

Indemnity Act [subsec. (a) of this section] after the date of enactment of this Act [Dec. 20, 1985].”

#### 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 approval, 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. 94-158, § 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 \$5,000,000,000 at any one time.

#### (c) Limit for single exhibition

No indemnity agreement for a single exhibition shall cover loss or damage in excess of \$500,000,000.

#### (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,<sup>1</sup> 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;
- (5) not less than \$200,000,000 but less than \$300,000,000, then coverage under the<sup>2</sup> chapter shall extend only to loss or damage in excess of the first \$200,000, of loss or damage to items covered;
- (6) not less than \$300,000,000 but less than \$400,000,000, then coverage under this chapter shall extend only to loss or damage in excess of the first \$300,000 of loss or damage to items covered; or
- (7) \$400,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first \$400,000 of loss or damage to items covered.

(Pub. L. 94-158, § 5, Dec. 20, 1975, 89 Stat. 845; Pub. L. 96-496, title III, §§301, 302, Dec. 4, 1980, 94 Stat. 2593; Pub. L. 99-194, title III, §303, Dec. 20, 1985, 99 Stat. 1345; Pub. L. 100-202, §101(g) [title II, §201], Dec. 22, 1987, 101 Stat. 1329-213, 1329-249; Pub. L. 101-512, title III, §318 [title III, §301], Nov. 5, 1990, 104 Stat. 1960, 1976; Pub. L. 105-277, div. A, §101(e) [title III, §333], Oct. 21, 1998, 112 Stat. 2681-231, 2681-294.)

#### AMENDMENTS

1998—Subsec. (b). Pub. L. 105-277, §101(e) [title III, §333(1)], substituted “\$5,000,000,000” for “\$3,000,000,000”.

Subsec. (c). Pub. L. 105-277, §101(e) [title III, §333(2)], substituted “\$500,000,000” for “\$300,000,000”.

Subsec. (d)(4). Pub. L. 105-277, §101(e) [title III, §333(3)], struck out “or” at end.

Subsec. (d)(5). Pub. L. 105-277, §101(e) [title III, §333(4)], substituted “not less than \$200,000,000 but less than \$300,000,000” for “\$200,000,000 or more” and substituted semicolon for period at end.

Subsec. (d)(6), (7). Pub. L. 105-277, §101(e) [title III, §333(5)], added pars. (6) and (7).

1990—Subsec. (b). Pub. L. 101-512, §318 [title III, §301(a)], substituted “\$3,000,000,000” for “\$1,200,000,000”.

Subsec. (c). Pub. L. 101-512, §318 [title III, §301(b)(1)], substituted “\$300,000,000” for “\$125,000,000”.

Subsec. (d)(3). Pub. L. 101-512, §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.”

<sup>1</sup> So in original. Probably should be “\$200,000,000.”

<sup>2</sup> So in original. Probably should be “this”.