

Section 9011, Pub. L. 103-382, title IV, §412, Oct. 20, 1994, 108 Stat. 4039; Pub. L. 106-554, §1(a)(1) [title III, §307], Dec. 21, 2000, 114 Stat. 2763, 2763A-44; Pub. L. 107-110, title VI, §602(b), Jan. 8, 2002, 115 Stat. 1904; Pub. L. 107-279, title IV, §401(c)(1)-(5), Nov. 5, 2002, 116 Stat. 1983, was renumbered Pub. L. 107-279, title III, §302, by Pub. L. 107-279, title IV, §401(c)(6), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9621 of this title.

§ 9012. Repealed. Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section, Pub. L. 103-382, title IV, §413, Oct. 20, 1994, 108 Stat. 4041, authorized appropriations.

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CODIFICATION

Title II of Pub. L. 94-462, comprising this chapter, was originally enacted as Pub. L. 94-462, title II, Oct. 8, 1976, 90 Stat. 1975; Pub. L. 96-496, title II, §201, Dec. 4, 1980, 94 Stat. 2591; Pub. L. 98-306, §§8-11, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, Dec. 20, 1985, 99 Stat. 1344;

Pub. L. 101-512, title III, §318 [title II, §§201, 202(a)(1), (b), 203-205], Nov. 5, 1990, 104 Stat. 1960, 1974, 1975, known as the Museum Services Act, and classified to section 961 et seq. of this title. Title II is shown, herein, however, as having been added by Pub. L. 104-208 without reference to such intervening amendments because of the extensive amendments to the provisions of title II by Pub. L. 104-208.

SUBCHAPTER I—GENERAL PROVISIONS

§ 9101. General definitions

As used in this chapter:

(1) Determined to be obscene

The term “determined to be obscene” means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

(2) Digital literacy skills

The term “digital literacy skills” means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

(3) Director

The term “Director” means the Director of the Institute appointed under section 9103 of this title.

(4) Final judgment

The term “final judgment” means a judgment that is—

- (A) not reviewed by any other court that has authority to review such judgment; or
- (B) not reviewable by any other court.

(5) Indian tribe

The term “Indian tribe” means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(6) Institute

The term “Institute” means the Institute of Museum and Library Services established under section 9102 of this title.

(7) Museum and Library Services Board

The term “Museum and Library Services Board” means the National Museum and Library Services Board established under section 9105a of this title.

(8) Obscene

The term “obscene” means, with respect to a project, that—

- (A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;
- (B) such project depicts or describes sexual conduct in a patently offensive way; and
- (C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

(Pub. L. 94-462, title II, §202, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, §101, Sept. 25, 2003, 117 Stat. 992; Pub. L. 111-340, title I, §101, Dec. 22, 2010, 124 Stat. 3595.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (5), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

A prior section 202 of Pub. L. 94-462 was classified to section 961 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

AMENDMENTS

2010—Pars. (2) to (8). Pub. L. 111-340 added par. (2) and redesignated former pars. (2) to (7) as (3) to (8), respectively.

2003—Par. (1). Pub. L. 108-81, §101(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The term ‘Commission’ means the National Commission on Libraries and Information Science established under section 1502 of this title.”

Pars. (3) to (5). Pub. L. 108-81, §101(2)-(4), added pars. (3) and (4), redesignated former par. (3) as (5), and struck out heading and text of former par. (4). Text read as follows: “The term ‘Museum Board’ means the National Museum Services Board established under section 9175 of this title.”

Pars. (6), (7). Pub. L. 108-81, §101(5), added pars. (6) and (7).

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-81, title V, §506, Sept. 25, 2003, 117 Stat. 1005, provided that: “The amendments made by this Act [enacting sections 9105a and 9107 to 9109 of this title, amending this section, sections 956a, 974, 1503 to 1505, 9102, 9103, 9106, 9121 to 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, and section 170 of Title 26, Internal Revenue Code, repealing sections 9174 and 9175 of this title, enacting provisions set out as a note under this section, and repealing provisions set out as notes under sections 9102, 9103, and 9105 of this title] shall take effect on the date of enactment of this Act [Sept. 25, 2003], except that the amendments made by sections 203, 204, and 305 of this Act [amending sections 9123, 9131, and 9176 of this title] shall take effect on October 1, 2003.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-340, §1(a), Dec. 22, 2010, 124 Stat. 3594, provided that: “This Act [enacting part 4 of subchapter II of this chapter and sections 9110 and 9111 of this title, amending this section and sections 953, 958, 9103, 9105, 9105a, 9107, 9108, 9121, 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, repealing chapter 34 of this title, and enacting provisions set out as notes under section 9102 of this title] may be cited as the ‘Museum and Library Services Act of 2010.’”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-81, §1, Sept. 25, 2003, 117 Stat. 991, provided that: “This Act [enacting sections 9105a and 9107 to 9109 of this title, amending this section, sections 956a, 974, 1503 to 1505, 9102, 9103, 9106, 9121 to 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, and section 170 of Title 26, Internal Revenue Code, repealing sections 9174 and 9175 of this title, enacting provisions set out as notes under this section and section 956a of this title, and repealing provisions set out as notes under sections 9102, 9103, and 9105 of this title] may be cited as the ‘Museum and Library Services Act of 2003.’”

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-128, §1, Dec. 1, 1997, 111 Stat. 2548, provided that: “This Act [amending sections 9105, 9122, 9131, 9133, 9161, and 9162 of this title] may be cited as the ‘Museum and Library Services Technical and Conforming Amendments of 1997.’”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §701], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293, provided that: “This title [enacting this chapter, amending sections 1069b, 1504, 1505, 3441, 3473, 3489, 6621, 6645, 6648, 6649, 6813, 8091, 8102, and 8104 of this title, section 5315 of Title 5, Government Organization and Employees, section 276d-3 of former Title 40, Public Buildings, Property, and Works, section 214 of former Title 40, Appendix, section 3338 of Title 42, The Public Health and Welfare, section 254 of Title 47, Telecommunications, and section 1666 of Title 48, Territories and Insular Possessions, repealing sections 351 to 386g, 1021 to 1047, 1221i, and 7001 to 7005 of this title, enacting provisions set out under this section and sections 9102, 9103, and 9105 of this title, and repealing provisions set out as notes under sections 351 and 1029 of this title] may be cited as the ‘Museum and Library Services Act of 1996.’”

