

the fund such sums as the Board determines are necessary and appropriate to enable the Foundation to carry out the purposes of this chapter.

(b) Access to books, records, etc., by General Accounting Office

The activities of the Foundation under this chapter may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Foundation, pertaining to such activities and necessary to facilitate the audit.

(Pub. L. 93-642, § 11, Jan. 4, 1975, 88 Stat. 2279.)

§ 2011. Executive Secretary of Foundation

(a) Appointment; functions

There shall be an Executive Secretary of the Foundation who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this chapter as the Board shall delegate.

(b) Compensation

The Executive Secretary of the Foundation shall be compensated at the rate specified for employees placed in grade 18 of the General Schedule set forth in section 5332 of title 5.

(Pub. L. 93-642, § 12, Jan. 4, 1975, 88 Stat. 2280.)

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.

§ 2012. Administrative provisions

(a) Powers of Foundation

In order to carry out the provisions of this chapter, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter, except that in no case shall employees other than the Executive Secretary be compensated at a rate to exceed the rate provided for employees in grade 15 of the General Schedule set forth in section 5332 of title 5;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condi-

tion or restriction other than it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this chapter, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 5 of title 41;

(7) make advances, progress, and other payments which the Board deems necessary under this chapter without regard to the provisions of section 3324(a) and (b) of title 31;

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

(9) make other necessary expenditures.

(b) Annual report to Congress

The Foundation shall submit to the President and to the Congress an annual report of its operations under this chapter.

(Pub. L. 93-642, § 13, Jan. 4, 1975, 88 Stat. 2280.)

CODIFICATION

In subsec. (a)(7), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes, as amended (31 U.S.C. 529)” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

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.

§ 2013. Authorization of appropriations

There are authorized to be appropriated \$30,000,000 to the fund.

(Pub. L. 93-642, § 14, Jan. 4, 1975, 88 Stat. 2280.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2009 of this title.

CHAPTER 43—AMERICAN FOLKLIFE PRESERVATION

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2102.	Definitions.
2103.	American Folklife Center.
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	(b) Board of Trustees; composition; regional balance.
	(c) Term of office.
	(d) Compensation of Board members; travel expenses.
	(e) Chairman; Vice Chairman; election; vacancies; quorum.
	(f) Director; Deputy Director; appointment and compensation.

- Sec.
- (g) Duties of Director and Deputy Director.
2104. Functions of Center.
- (a) Contracts; national archive and center for American folklife; loan of items in archive; procurement, display, etc., of items in archive; miscellaneous programs.
- (b) Functions carried out through Center.
2105. Limitations on contracts.
- (a) Time.
- (b) Items excluded.
- (c) Former Government employees.
2106. Administration.
- (a) Regulations; receipt of money and other property; compensation of personnel; services of experts and consultants; contracts; payments.
- (b) Annual report to Congress.
2107. Authorization of appropriations.

§ 2101. Congressional declaration of findings and purpose

(a) The Congress hereby finds and declares—

(1) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

(2) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

(3) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

(4) that it is appropriate and necessary for the Federal Government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs, and values of the American people in both rural and urban areas;

(5) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government; and

(6) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts.

(b) It is therefore the purpose of this chapter to establish in the Library of Congress an American Folklife Center to preserve and present American folklife.

(Pub. L. 94-201, § 2, Jan. 2, 1976, 89 Stat. 1129.)

SHORT TITLE

Section 1 of Pub. L. 94-201 provided: "That this Act [enacting this chapter] may be cited as the 'American Folklife Preservation Act'."

§ 2102. Definitions

As used in this chapter—

(1) the term "American folklife" means the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional; expressive culture includes a wide range of creative and symbolic forms such as custom,

belief, technical skill, language, literature, art, architecture, music, play, dance, drama, ritual, pageantry, handicraft; these expressions are mainly learned orally, by imitation, or in performance, and are generally maintained without benefit of formal instruction or institutional direction;

(2) the term "Board" means the Board of Trustees of the Center;

(3) the term "Center" means the American Folklife Center established under this chapter;

(4) the term "group" includes any State or public agency or institution and any nonprofit society, institution, organization, association, or establishment in the United States;

(5) the term "Librarian" means the Librarian of Congress;

(6) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands; and

(7) the term "workshop" means an activity the primary purpose of which is to encourage the development of skills, appreciation, or enjoyment of American folklife among amateur, student, or nonprofessional participants, or to promote scholarship or teaching among the participants.

