect to an item which is covered by an agreement made pursuant to section 974 of this title, the Council shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(Pub. L. 94158, §6, Dec. 20, 1975, 89 Stat. 845.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 976 of this title.

§976. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary (1) to enable the Council to carry out its functions under this chapter, and (2) to pay claims certified pursuant to section 975(b) of this title.

(Pub. L. 94158, §7, Dec. 20, 1975, 89 Stat. 846.)

§977. Annual report to Congress

The Council shall report annually to the Congress (1) all claims actually paid pursuant to

¹So in original. Probably should be “\$200,000,000.”

this chapter during the preceding fiscal year, (2) pending claims against the Council under this chapter as of the close of that fiscal year, and (3) the aggregate face value of contracts entered into by the Council which are outstanding at the close of that fiscal year.

(Pub. L. 94158, §8, Dec. 20, 1975, 89 Stat. 846.)

CHAPTER 27—NATIONAL VOCATIONAL STUDENT LOAN INSURANCE

§§981 to 996. Repealed. Pub. L. 90575, title I, §116(c)(1), Oct. 16, 1968, 82 Stat. 1024

Section 981, Pub. L. 89287, §2, Oct. 22, 1965, 79 Stat. 1037; Pub. L. 90460, §2(d)(3), Aug. 3, 1968, 82 Stat. 634, set forth Congressional declaration of purpose for the chapter and authorized appropriations to carry out such purpose.

Section 981 note, Pub. L. 89287, §1, Oct. 22, 1965, 79 Stat. 1037, provided that Pub. L. 89287, which enacted this chapter, be cited as the National Vocational Loan Insurance Act of 1965.

Section 982, Pub. L. 89287, §3, Oct. 22, 1965, 79 Stat. 1037, authorized Commissioner to make advances to State and nonprofit private loan insurance programs.

Section 983, Pub. L. 89287, §4, Oct. 22, 1965, 79 Stat. 1038, prohibited Commissioner from issuing certificates of insurance to lenders in States having adequate non-Federal loan insurance programs.

Section 984, Pub. L. 89287, §5, Oct. 22, 1965, 79 Stat. 1038; Pub. L. 90460, §1(b)(1), Aug. 3, 1968, 82 Stat. 634, set forth scope and duration of loan insurance program of this chapter.

Section 985, Pub. L. 89287, §6, Oct. 22, 1965, 79 Stat. 1039, limited annual and aggregate amounts available to individuals as loans and covered by insurance under this chapter.

Section 986, Pub. L. 89287, §7, Oct. 22, 1965, 79 Stat. 1039, provided for insurance coverage for loans made by eligible lenders, regardless of source of such loaned funds.

Section 987, Pub. L. 89287, §8, Oct. 22, 1965, 79 Stat. 1039; Pub. L. 90460, §2(c)(1), Aug. 3, 1968, 82 Stat. 634, set forth prerequisites of student eligibility and terms and conditions of note executed by student.

Section 988, Pub. L. 89287, §9, Oct. 22, 1965, 79 Stat. 1041; Pub. L. 90460, §§1(b)(2), 2(c)(2), (d), Aug. 3, 1968, 82 Stat. 634, provided for reduction of student interest costs by Federal payments.

Section 989, Pub. L. 89287, §10, Oct. 22, 1965, 79 Stat. 1043; Pub. L. 90460, §1(b)(3), Aug. 3, 1968, 82 Stat. 634, authorized Commissioner to make direct loans to students residing in areas where loans insurable under this chapter are unavailable.

Section 990, Pub. L. 89287, §11, Oct. 22, 1965, 79 Stat. 1043, provided for certificates of insurance to be issued to eligible lenders.

Section 991, Pub. L. 89287, §12, Oct. 22, 1965, 79 Stat. 1045, set forth procedure for collection in case of default, death, or disability of student borrower.

Section 992, Pub. L. 89287, §13, Oct. 22, 1965, 79 Stat. 1046, established Vocational Student Loan Insurance Fund.

Section 993, Pub. L. 89287, §14, Oct. 22, 1965, 79 Stat. 1047, enumerated powers and duties of Commissioner with respect to carrying out purposes of this chapter.

Section 994, Pub. L. 89287, §15, Oct. 22, 1965, 79 Stat. 1048, established Advisory Council on Insured Loans to Vocational Students in the Office of Education.

Section 995, Pub. L. 89287, §16, Oct. 22, 1965, 79 Stat. 1048, authorized Federal credit unions to make insured loans to student members.

Section 996, Pub. L. 89287, §17, Oct. 22, 1965, 79 Stat. 1048, defined “eligible institution”, “eligible lender”, “line of credit”, “State”, “Secretary”, and “Commissioner”.

EFFECTIVE DATE OF REPEAL

Repeal applicable to loans made on or after the 60th day after Oct. 16, 1968, see section 116(e) of Pub. L. 90575.

TRANSFER OF ASSETS AND LIABILITIES OF THE VOCATIONAL STUDENT LOAN INSURANCE FUND

Section 116(c)(2) of Pub. L. 90575 provided that: “All assets and liabilities of the vocational student loan insurance fund established by section 13 of the National Vocational Student Loan Insurance Act of 1965 [section 992 of this title], matured or contingent, shall be transferred to, and become assets and liabilities of, the student loan insurance fund established by section 431 of the Higher Education Act of 1965 [section 1081 of this title]. Payments in connection with defaults of loans made on or after the sixtieth day after the date of enactment of this Act [Oct. 16, 1968] and insured by the Commissioner (under the authority of subsection (e)(3) or (e)(4) of this section [set out as a note under section 1083 of this title]) under the National Vocational Student Loan Insurance Act of 1965 [sections 981 to 996 of this title] shall be paid out of the fund established by such section 431.”

CHAPTER 28—HIGHER EDUCATION RESOURCES AND STUDENT ASSISTANCE

SUBCHAPTER I—PARTNERSHIPS FOR EDUCATIONAL EXCELLENCE

PART A—SCHOOL, COLLEGE, AND UNIVERSITY PARTNERSHIPS

Sec. 1001.	Purpose.
1002.	Agreement.
	(a) Agreement.
	(b) Contents of agreement.
1003.	Grants.
	(a) Division between school-year and summer programs.
	(b) Amount and use of grants.
	(c) Preferences.
	(d) Duration.
	(e) Equitable geographic distribution.
1004.	Grant application.
	(a) Application required.
	(b) Contents of application.
	(c) Special rule.
	(d) Waiver.
1005.	Peer review.
1006.	Authorization of appropriations.
PART B—ARTICULATION AGREEMENTS	
1011.	Findings and purpose.
	(a) Findings.
	(b) Purpose.
1011a.	Authorization of grants.
	(a) Assistance for articulation partnerships.
	(b) Qualified institutions.
	(c) Allocation and State grants.
1011b.	State application.
1011c.	Local applications.
1011d.	Articulation agreement.
	(a) Length of grant.
	(b) Use of funds.
1011e.	State administration.
1011f.	Priority.
1011g.	Reports.
	(a) State reports.
	(b) Evaluation and dissemination.
1011h.	Authorization of appropriations.

PART C—ACCESS AND EQUITY TO EDUCATION FOR ALL AMERICANS THROUGH TELECOMMUNICATIONS

1015.	Program established; authorization of appropriations; eligibility.
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