SHORT TITLE

Pub. L. 94-462, title II, §201, as added by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293, provided that: “This title [enacting this chapter] may be cited as the ‘Museum and Library Services Act.’”

Pub. L. 94-462, title II, §211, as added by Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295, provided that: “This subtitle [subtitle B (§§211-263) of title II of Pub. L. 94-462, enacting subchapter II of this chapter] may be cited as the ‘Library Services and Technology Act.’”

Pub. L. 94-462, title II, §271, as added by Pub. L. 108-81, title III, §306(2), Sept. 25, 2003, 117 Stat. 1002, provided that: “This subtitle [subtitle C (§§271-276) of title II of Pub. L. 94-462, enacting subchapter III of this chapter] may be cited as the ‘Museum Services Act.’”

§ 9102. Institute of Museum and Library Services**(a) Establishment**

There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

(b) Offices

The Institute shall consist of an Office of Museum Services and an Office of Library Services.

(c) Museum and Library Services Board

There shall be a National Museum and Library Services Board within the Institute, as provided under section 9105a of this title.

(Pub. L. 94-462, title II, §203, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, §102, Sept. 25, 2003, 117 Stat. 992.)

PRIOR PROVISIONS

A prior section 203 of Pub. L. 94-462 was classified to section 962 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

AMENDMENTS

2003—Subsec. (b). Pub. L. 108-81, §102(1), struck out at end “There shall be a National Museum Services Board in the Office of Museum Services.”

Subsec. (c). Pub. L. 108-81, §102(2), added subsec. (c).

TRANSFER OF FUNCTIONS

Pub. L. 111-340, title IV, §401(b), (c), Dec. 22, 2010, 124 Stat. 3604, provided that:

“(b) TRANSFER OF FUNCTIONS.—The functions that the National Commission on Libraries and Information Science exercised before the date of enactment of this Act [Dec. 22, 2010] shall be transferred to the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act (20 U.S.C. 9102).

“(c) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—The personnel and the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available for the functions and activities vested by law in the National Commission on Libraries and Information Science shall be transferred to the Institute of Museum and Library Services upon the date of enactment of this Act [Dec. 22, 2010].”

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §704], Sept. 30, 1996, 110 Stat. 3009-233, 3009-307, provided for transfer of functions from the Institute of Museum Services and the Library Program Office to Director of Institute of Museum and Library Services, prior to repeal by Pub. L. 108-81, title V, §505(b), Sept. 25, 2003, 117 Stat. 1004.

REFERENCES TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE CONSTRUED TO BE REFERENCES TO INSTITUTE OF MUSEUM AND LIBRARY SERVICES

Pub. L. 111-340, title IV, §401(d), Dec. 22, 2010, 124 Stat. 3605, provided that: “Any reference to the National Commission on Libraries and Information Science in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the Institute of Museum and Library Services when the reference regards functions transferred under subsection (b) [set out as a note above].”

TRANSITION AND TRANSFER OF FUNDS

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §707], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, required Director of the Office of Management and Budget to take appropriate measures to ensure orderly transition from activities previously administered by Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services, prior to repeal by Pub. L. 108-81, title V, §505(b), Sept. 25, 2003, 117 Stat. 1004.

§ 9103. Director of Institute

(a) Appointment

(1) In general

The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.

(2) Term

The Director shall serve for a term of 4 years.

(3) Qualifications

Beginning with the first individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after September 30, 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

(b) Compensation

The Director may be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(c) Duties and powers

(1) Primary responsibility

The Director shall have primary responsibility for the development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

(2) Duties

In carrying out the responsibility described in paragraph (1), the Director shall—

(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.

(d) Nondelegation

The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

(e) Interagency agreements

The Director may—

(1) enter into interagency agreements to promote or assist with the museum, library, and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

(2) use funds appropriated under this chapter for the costs of such activities.

(f) Coordination

The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that such policies and activities are coordinated with—

(1) activities under section 6383 of this title;

(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));

(3) activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c)); and

(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.

(g) Interagency collaboration

The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Housing and Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, and the Director of the Office of Management and Budget, or the designees of such individuals, on—

(1) initiatives, materials, or technology to support workforce development activities undertaken by libraries;

(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

(3) initiatives, materials, or technology to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums.

(h) Regulatory authority

The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this chapter.

(i) Application procedures

(1) In general

In order to be eligible to receive financial assistance under this chapter, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.

(2) Review and evaluation

The Director shall establish procedures for reviewing and evaluating applications submitted under this chapter. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this chapter are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this chapter, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.

(3) Treatment of projects determined to be obscene

(A) In general

The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without serious literary, artistic, political, or scientific merit, and is not protected speech.

(B) Prohibition

No financial assistance may be provided under this chapter with respect to any project that is determined to be obscene.

(C) Treatment of application disapproval

The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.

(Pub. L. 94-462, title II, §204, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, §103, Sept. 25, 2003, 117 Stat. 992; Pub. L. 111-340, title I, §102, Dec. 22, 2010, 124 Stat. 3595.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(2) and the second place it appears in subsec. (i)(2), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 94-462, known as the Museum and Library Services Act, to reflect the probable intent of Congress.

The Head Start Act, referred to in subsec. (f)(2), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9801 of Title 42 and Tables.

The Workforce Investment Act of 1998, referred to in subsec. (f)(3), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

PRIOR PROVISIONS

A prior section 204 of Pub. L. 94-462 was classified to section 963 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

AMENDMENTS

2010—Subsec. (c). Pub. L. 111-340, §102(1), added subsec. (c) and struck out former subsec. (c). Prior to amendment, text read as follows: “The Director shall perform such duties and exercise such powers as may be prescribed by law, including awarding financial assistance for activities described in this chapter.”

Subsecs. (e) to (g). Pub. L. 111-340, §102(3), added subsecs. (e) to (g) and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows: “The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. Where appropriate, the Director shall ensure that activities under subchapter II of this chapter are coordinated with activities under section 6383 of this title.” Former subsecs. (f) and (g) redesignated (h) and (i), respectively.

