

and operation of the National Technical Institute as may be appropriate.

(d) **Termination.**

After the Secretary enters into an agreement under this chapter, the Board shall cease to exist. (Pub. L. 89-36, § 6, June 8, 1965, 79 Stat. 127.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a), are classified generally to Title 5, Executive Departments and Government Officers and Employees.

Chapter 21.—HIGHER EDUCATION FACILITIES

§ 711. Authorization of appropriations.

(b) For the purpose of making grants under this subchapter, there is hereby authorized to be appropriated the sum of \$230,000,000 for the fiscal year ending June 30, 1964, and for the succeeding fiscal year, and the sum of \$460,000,000 for the fiscal year ending June 30, 1966; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and the succeeding fiscal year, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

(As amended Pub. L. 89-329, title VII, § 701(b), Nov. 8, 1965, 79 Stat. 1267.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-329 substituted “and for the succeeding fiscal year, and the sum of \$460,000,000 for the fiscal year ending June 30, 1966” for “and each of the two succeeding fiscal years.”

§ 713. Allotments for public community colleges and technical institutes.

(b) **Availability of funds.**

(1) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this subchapter, for payment of the Federal share (as determined under sections 718(b) (3) and 751(d) of this title) of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 719 of this title until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(2) Notwithstanding any other provisions of this subchapter, any portion of a State's allotment under this section for a fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission by January 1 of such fiscal year, shall,

if the Commission so requests, be available, in accordance with the provisions of this subchapter for payment of the Federal share (as determined under sections 718(b) (3) and 751(d) of this title) of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes.

(c) **Reallotment of unreserved funds at close of fiscal years ending in 1965 and 1966; factors considered.**

All amounts allotted under this section for the fiscal year ending June 30, 1965, and the succeeding fiscal year, which are not reserved as provided in section 719 of this title by the close of the fiscal year for which they are allotted, shall be reallocated by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated for the purposes set forth in subsection (b) of this section. Amounts reallocated under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

(As amended Pub. L. 89-329, title VII, § 702(a) (1), (2), Nov. 8, 1965, 79 Stat. 1267.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-329, § 702(a)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 89-329, § 702(a)(2), substituted “for the purposes set forth in subsection (b) of this section” for “for providing academic facilities for public community colleges or public technical institutes.”

§ 714. Allotments for institutions of higher education other than public community colleges and technical institutes.

(b) **Availability of funds.**

(1) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this subchapter, for payment of the Federal share (as determined under sections 718(b) (3) and 751(d) of this title) of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education other than public community colleges and public technical institutes. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 719 of this title until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(2) Notwithstanding any other provisions of this subchapter, any portion of a State's allotment under this section for a fiscal year for which applications from an institution qualified to receive grants under this section have not been received by the State Commission by January 1 of such fiscal year, shall if the Commission so requests, be available, in accordance with the provisions of this subchapter, for payment of the Federal share (as determined under sections 718(b) (3) and 751(d) of this title) of the

development cost of approved projects for the construction of academic facilities within such State for institutions of higher education other than public community colleges and public technical institutes.

(c) Reallotment of unreserved funds at close of fiscal years ending in 1965 and 1966; factors considered.

All amounts allotted under this section for the fiscal year ending June 30, 1965, and the succeeding fiscal year, which are not reserved as provided in section 719 of this title by the close of the fiscal year for which they are allotted, shall be reallocated by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated for the purposes set forth in subchapter (b) of this section. Amounts reallocated under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted. (As amended Pub. L. 89-329, title VII, § 702(b) (1), (2), Nov. 8, 1965, 79 Stat. 1267.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-329, § 702(b)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (c). Pub. L. 89-329, § 702(b)(2), substituted “for the purposes set forth in subsection (b) of this section” for “for providing academic facilities for institutions of higher education other than public community colleges and public technical institutes.”

§ 715. State commissions and plans; authorized expenditures.

(a) Any State desiring to participate in the grant program under this subchapter shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established in this subchapter referred to as the “State commission”), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 717 of this title, objective standards and methods (A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State, and (B) for determining the Federal share of the development cost of each such project (unless such plan provides for a uniform Federal share for all such projects);

(3) provides that the funds allotted (or reallocated for any year under section 713 of this title will be available (except as provided in section 713(b)(2) of this title) only for use for the construction of academic facilities for public community colleges and public technical institutes,

and that funds allotted (or reallocated) for any year to the State under section 714 of this title will be available (except as provided in section 714(b)(2) of this title only for use for the construction of academic facilities for institutions of higher education other than public community colleges and public technical institutes;

(As amended Pub. L. 89-329, title VII, § 702(a) (3), (4), (b)(3), (c)(1), Nov. 8, 1965, 79 Stat. 1267, 1268.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-329, § 702(a)(3), struck out “hereinafter” preceding “in this subchapter.”