(Pub. L. 94-201, § 3, Jan. 2, 1976, 89 Stat. 1129.)

§ 2103. American Folklife Center

(a) Establishment

There is hereby established in the Library of Congress an American Folklife Center.

(b) Board of Trustees; composition; regional balance

The Center shall be under the direction of a Board of Trustees. The Board shall be composed as follows—

(1) four members appointed by the President from among individuals who are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts;

(2) four members appointed by the President pro tempore of the Senate from among individuals from private life who are widely recognized by virtue of their scholarship, experience, creativity, or interest in American folklife traditions and arts, and four members appointed by the Speaker of the House of Representatives from among such individuals;

(3) the Librarian of Congress;

(4) the Secretary of the Smithsonian Institution;

(5) the Chairman of the National Endowment for the Arts;

(6) the Chairman of the National Endowment for the Humanities; and

(7) the Director of the Center.

In making appointments from private life under clause 2, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give due consideration to the appointment of individuals who collectively will provide appropriate regional balance on the Board. Not more than three of the members appointed by the President pro tempore of the

Senate or by the Speaker of the House of Representatives may be affiliated with the same political party.

(c) Term of office

The term of office of each appointed member of the Board shall be six years; except that (1)(A) the members first appointed under clause (1) of subsection (b) of this section shall serve as designated by the President, one for a term of two years, two for a term of four years, and one for a term of six years, and (B) the members first appointed under clause (2) of subsection (b) of this section shall serve as jointly designated by the President pro tempore of the Senate and the Speaker of the House of Representatives, two for terms of two years, four for terms of four years, and two for terms of six years; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term. Members appointed by the President under clause (1) of subsection (b) of this section shall serve only during the time they are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts.

(d) Compensation of Board members; travel expenses

Members of the Board who are not regular full-time employees of the United States shall be entitled, while serving on business of the Center, to receive compensation at rates fixed by the Librarian, but not exceeding \$100 per diem, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(e) Chairman; Vice Chairman; election; vacancies; quorum

(1) The Librarian shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve for a term of one year. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case of a vacancy occurring in the chairmanship or vice-chairmanship, the Board shall elect a member to fill the vacancy for the remainder of the unexpired term.

(2) A majority of the members of the Board shall constitute a quorum.

(f) Director; Deputy Director; appointment and compensation

After consultation with the Board, the Librarian shall appoint the Director of the Center. The basic pay of the Director shall be at a per year rate not to exceed GS-18 of the General Schedule under section 5332 of title 5. The Librarian upon the recommendation of the Director shall appoint a Deputy Director of the Center. The basic pay of the Deputy Director shall be fixed at a rate not to exceed GS-16 of the General Schedule under section 5332 of such title.

(g) Duties of Director and Deputy Director

(1) The Director shall be the chief executive officer of the Center. Subject to the direction of the Board and the general supervision of the Librarian, the Director shall have responsibility for carrying out functions of the Center, and shall have authority over all personnel and activities of the Center.

(2) The Deputy Director shall perform such functions as the Director, with the approval of the Librarian, may prescribe, and shall serve as Acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(Pub. L. 94-201, § 4, Jan. 2, 1976, 89 Stat. 1130; Pub. L. 95-259, § 2, Apr. 17, 1978, 92 Stat. 196.)

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-259 inserted provision limiting time of service of members appointed by the President to the time they are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts.

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.

§ 2104. Functions of Center

(a) Contracts; national archive and center for American folklife; loan of items in archive; procurement, display, etc., of items in archive; miscellaneous programs

The Librarian is authorized to—

(1) enter into, in conformity with Federal procurement statutes and regulations, contracts with individuals and groups for programs for the—

(A) initiation, encouragement, support, organization, and promotion of research, scholarship, and training in American folklife;

(B) initiation, promotion, support, organization, and production of live performances, festivals, exhibits, and workshops related to American folklife;

(C) purchase, receipt, production, arrangement for, and support of the production of exhibitions, displays, publications, and presentations (including presentations by still and motion picture films, and audio and visual magnetic tape recordings) which represent or illustrate some aspect of American folklife; and