Subsecs. (h), (i). Pub. L. 111-340, §102(2), redesignated subsecs. (f) and (g) as (h) and (i), respectively.

2003—Subsec. (e). Pub. L. 108-81, §103(1), inserted at end “Where appropriate, the Director shall ensure that activities under subchapter II of this chapter are coordinated with activities under section 6383 of this title.”

Subsecs. (f), (g). Pub. L. 108-81, §103(2), added subsecs. (f) and (g).

SERVICE OF INDIVIDUALS SERVING ON SEPTEMBER 30, 1996

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §705], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, which provided that the individual who was appointed to the position of Director of the Institute of Museum Services and was serving in such position on the day before Sept. 30, 1996, would serve, at the pleasure of the President, as the first Director of the Institute of Museum and Library Services, was repealed by Pub. L. 108-81, title V, §505(b), Sept. 25, 2003, 117 Stat. 1004.

§ 9104. Deputy Directors

The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

(Pub. L. 94-462, title II, §205, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295.)

PRIOR PROVISIONS

A prior section 205 of Pub. L. 94-462 was classified to section 964 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

§ 9105. Personnel

(a) In general

The Director may, in accordance with applicable provisions of title 5, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

(b) Appointment and compensation of technical and professional employees

(1) In general

Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5 governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines to be necessary to carry out the duties of the Institute.

(2) Number and compensation

(A) In general

The number of employees appointed and compensated under paragraph (1) shall not exceed $\frac{1}{5}$ of the number of full-time regular or professional employees of the Institute.

(B) Rate of compensation

(i) In general

Except as provided in clause (ii), the rate of basic compensation for the employees appointed and compensated under para-

graph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5.

(ii) Exception

The Director may appoint not more than 3 employees under paragraph (1) at a rate of basic compensation that exceeds the rate described in clause (i) but does not exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

(c) Voluntary services

The Director may accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5 for persons employed intermittently in Federal Government service.

(d) Experts and consultants

The Director may use experts and consultants, including panels of experts, who may be employed as authorized under section 3109 of title 5.

(Pub. L. 94-462, title II, §206, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; amended Pub. L. 105-128, §2, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 111-340, title I, §103, Dec. 22, 2010, 124 Stat. 3596.)

PRIOR PROVISIONS

A prior section 206 of Pub. L. 94-462 was classified to section 965 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

AMENDMENTS

2010—Subsec. (b)(2). Pub. L. 111-340, §103(1), added par.(2) and struck out heading and text of former par. (2). Prior to amendment, text read as follows: “The number of employees appointed and compensated under paragraph (1) shall not exceed $\frac{1}{5}$ of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5.”

Subsec. (d). Pub. L. 111-340, §103(2), added subsec. (d). 1997—Subsecs. (b), (c). Pub. L. 105-128 added subsec. (b) and redesignated former subsec. (b) as (c).

CONSIDERATION GIVEN TO INDIVIDUALS WITH EXPERIENCE

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §706], Sept. 30, 1996, 110 Stat. 3009-233, 3009-311, required Director of the Institute of Museum and Library Services to give strong consideration to individuals with experience in administering State-based and national library and information services programs when appointing employees of the Office of Library Services, prior to repeal by Pub. L. 108-81, title V, §505(b), Sept. 25, 2003, 117 Stat. 1004.

§ 9105a. National Museum and Library Services Board

(a) Establishment

There is established within the Institute a board to be known as the “National Museum and Library Services Board”.

(b) Membership

(1) Number and appointment

The Museum and Library Services Board shall be composed of the following:

(A) The Director.

(B) The Deputy Director for the Office of Library Services.

(C) The Deputy Director for the Office of Museum Services.

(D) Ten members appointed by the President, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.

(E) Ten members appointed by the President, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

(2) Special qualifications

(A) Library members

Of the members of the Museum and Library Services Board appointed under paragraph (1)(D)—

(i) five shall be professional librarians or information specialists, of whom—

(I) not less than one shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and

(II) not less than one other shall be knowledgeable about the library and information service needs of underserved communities; and

(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

(B) Museum members

Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—

(i) five shall be museum professionals who are or have been affiliated with—

(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

(3) Geographic and other representation

Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than three appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

(4) Voting

The Director, the Deputy Director of the Office of Library Services, and the Deputy Director of the Office of Museum Services shall be nonvoting members of the Museum and Library Services Board.

(c) Terms

(1) In general

Each member of the Museum and Library Services Board appointed under subparagraph (D) or (E) of subsection (b)(1) of this section shall serve for a term of 5 years.

(2) Authority to adjust terms

The terms of the members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than four members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

(3) Vacancies

Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(4) Reappointment

No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

(5) Service until successor takes office

Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

(d) Duties and powers

(1) In general

The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum, library, and information services.

(2) National awards and medals

The Museum and Library Services Board shall advise the Director in awarding national awards and medals under section 9107 of this title.

(e) Chairperson

The Director shall serve as Chairperson of the Museum and Library Services Board.

(f) Meetings

(1) In general

The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.

(2) Vote

All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.

(g) Quorum

A majority of the voting members of the Museum and Library Services Board shall constitute a quorum for the conduct of business at official meetings, but a lesser number of members may hold hearings.

(h) Compensation and travel expenses**(1) Compensation**

Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

(2) Travel expenses

Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5.

(i) Coordination

The Director, with the advice of the Museum and Library Services Board, shall coordinate the development and implementation of policies and activities as described in subsections (f) and (g) of section 9103 of this title.

(Pub. L. 94-462, title II, § 207, as added Pub. L. 108-81, title I, § 104(2), Sept. 25, 2003, 117 Stat. 993; amended Pub. L. 111-340, title I, § 104, Dec. 22, 2010, 124 Stat. 3597; Pub. L. 112-166, § 2(r), Aug. 10, 2012, 126 Stat. 1288.)

PRIOR PROVISIONS

A prior section 207 of Pub. L. 94-462 was renumbered section 208 and is classified to section 9106 of this title.

Another prior section 207 of Pub. L. 94-462 was classified to section 966 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

AMENDMENTS

2012—Subsec. (b)(1)(D), (E). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate” after “President”.