Subsec. (a)(2). Pub. L. 89-329, § 702(c)(1), struck out “other than a project for a public community college or public technical institute” following “each such project.”

Subsec. (a)(3). Pub. L. 89-329, § 702(a)(4), (b)(3), inserted “(except as provided in section 713(b)(2) of this title)” and “(except as provided in section 714(b)(2) of this title.”

§ 716. Eligibility of institutions for grants.

An institution of higher education shall be eligible for a grant for construction of an academic facility under this subchapter only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (1) result in an urgently needed substantial expansion of the institution's student enrollment capacity or capacity to carry out extension and continuing education programs on the campus of such institution, or (2) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity or capacity to carry out extension and continuing education programs on the campus of such institution. (As amended Pub. L. 89-329, title VII, § 701 (a), Nov. 8, 1965, 79 Stat. 1266.)

AMENDMENTS

1965—Pub. L. 89-329 omitted provisions which made institutions of higher education other than public community colleges or public technical institutes eligible for a grant only if the construction is limited to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library, and inserted “or capacity to carry out extension and continuing education programs on the campus of such institution” in cl. (1) and (2).

§ 717. Basic criteria for determining priorities and Federal share.

(b) The Commissioner shall further prescribe by regulation the basic criteria for determining the Federal share of the development cost of any eligible project under this subchapter within a State other than a project for a public community college or public technical institute, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform in the absence of a uniform statewide Federal share specified in or pursuant to such plan. In the case of a project for an institution of higher education, the Federal share shall in no event exceed 33 1/3 per centum of its development cost; and in the case of a project for a public community college or public

technical institute, the Federal share shall in no event exceed 40 per centum of its development cost.

(As amended Pub. L. 89-329, title VII, § 702(c)(2), Nov. 8, 1965, 79 Stat. 1268.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-329 struck out “other than a project for a public community college or public technical institute” following “within a State”, and substituted “shall in no event exceed 40 per centum” for “shall be 40 per centum.”

§ 731. Authorization of appropriations.

In order to increase the supply of highly qualified personnel critically needed by the community, industry, government, research, and teaching, the Commissioner shall, during the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years, make construction grants to assist institutions of higher education to improve existing graduate schools and cooperative graduate centers, and to assist in the establishment of graduate schools and cooperative graduate centers of excellence. For the purpose of making grants under this subchapter, there is hereby authorized to be appropriated the sum of \$25,000,000 for the fiscal year ending June 30, 1964, the sum of \$60,000,000 for the fiscal year ending June 30, 1965, and the sum of \$120,000,000 for the fiscal year ending June 30, 1966; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums appropriated pursuant to this section for any fiscal year shall remain available for grants under this subchapter until the end of the second succeeding fiscal year. (As amended Pub. L. 89-329, title VII, §§ 701(c), 702(d), Nov. 8, 1965, 79 Stat. 1267.)

AMENDMENTS

1965—Pub. L. 89-329 substituted “the sum of \$80,000,000 for the fiscal year ending June 30, 1965, and the sum of \$120,000,000 for the fiscal year ending June 30, 1966” for “and the sum of \$60,000,000 each for the fiscal year ending June 30, 1965, and the succeeding fiscal year”, “Sums appropriated pursuant to this section for any fiscal year” for “Sums so appropriated for the fiscal year ending June 30, 1964”, and “second” for “next.”

§ 743. Eligibility conditions, amounts and terms of loans; authorization of appropriations.

(b) A loan pursuant to this subchapter shall be secured in such manner, and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and shall bear interest at (1) a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percent point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum, or (2) the rate of 3 per centum per annum, whichever is the lesser.

(c) The Commissioner shall, during the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years, make loans to institutions of higher

education for the construction of academic facilities in accordance with the provisions of this subchapter. For the purpose of making loans under this subchapter, there is hereby authorized to be appropriated the sum of \$120,000,000 for the fiscal year ending June 30, 1964, and each of the two succeeding fiscal years; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and the succeeding fiscal year, for making such loans the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence. Sums appropriated pursuant to this subsection for any fiscal year shall remain available for loans under this subchapter until the end of the next succeeding fiscal year. As amended Pub. L. 89-329, title VII, §§ 702(e), 703(a), Nov. 8, 1965, 79 Stat. 1268.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-329, § 703(a), inserted “(1)” following “shall bear interest at”, and added “or (2) the rate of 3 per centum per annum, whichever is the lesser.”