(D) purchase, production, arrangement for, and support of the production of exhibitions, projects, presentations, and materials specially designed for classroom use representing or illustrating some aspect of American folklife;

(2) establish and maintain in conjunction with any Federal department, agency, or institution a national archive and center for American folklife;

(3) procure, receive, purchase, and collect for preservation or retention in an appropriate ar-

chive creative works, exhibitions, presentations, objects, materials, manuscripts, publications, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife;

(4) loan, or otherwise make available, through Library of Congress procedures, any item in the archive established under this chapter to any individual or group;

(5) present, display, exhibit, disseminate, communicate, and broadcast to local, regional, State, or National audiences any exhibition, display, or presentation referred to in clause (3) of this section or any item in the archive established pursuant to clause (2) of this section, by making appropriate arrangements, including contracts with public, nonprofit, and private radio and television broadcasters, museums, educational institutions, and such other individuals and organizations, including corporations, as the Board deems appropriate;

(6) loan, lease, or otherwise make available to public, private, and nonprofit educational institutions, and State arts councils established pursuant to the National Foundation on the Arts and the Humanities Act of 1965 [20 U.S.C. 951 et seq.], such exhibitions, programs, presentations, and material developed pursuant to clause (1)(D) of this subsection as the Board deems appropriate; and

(7) develop and implement other appropriate programs to preserve, support, revitalize, and disseminate American folklife.

(b) Functions carried out through Center

The Librarian shall carry out his functions under this chapter through the Center.

(Pub. L. 94-201, § 5, Jan. 2, 1976, 89 Stat. 1131.)

REFERENCES IN TEXT

The National Foundation on the Arts and the Humanities Act of 1965, referred to in subsec. (a)(6), is Pub. L. 89-209, Sept. 29, 1965, 79 Stat. 845, as amended, which is classified principally to subchapter I (§951 et seq.) of chapter 26 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

§ 2105. Limitations on contracts

(a) Time

No payment shall be made pursuant to this chapter to carry out any research or training over a period in excess of two years, except that with the concurrence of at least two-thirds of the members of the Board of the Center such research or training may be carried out over a period of not to exceed five years.

(b) Items excluded

Assistance pursuant to this chapter shall not cover the cost of land acquisition, construction, building acquisitions, or acquisition of major equipment.

(c) Former Government employees

No individual formerly in the employment of the Federal Government shall be eligible to receive any assistance pursuant to this chapter, or to serve as a trustee of the Center in the two-

year period following the termination of such employment.

(Pub. L. 94-201, § 6, Jan. 2, 1976, 89 Stat. 1132.)

§ 2106. Administration

(a) Regulations; receipt of money and other property; compensation of personnel; services of experts and consultants; contracts; payments

In addition to any authority vested in it by other provisions of this chapter, the Librarian of Congress, in carrying out the Center's functions, is authorized to—

(1) prescribe such regulations as he deems necessary;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be for the purposes of the Center and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions, without reference to Federal property disposal statutes;

(3) in the discretion of the Board of Trustees, receive (and use, sell, or otherwise dispose of, in accordance with clause (2)) money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purpose of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this chapter in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, except that the Librarian of Congress may appoint and fix the compensation of a reasonable number of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate received by the Deputy Director of the Center;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(7) enter into contracts to carry out the provisions of this chapter, and such contracts may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and in conformity with section 5 of title 41; and

(8) make advances, progress, and other payments which the Board deems necessary under this chapter in conformity with the provisions of section 3324(a) and (b) of title 31.

(b) Annual report to Congress

The Director shall submit to the Librarian for inclusion in the annual report of the Library of Congress to the Congress an annual report of the operations of the Center under this chapter, which shall include a detailed statement of all

private and public funds received and expended by it, and such recommendations as the Center deems appropriate.

(Pub. L. 94-201, §7, Jan. 2, 1976, 89 Stat. 1133.)

REFERENCES IN TEXT

The Federal property disposal statutes, referred to in subsec. (a)(2), are generally classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works.

CODIFICATION

In subsec. (a)(8), "section 3324(a) and (b) of title 31" substituted for "section 3648 of the Revised Statutes, as amended (31 U.S.C. 529)" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 2107. Authorization of appropriations

There are authorized to be appropriated to the Center to carry out this chapter such sums as may be necessary for each of the fiscal years 1997 and 1998.