2010—Subsec. (b)(1)(D) to (F). Pub. L. 111-340, § 104(1)(A), redesignated subpars. (E) and (F) as (D) and (E), respectively, and struck out former subpar. (D) which read as follows: “The Chairman of the National Commission on Libraries and Information Science.”

Subsec. (b)(2)(A). Pub. L. 111-340, § 104(1)(B)(i), substituted “(1)(D)” for “(1)(E)” in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 111-340, § 104(1)(B)(ii), substituted “(1)(E)” for “(1)(F)” in introductory provisions.

Subsec. (b)(4). Pub. L. 111-340, § 104(1)(C), inserted “and” after “Library Services,” and struck out “, and the Chairman of the National Commission on Library and Information Science” before “shall”.

Subsec. (c)(1). Pub. L. 111-340, § 104(2)(A), substituted “Each” for “Except as otherwise provided in this subsection, each” and “(D) or (E)” for “(E) or (F)”.

Subsec. (c)(2). Pub. L. 111-340, § 104(2)(B), substituted “Authority to adjust terms” for “Initial Board appointments” in heading, struck out subpars. (A) and (B) related to treatment of members serving on effective date and first appointments and subpar. (C) designation and heading, and substituted “The terms of the members” for “The terms of the first members”.

Subsec. (d)(1). Pub. L. 111-340, § 104(3)(A), substituted “relating to museum, library, and information services” for “relating to museum and library services, including financial assistance awarded under this chapter”.

Subsec. (d)(2). Pub. L. 111-340, § 104(3)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “The Museum and Library Services Board shall advise the Director in making awards under section 9107 of this title.”

Subsec. (i). Pub. L. 111-340, § 104(4), substituted “coordinate the development and implementation of policies and activities as described in subsections (f) and (g) of section 9103 of this title” for “take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

§ 9106. Contributions

The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

(Pub. L. 94-462, title II, § 208, formerly § 207, as added Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; renumbered § 208 and amended Pub. L. 108-81, title I, § 104(1), title V, § 504(e), Sept. 25, 2003, 117 Stat. 993, 1004.)

AMENDMENTS

2003—Pub. L. 108-81, § 504(e), which directed substitution of “property or services” for “property of services”, could not be executed because the words “property of services” did not appear in text.

§ 9107. Awards and medals

The Director, with the advice of the Museum and Library Services Board, may annually award national awards and medals for library and museum services to outstanding libraries and museums that have made significant contributions in service to their communities.

(Pub. L. 94-462, title II, § 209, as added Pub. L. 108-81, title I, § 105, Sept. 25, 2003, 117 Stat. 996; amended Pub. L. 111-340, title I, § 105, Dec. 22, 2010, 124 Stat. 3598.)

AMENDMENTS

2010—Pub. L. 111-340 amended section catchline and text generally. Prior to amendment, text read as fol-

lows: “The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.”

§ 9108. Policy research, analysis, data collection, and dissemination

(a) In general

The Director shall annually conduct policy research, analysis, and data collection to extend and improve the Nation’s museum, library, and information services.

(b) Requirements

The policy research, analysis, and data collection shall be conducted in ongoing collaboration (as determined appropriate by the Director), and in consultation, with—

- (1) State library administrative agencies;
- (2) national, State, and regional library and museum organizations; and
- (3) other relevant agencies and organizations.

(c) Objectives

The policy research, analysis, and data collection shall be used to—

- (1) identify national needs for and trends in museum, library, and information services;
- (2) measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs authorized under this chapter;
- (3) identify best practices; and
- (4) develop plans to improve museum, library, and information services of the United States and to strengthen national, State, local, regional, and international communications and cooperative networks.

(d) Dissemination

Each year, the Director shall widely disseminate, as appropriate to accomplish the objectives under subsection (c), the results of the policy research, analysis, and data collection carried out under this section.

(e) Authority to contract

The Director is authorized—

- (1) to enter into contracts, grants, cooperative agreements, and other arrangements with Federal agencies and other public and private organizations to carry out the objectives under subsection (c); and
- (2) to publish and disseminate, in a form determined appropriate by the Director, the reports, findings, studies, and other materials prepared under paragraph (1).

(f) Authorization of appropriations

(1) In general

There are authorized to be appropriated to carry out this section \$3,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

(2) Availability of funds

Sums appropriated under paragraph (1) for any fiscal year shall remain available for obligation until expended.

(Pub. L. 94-462, title II, §210, as added Pub. L. 108-81, title I, §105, Sept. 25, 2003, 117 Stat. 996; amended Pub. L. 111-340, title I, §106, Dec. 22, 2010, 124 Stat. 3598.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(2), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 94-462, known as the Museum and Library Services Act, to reflect the probable intent of Congress.

AMENDMENTS

2010—Pub. L. 111-340 amended section catchline and text generally. Prior to amendment, text read as follows: “From amounts described in sections 9123(c) and 9176(b) of this title, the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

- “(1) shall be conducted in ongoing consultation with—
 - “(A) State library administrative agencies;
 - “(B) State, regional, and national library and museum organizations; and
 - “(C) other relevant agencies and organizations;
- “(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subchapters II and III of this chapter;
- “(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and
- “(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).”

§ 9109. Prohibition on use of funds for construction

No funds appropriated to carry out this chapter, subchapter II of this chapter, or subchapter III of this chapter may be used for construction expenses.

(Pub. L. 94-462, title II, §210A, as added Pub. L. 108-81, title I, §105, Sept. 25, 2003, 117 Stat. 997.)

§ 9110. Hearings

The Director is authorized to conduct hearings at such times and places as the Director determines appropriate for carrying out the purposes of this subchapter.

(Pub. L. 94-462, title II, §210B, as added Pub. L. 111-340, title I, §107, Dec. 22, 2010, 124 Stat. 3599.)

§ 9111. Administrative funds

Notwithstanding any other provision of this chapter, the Director shall establish one account to be used to pay the Federal administrative costs of carrying out this chapter, and not more than a total of 7 percent of the funds appropriated under sections 9108(f), 9123, and 9176 of this title shall be placed in such account.

(Pub. L. 94-462, title II, §210C, as added Pub. L. 111-340, title I, §108, Dec. 22, 2010, 124 Stat. 3599.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 94-462, known as the Museum and Library Services Act, to reflect the probable intent of Congress.