Subsec. (c). Pub. L. 89-329, § 702(e), required that sums appropriated pursuant to this subsection for any fiscal year shall remain available for loans under this subchapter until the end of the next succeeding fiscal year.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 703(b) of Pub. L. 89-329 provided that: “The amendment made by this section [to subsec. (b) of this section] shall be applicable only with respect to loans made after the date of enactment of this Act [Nov. 8, 1965].”

§ 751. Definitions.

As used in this chapter—

(2) The term “academic facilities” shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, or (B) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this chapter is required to carry out the objectives of this chapter, or (C) any facility used or to be used for sectarian instruction or as a place for religious worship, or (D) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (E) any facility used or to be used by a school of medicine, school of dentistry, school of osteopathy, school of pharmacy, school of optometry, school of podiatry, or school of public health as these terms are defined in section 293d of Title 42, or a school of nursing as defined in section 298b of Title 42. For

the purposes of this subparagraph, the term "school or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

* * *

(d) The term "Federal share" means, in the case of a project for an institution of higher education other than a public community college or public technical institute, a percentage (as determined under the applicable State plan) not in excess of 33½ per centum of its development cost; and such term means, in the case of a public community college or public technical institute, a percentage (as determined under the applicable State plan) not in excess of 40 per centum of its development cost.

* * *

(As amended Pub. L. 89-329, title VII, § 702 (c) (3), (f), Nov. 8, 1965, 79 Stat. 1268.)

AMENDMENTS

1965—Subsec. (a)(2)(E). Pub. L. 89-329, § 702(f), deleted "school of nursing" following "school of podiatry", and inserted "these terms are" and "or a school of nursing as defined in section 298b of Title 42."

Subsec. (d). Pub. L. 89-329, § 702(c)(3), inserted "a percentage (as determined under the applicable State plan) not in excess of."

EFFECTIVE DATE OF 1965 AMENDMENT

Section 702(f) of Pub. L. 89-329 provided in part that the amendment of subsec. (a)(2)(F) of this section by Pub. L. 89-329 shall be effective with respect to applications for grants and loans submitted after November 8, 1965.

Chapter 22.—NATIONAL COUNCIL ON THE ARTS

§ 783. Establishment of Council.

TRANSFER OF COUNCIL

Transfer of Council and its functions from Executive Office of the President to the National Endowment for the Arts, see section 955 of this title.

§ 784. Membership; appointments; considerations; terms of office; vacancies.

(a) The Council shall be composed of the Chairman provided for in section 785 of this title, the Secretary of the Smithsonian Institution, ex officio, and twenty-six members appointed by the President. Such members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest 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 him by leading national organizations in these fields.

(b) Each member of the Council shall hold office for a term of six years, except that (1) any member

appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of the members first taking office prior to May 31, 1965, shall expire, as designated by the President at the time of appointment, eight at the end of the second year, eight at the end of the fourth year, and eight at the end of the sixth year after September 3, 1964. No member of the Council shall be eligible for reappointment during the two-year period following the expiration of his term.

* * *

(As amended Pub. L. 89-209, § 6(d)(1), (2), Sept. 29, 1965, 79 Stat. 849, 850.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-209, § 6(d)(1), increased the membership of the Council from twenty-four to twenty-six Presidential appointees.

Subsec. (b)(2). Pub. L. 89-209, § 6(d)(2), inserted "prior to May 31, 1965," following "taking office".

SECRETARY OF THE SMITHSONIAN INSTITUTION, EX OFFICIO MEMBERSHIP

Abolition of ex officio membership in the Council of the Secretary of the Smithsonian Institution, see section 955 of this title.

§ 785. Chairman; appointment; term; compensation.

* * *

(b) The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of the Chairman.

* * *

(As amended Pub. L. 89-209, § 5(d)(2)(A), Sept. 29, 1965, 79 Stat. 847.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-209 substituted "The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment" for "The Chairman shall serve at the pleasure of the President, but not in excess of eight consecutive years, and shall not be eligible for reappointment during the four-year period following the expiration of his last period of service as Chairman".

EFFECTIVE DATE OF 1965 AMENDMENT

Section 5(d)(2)(B) of Pub. L. 89-209 provided that: "The amendment made by clause (A) of this paragraph [to subsec. (b) of this section] shall be applicable with respect to the Chairman holding office on the date of enactment of this Act [Sept. 29, 1965] and each Chairman holding office thereafter."

§ 786. Duties and responsibilities; meetings and quorum; considerations.

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

* * *

(d) Repealed. Pub. L. 89-209, § 6(d)(4), Sept. 29, 1965, 79 Stat. 850.

(As amended Pub. L. 89-209, § 6(d)(3), (4), Sept. 29, 1965, 79 Stat. 850.)