(Pub. L. 94-201, §8, Jan. 2, 1976, 89 Stat. 1134; Pub. L. 95-259, §1, Apr. 17, 1978, 92 Stat. 196; Pub. L. 96-522, Dec. 12, 1980, 94 Stat. 3038; Pub. L. 98-392, §§1, 2, Aug. 21, 1984, 98 Stat. 1362; Pub. L. 99-473, Oct. 16, 1986, 100 Stat. 1212; Pub. L. 101-99, Sept. 26, 1989, 103 Stat. 637; Pub. L. 102-399, Oct. 7, 1992, 106 Stat. 1954; Pub. L. 103-101, §1, Oct. 8, 1993, 107 Stat. 1020; Pub. L. 104-197, title II, §209, Sept. 16, 1996, 110 Stat. 2410.)

AMENDMENTS

1996—Pub. L. 104-197 substituted "Authorization of appropriations" for "Authorization" in section catchline and amended text generally. Prior to amendment, text read as follows: "There are authorized to be appropriated to the Center to carry out the provisions of this chapter \$133,500 for the fiscal year 1976 and for the period from July 1 through September 30, 1976, \$295,000 for the fiscal year 1977, \$349,000 for the fiscal year 1978, \$685,000 for the fiscal year ending September 30, 1979, \$1,065,000 for the fiscal year ending September 30, 1980, \$1,355,000 for the fiscal year ending September 30, 1981, \$740,000 for the fiscal year ending September 30, 1982, \$890,000 for the fiscal year ending September 30, 1983, \$990,000 for the fiscal year ending September 30, 1984, \$838,549 for the fiscal year ending September 30, 1985, \$867,898 for the fiscal year ending September 30, 1986, \$867,900 for the fiscal year ending September 30, 1987, \$919,974 for the fiscal year ending September 30, 1988, \$975,172 for the fiscal year ending September 30, 1989, \$998,000 for the fiscal year ending September 30, 1990, \$1,050,100 for the fiscal year ending September 30, 1991, \$1,120,000 for the fiscal year ending September 30, 1992, \$1,120,000 for the fiscal year ending September 30, 1993, \$1,120,000 for the fiscal year ending September 30, 1994, and \$1,120,000 for the fiscal year ending September 30, 1995."

1993—Pub. L. 103-101 struck out "and" after "September 30, 1992," and inserted before period at end ", \$1,120,000 for the fiscal year ending September 30, 1994, and \$1,120,000 for the fiscal year ending September 30, 1995".

1992—Pub. L. 102-399 substituted "1991," for "1991, and" and inserted ", and \$1,120,000 for the fiscal year ending September 30, 1993" after "September 30, 1992".

1989—Pub. L. 101-99 inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1990, Sept. 30, 1991, and Sept. 30, 1992, of \$998,000, \$1,050,100, and \$1,120,000, respectively. Direction to strike out "and" after "1988" was executed by striking "and" after "1988," to reflect the probable intent of Congress.

1986—Pub. L. 99-473 struck out subsec. designation "(a)" before "There are authorized" and "and" after

"1985," inserted ", \$867,900 for the fiscal year ending September 30, 1987, \$919,974 for the fiscal year ending September 30, 1988, and \$975,172 for the fiscal year ending September 30, 1989", and struck out subsec. (b) which provided that no amount authorized by subsec. (a) of this section for fiscal years ending Sept. 30, 1985, or Sept. 30, 1986, be used for pay, benefits, or other expenses of any personnel position established after Aug. 21, 1984.

1984—Pub. L. 98-392 designated existing provisions as subsec. (a), in subsec. (a), as so designated, inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1985, and Sept. 30, 1986, of \$838,549 and \$867,898, respectively, and added subsec. (b).

1980—Pub. L. 96-522 inserted provisions authorizing appropriations for fiscal years ending Sept. 30, 1982, Sept. 30, 1983, and Sept. 30, 1984, of \$740,000, \$890,000, and \$990,000, respectively.

1978—Pub. L. 95-259 inserted provisions for the appropriation of \$685,000, \$1,065,000 and \$1,355,000 for the fiscal years ending Sept. 30, 1979, 1980 and 1981, respectively.

CHAPTER 44—VOCATIONAL EDUCATION

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