SUBCHAPTER II—LIBRARY SERVICES AND
TECHNOLOGY

§ 9121. Purpose

It is the purpose of this subchapter—

(1) to enhance coordination among Federal programs that relate to library and information services;

(2) to promote continuous improvement in library services in all types of libraries in order to better serve the people of the United States;

(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry;

(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public;

(5) to promote literacy, education, and life-long learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;

(6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;

(7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;

(8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and

(9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.

(Pub. L. 94-462, title II, §212, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; amended Pub. L. 108-81, title II, §201, Sept. 25, 2003, 117 Stat. 997; Pub. L. 111-340, title II, §201, Dec. 22, 2010, 124 Stat. 3599.)

AMENDMENTS

2010—Par. (1). Pub. L. 111-340, §201(1), added par. (1) and struck out former par. (1) which read as follows: “to consolidate Federal library service programs;”.

Par. (2). Pub. L. 111-340, §201(2), inserted “continuous” after “promote”.

Pars. (5) to (9). Pub. L. 111-340, §201(3)–(5), added pars. (5) to (9).

2003—Pars. (2) to (5). Pub. L. 108-81 added pars. (2) to (4) and struck out former pars. (2) to (5) which read as follows:

“(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

“(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

“(4) to provide linkages among and between libraries; and

“(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.”

§ 9122. Definitions

As used in this subchapter:

(1) Library

The term “library” includes—

(A) a public library;

(B) a public elementary school or secondary school library;

(C) an academic library;

(D) a research library, which for the purposes of this subchapter means a library that—

(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

(ii) is not an integral part of an institution of higher education; and

(E) a private library or other special library, but only if the State in which such private or special library is located determines that the library should be considered a library for purposes of this subchapter.

(2) Library consortium

The term “library consortium” means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

(3) State

The term “State”, unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(4) State library administrative agency

The term “State library administrative agency” means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

(5) State plan

The term “State plan” means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subchapter, provides assurances for establishing the State’s policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subchapter, submits copies for approval as required by regulations promulgated by the Director, identifies a State’s library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subchapter.

(Pub. L. 94-462, title II, §213, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-296; amended Pub. L. 105-128, §3, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 108-81, title II, §202, Sept. 25, 2003, 117 Stat. 997.)

AMENDMENTS

2003—Pars. (1) to (6). Pub. L. 108-81 redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out heading and text of former par. (1). Text read as follows: “The term ‘Indian tribe’ means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

1997—Par. (2)(E). Pub. L. 105-128 inserted “or other special library” after “a private library” and “or special” after “such private”.

§ 9123. Authorization of appropriations**(a) In general**

There are authorized to be appropriated—

(1) to carry out parts 1, 2, and 3, \$232,000,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016; and

(2) to carry out part 4, \$24,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

(b) Forward funding**(1) In general**

To the end of affording the responsible Federal, State, and local officers adequate notice of available Federal financial assistance for carrying out ongoing library activities and projects, appropriations for grants, contracts, or other payments under any program under this subchapter are authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year during which such activities and projects shall be carried out.

(2) Additional authorization of appropriations

In order to effect a transition to the timing of appropriation action authorized by subsection (a) of this section, the application of this section may result in the enactment, in a fiscal year, of separate appropriations for a program under this subchapter (whether in the same appropriations Act or otherwise) for two consecutive fiscal years.

(Pub. L. 94-462, title II, §214, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-296; amended Pub. L. 108-81, title II, §203, Sept. 25, 2003, 117 Stat. 997; Pub. L. 111-340, title II, §202, Dec. 22, 2010, 124 Stat. 3599.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-340, §202(a), added subsec. (a) and struck out heading and text of former subsec. (a). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter \$232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”

Subsec. (c). Pub. L. 111-340, §202(b), struck out heading and text of subsec. (c). Text read as follows: “Not more than 3.5 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subchapter.”

2003—Subsec. (a). Pub. L. 108-81, §203(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) IN GENERAL.—There are authorized to be appropriated \$150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subchapter.

“(2) TRANSFER.—The Secretary of Education shall—

“(A) transfer promptly to the Director any funds appropriated under the authority of paragraph (1), to enable the Director to carry out this subchapter; and

“(B) not exercise any authority concerning the administration of this chapter other than the transfer described in subparagraph (A).”

Subsec. (c). Pub. L. 108-81, §203(2), substituted “3.5 percent” for “3 percent”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

PART 1—BASIC PROGRAM REQUIREMENTS

§ 9131. Reservations and allotments**(a) Reservations****(1) In general**

From the amount appropriated under the authority of section 9123 of this title for any fiscal year, the Director—

(A) shall reserve 1.75 percent to award grants in accordance with section 9161 of this title; and

(B) shall reserve 3.75 percent to award national leadership grants or contracts in accordance with section 9162 of this title.

(2) Special rule

If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) of this section for the fiscal year succeeding the fiscal year for which the funds were so reserved.

(b) Allotments**(1) In general**

From the sums appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).

(2) Remainder

From the remainder of any sums appropriated under the authority of section 9123 of this title that are not reserved under subsection (a) of this section and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(3) Minimum allotments**(A) In general**

For purposes of this subsection, the minimum allotment for each State shall be \$680,000, except that the minimum allotment shall be \$60,000 in the case of the United States Virgin Islands, Guam, American

Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) Ratable reductions

Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

(C) Special rule

(i) In general

Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subchapter in accordance with the provisions of this subchapter that the Director determines are not inconsistent with this subparagraph.

(ii) Award basis

The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(iii) Administrative costs

The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.

(4) Data

The population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(Pub. L. 94-462, title II, §221, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-297; amended Pub. L. 105-128, §4, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 108-81, title II, §204, Sept. 25, 2003, 117 Stat. 997; Pub. L. 111-340, title II, §203, Dec. 22, 2010, 124 Stat. 3600.)

AMENDMENTS

2010—Subsec. (b)(3)(A). Pub. L. 111-340, §203(1), substituted “\$680,000” for “\$340,000” and “\$60,000” for “\$40,000”.

Subsec. (b)(3)(C), (D). Pub. L. 111-340, §203(2), (3), redesignated subpar. (D) as (C) and struck out former subpar. (C), which related to the minimum allotments for States when the appropriated sums exceed the aggregate of allotments for all States for fiscal year 2003.

2003—Subsec. (b)(3). Pub. L. 108-81 amended heading and text of par. (3) generally. Prior to amendment, text read as follows:

“(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

“(C) SPECIAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subchapter in accordance with the provisions of this subchapter that the Director determines are not inconsistent with this subparagraph.

“(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.

“(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.”

1997—Subsec. (a)(1)(A). Pub. L. 105-128, §4(1), substituted “1.75 percent” for “1½ percent”.

Subsec. (a)(1)(B). Pub. L. 105-128, §4(2), substituted “3.75 percent” for “4 percent”.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

§ 9132. Administration

(a) In general

Not more than 4 percent of the total amount of funds received under this subchapter for any fiscal year by a State may be used for administrative costs.

(b) Construction

Nothing in this section shall be construed to limit spending for evaluation costs under section 9134(c) of this title from sources other than this subchapter.

(Pub. L. 94-462, title II, §222, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-298.)

§ 9133. Payments; Federal share; and maintenance of effort requirements

(a) Payments

Subject to appropriations provided pursuant to section 9123 of this title, the Director shall

pay to each State library administrative agency having a State plan approved under section 9134 of this title the Federal share of the cost of the activities described in the State plan.

(b) Federal share

(1) In general

The Federal share shall be 66 percent.

(2) Non-Federal share

The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

(c) Maintenance of effort

(1) State expenditures

(A) Requirement

(i) In general

The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this part shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

(ii) Calculation

Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

(B) Decrease in Federal support

If the amount made available under this subchapter for a fiscal year is less than the amount made available under this subchapter for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(2) Level of State expenditures

The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subchapter. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and

shall not include capital expenditures, special one-time project costs, or similar windfalls.

(3) Waiver

The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(Pub. L. 94-462, title II, §223, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-299; amended Pub. L. 105-128, §5, Dec. 1, 1997, 111 Stat. 2549.)

AMENDMENTS

1997—Subsec. (c)(1)(A)(i). Pub. L. 105-128 amended second sentence generally. Prior to amendment, second sentence read as follows: “The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.”

§ 9134. State plans

(a) State plan required

(1) In general

In order to be eligible to receive a grant under this subchapter, a State library administrative agency shall submit a State plan to the Director once every 5 years, as determined by the Director.

(2) Duration

The State plan shall cover a period of 5 fiscal years.

(3) Revisions

If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.

(b) Contents

The State plan shall—

(1) establish goals, and specify priorities, for the State consistent with the purposes of this subchapter;

(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subchapter, and section 9141 of this title, that the State library administrative agency will carry out during such year using such grant;

(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subchapter;

(6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in—

(A) elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 6383 of this title;

(B) early childhood education, including coordination with—

(i) the State's activities carried out under subsections (b)(4) and (e)(1) of section 9837 of title 42; and

(ii) the activities described in the State's strategic plan in accordance with section 9837b(a)(4)(B)(i) of title 42;

(C) workforce development, including coordination with—

(i) the activities carried out by the State workforce investment board under section 2821(d) of title 29; and

(ii) the State's one-stop delivery system established under section 2864(c) of title 29; and

(D) other Federal programs and activities that relate to library services, including economic and community development and health information;

(7) provide assurances that the State will comply with subsection (f) of this section; and

(8) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subchapter and to determine the extent to which funds provided under this subchapter have been effective in carrying out the purposes of this subchapter.

(c) Evaluation and report

Each State library administrative agency receiving a grant under this subchapter shall independently evaluate, and report to the Director regarding, the activities assisted under this subchapter, prior to the end of the 5-year plan.

(d) Information

Each library receiving assistance under this subchapter shall submit to the State library administrative agency such information as such agency may require to meet the requirements of subsection (c) of this section.

(e) Approval

(1) In general

The Director shall approve any State plan under this subchapter that meets the requirements of this subchapter and provides satisfactory assurances that the provisions of such plan will be carried out.

(2) Public availability

Each State library administrative agency receiving a grant under this subchapter shall make the State plan available to the public, including through electronic means.

(3) Administration

If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(B) offer the State library administrative agency the opportunity to revise its State plan;

(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

(D) provide the State library administrative agency the opportunity for a hearing.

(f) Internet safety

(1) In general

No funds made available under this subchapter for a library described in section 9122(1)(A) or (B) of this title that does not receive services at discount rates under section 254(h)(6) of title 47 may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

(A) such library—

(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(B) such library—

(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene; or

(II) child pornography; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers.

(2) Access to other materials

Nothing in this subsection shall be construed to prohibit a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (II), and (III) of paragraph (1)(A)(i).

(3) Disabling during certain use

An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research or other lawful purposes.

(4) Timing and applicability of implementation

(A) In general

A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of

the application process for the next program funding year under this subchapter following the effective date of this subsection, and for each subsequent program funding year thereafter.

(B) Process

(i) Libraries with Internet safety policies and technology protection measures in place

A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this subchapter.

(ii) Libraries without Internet safety policies and technology protection measures in place

A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

(I) for the first program year after the effective date of this subsection in which the library applies for funds under this subchapter, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after the effective date of this subsection in which the library applies for funds under this subchapter, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this subchapter for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

(iii) Waivers

Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this subchapter.

(5) Noncompliance

(A) Use of General Education Provisions Act remedies

Whenever the Director of the Institute of Museum and Library Services has reason to

believe that any recipient of funds this¹ subchapter is failing to comply substantially with the requirements of this subsection, the Director may—

(i) withhold further payments to the recipient under this subchapter,

(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

(B) Recovery of funds prohibited

The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

(C) Resumption of payments

Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

(6) Separability

If any provision of this subsection is held invalid, the remainder of this subsection shall not be affected thereby.

(7) Definitions

In this subsection:

(A) Child pornography

The term “child pornography” has the meaning given such term in section 2256 of title 18.

(B) Harmful to minors

The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that—

(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(C) Minor

The term “minor” means an individual who has not attained the age of 17.

(D) Obscene

The term “obscene” has the meaning applicable to such term in section 1460 of title 18.

¹ So in original. Probably should be preceded by “under”.

(E) Sexual act; sexual contact

The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 of title 18.

(Pub. L. 94-462, title II, §224, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-300; amended Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1712(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-340; Pub. L. 108-81, title II, §205, title V, §504(f), Sept. 25, 2003, 117 Stat. 999, 1004; Pub. L. 111-340, title II, §204, Dec. 22, 2010, 124 Stat. 3600.)

REFERENCES IN TEXT

For the effective date of this subsection, referred to in subsec. (f)(4), as 120 days after Dec. 21, 2000, see §1(a)(4) [div. B, title XVII, §1712(b)] of Pub. L. 106-554, set out as an Effective Date of 2000 Amendment note below.

The General Education Provisions Act, referred to in subsec. (f)(5)(A), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, as amended, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

AMENDMENTS

2010—Subsec. (b)(6) to (8). Pub. L. 111-340, §204(1), added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

Subsec. (e)(2). Pub. L. 111-340, §204(2), inserted “, including through electronic means” before period at end.

2003—Subsec. (a)(1). Pub. L. 108-81, §205(1), substituted “once every 5 years, as determined by the Director.” for “not later than April 1, 1997.”

Subsec. (b)(5). Pub. L. 108-81, §504(f), struck out “and” at end.

Subsec. (f). Pub. L. 108-81, §205(2)(A), substituted “this subchapter” for “this chapter” wherever appearing.

Subsec. (f)(1). Pub. L. 108-81, §205(2)(B), substituted “section 9122(1)(A) or (B)” for “9122(2)(A) or (B)” and made technical amendment to reference in original act which appears in text as reference to section 254(h)(6) of title 47.

Subsec. (f)(7). Pub. L. 108-81, §205(2)(C)(i), substituted “subsection:” for “section:” in introductory provisions.

Subsec. (f)(7)(D). Pub. L. 108-81, §205(2)(C)(ii), substituted “applicable to” for “given”.

2000—Subsec. (b)(6), (7). Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1712(a)(1)], added par. (6) and redesignated former par. (6) as (7).

Subsec. (f). Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1712(a)(2)], added subsec. (f).

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1712(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-343, provided that: “The amendment made by this section [amending this section] shall take effect 120 days after the date of the enactment of this Act [Dec. 21, 2000].”

AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES

Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1721(g)], Dec. 21, 2000, 114 Stat. 2763, 2763A-350, provided that:

“(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under section 3134 [former 20 U.S.C. 6844] or part A of title VI of the Elementary and Secondary Education Act of 1965 [former 20 U.S.C. 7311 et seq.], or under section 231 of the Library Services and Technology Act [20 U.S.C. 9141], may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title [see Short Title of 2000 Amendments

note set out under section 6301 of this title] and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

“(2) TECHNOLOGY PROTECTION MEASURE DEFINED.—In this section, the term ‘technology protection measure’ has the meaning given that term in section 1703 [set out as a note under section 902 of Title 47, Telecommunications].”

PART 2—LIBRARY PROGRAMS

§ 9141. Grants to States**(a) In general**

Of the funds provided to a State library administrative agency under section 9123 of this title, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages in order to support such individuals’ needs for education, lifelong learning, workforce development, and digital literacy skills;

(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in section 9134(b)(6) of this title, for the purpose of improving the quality of and access to library and information services;

(3)(A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and

(B) enhancing efforts to recruit future professionals to the field of library and information services;

(4) developing public and private partnerships with other agencies and community-based organizations;

(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills;

(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved;

(7) developing library services that provide all users access to information through local, State, regional, national, and international collaborations and networks; and

(8) carrying out other activities consistent with the purposes set forth in section 9121 of this title, as described in the State library administrative agency’s plan.

(b) Special rule

Each State library administrative agency receiving funds under this part may apportion the funds available for the priorities described in

subsection (a) as appropriate to meet the needs of the individual State.

(Pub. L. 94-462, title II, §231, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-301; amended Pub. L. 108-81, title II, §206, Sept. 25, 2003, 117 Stat. 999; Pub. L. 111-340, title II, §205, Dec. 22, 2010, 124 Stat. 3600.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-340, §205(1), inserted “in order to support such individuals’ needs for education, lifelong learning, workforce development, and digital literacy skills” before semicolon at end in par. (1), added pars. (2) and (3), redesignated former par. (2) as (7) and substituted “collaborations and networks; and” for “electronic networks;”, struck out former par. (3) which read “providing electronic and other linkages among and between all types of libraries;”, and added par. (8).

Subsec. (b). Pub. L. 111-340, §205(2), added subsec. (b) and struck out heading and text of former subsec. (b). Prior to amendment, text read as follows: “Each State library administrative agency receiving funds under this part may apportion the funds available for the purposes described in subsection (a) of this section among such purposes, as appropriate, to meet the needs of the individual State.”

2003—Subsec. (a)(1) to (6). Pub. L. 108-81, §206(1), added pars. (1) to (6) and struck out former pars. (1) and (2) which read as follows:

“(1)(A) establishing or enhancing electronic linkages among or between libraries;

“(B) electronically linking libraries with educational, social, or information services;

“(C) assisting libraries in accessing information through electronic networks;

“(D) encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

“(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

“(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.”

Subsec. (b). Pub. L. 108-81, §206(2), substituted “among such purposes,” for “between the two purposes described in paragraphs (1) and (2) of such subsection,”.

PART 3—ADMINISTRATIVE PROVISIONS

SUBPART A—STATE REQUIREMENTS

§ 9151. State advisory councils

Each State desiring assistance under this subchapter may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities.

(Pub. L. 94-462, title II, §251, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-301.)

SUBPART B—FEDERAL REQUIREMENTS

§ 9161. Services for Native Americans

From amounts reserved under section 9131(a)(1)(A) of this title for any fiscal year the

Director shall award grants to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 7517 of this title) to enable such tribes and organizations to carry out the activities described in section 9141 of this title.

(Pub. L. 94-462, title II, §261, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; amended Pub. L. 105-128, §6, Dec. 1, 1997, 111 Stat. 2549; Pub. L. 107-110, title VII, §702(d), Jan. 8, 2002, 115 Stat. 1947.)

AMENDMENTS

2002—Pub. L. 107-110 substituted “7517” for “7912”.

1997—Pub. L. 105-128 substituted “Native Americans” for “Indian tribes” in section catchline and in text substituted “to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 7912 of this title) to enable such tribes and organizations” for “to organizations primarily serving and representing Indian tribes to enable such organizations”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

§ 9162. National leadership grants, contracts, or cooperative agreements

(a) In general

From the amounts reserved under section 9131(a)(1)(B) of this title for any fiscal year the Director shall establish and carry out a program of awarding grants or entering into contracts or cooperative agreements to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants, contracts, and cooperative agreements shall be used for activities that may include—

(1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;

(2)(A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available; and

(B) dissemination of information derived from such projects;

(3) preserving or digitizing of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster; and

(4) model programs demonstrating cooperative efforts between libraries and museums.

(b) Grants, contracts, or cooperative agreements

(1) In general

The Director may carry out the activities described in subsection (a) of this section by

awarding grants to, or entering into contracts or cooperative agreements with, libraries, agencies, institutions of higher education, or museums, where appropriate.

(2) Competitive basis

Grants, contracts, and cooperative agreements under this section shall be awarded on a competitive basis.

(c) Special rule

The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

(Pub. L. 94-462, title II, §262, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; amended Pub. L. 105-128, §§7, 8, Dec. 1, 1997, 111 Stat. 2549, 2550; Pub. L. 108-81, title II, §207, title V, §504(g), Sept. 25, 2003, 117 Stat. 1000, 1004; Pub. L. 111-340, title II, §206, Dec. 22, 2010, 124 Stat. 3601.)

AMENDMENTS

2010—Subsec. (a)(1), (2). Pub. L. 111-340, §206(1), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) education, recruitment, and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

“(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;”

Subsec. (a)(3). Pub. L. 111-340, §206(2), substituted “digitizing” for “digitization” and inserted “, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster” before “; and”.

2003—Subsec. (a)(1). Pub. L. 108-81, §207, substituted “education, recruitment, and training” for “education and training”.

Subsec. (b)(1). Pub. L. 108-81, §504(g), substituted “cooperative agreements with,” for “cooperative agreements, with.”

1997—Pub. L. 105-128, §7(1), substituted section catchline for former catchline which read as follows: “National leadership grants or contracts”.

Subsec. (a). Pub. L. 105-128, §7(2), in introductory provisions, substituted “program of awarding grants or entering into contracts or cooperative agreements” for “program awarding national leadership grants or contracts” and “Such grants, contracts, and cooperative agreements” for “Such grants or contracts”.

Subsec. (a)(3). Pub. L. 105-128, §8, substituted “preserving or digitization” for “preservation of digitization”.

Subsec. (b). Pub. L. 105-128, §7(3)(A), substituted heading for former heading which read as follows: “Grants or contracts”.

Subsec. (b)(1). Pub. L. 105-128, §7(3)(B), inserted “or cooperative agreements,” after “contracts”.

Subsec. (b)(2). Pub. L. 105-128, §7(3)(C), substituted “Grants, contracts, and cooperative agreements” for “Grants and contracts”.

§ 9163. State and local initiatives

Nothing in this subchapter shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of

personnel and library books and materials, and insofar as consistent with the purposes of this subchapter, the determination of the best uses of the funds provided under this subchapter, shall be reserved for the States and their local subdivisions.

(Pub. L. 94-462, title II, §263, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302.)

PART 4—LAURA BUSH 21ST CENTURY LIBRARIANS

§ 9165. Laura Bush 21st Century Librarian Program

(a) Purpose

It is the purpose of this part to develop a diverse workforce of librarians by—

(1) recruiting and educating the next generation of librarians, including by encouraging middle or high school students and postsecondary students to pursue careers in library and information science;

(2) developing faculty and library leaders, including by increasing the institutional capacity of graduate schools of library and information science; and

(3) enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.

(b) Activities

From the amounts provided under section 9123(a)(2) of this title, the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education (as defined in section 1001 of this title), and other entities that the Director determines appropriate, for projects that further the purpose of this part, such as projects that—

(1) increase the number of students enrolled in nationally accredited graduate library and information science programs and preparing for careers of service in libraries;

(2) recruit future professionals, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in library and information science;

(3) develop or enhance professional development programs for librarians and the library workforce;

(4) enhance curricula within nationally accredited graduate library and information science programs;

(5) enhance doctoral education in order to develop faculty to educate the future generation of library professionals and develop the future generation of library leaders; and

(6) conduct research, including research to support the successful recruitment and education of the next generation of librarians.

(c) Evaluation

The Director shall establish procedures for reviewing and evaluating projects supported under this part.

(Pub. L. 94-462, title II, §264, as added Pub. L. 111-340, title II, §207, Dec. 22, 2010, 124 Stat. 3602.)

SUBCHAPTER III—MUSEUM SERVICES

§ 9171. Purpose

It is the purpose of this subchapter—

(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;

(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services through international, national, regional, State, and local networks and partnerships;

(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public;

(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations;

(7) to encourage and support museums as a part of economic development and revitalization in communities;

(8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support; and

(9) to support efforts at the State level to leverage museum resources and maximize museum services.

(Pub. L. 94-462, title II, §272, formerly §271, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; renumbered §272 and amended Pub. L. 108-81, title III, §§301, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002; Pub. L. 111-340, title III, §301, Dec. 22, 2010, 124 Stat. 3603.)

PRIOR PROVISIONS

A prior section 272 of Pub. L. 94-462 was renumbered section 273 and is classified to section 9172 of this title.

AMENDMENTS

2010—Par. (3). Pub. L. 111-340, §301(1), inserted “through international, national, regional, State, and local networks and partnerships” after “services”.

Pars. (7) to (9). Pub. L. 111-340, §301(2)-(4), added pars. (7) to (9).

2003—Pub. L. 108-81, §301, amended section catchline and text generally. Prior to amendment, text read as follows: “It is the purpose of this subchapter—

“(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

“(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

“(3) to ease the financial burden borne by museums as a result of their increasing use by the public.”

§ 9172. Definitions

As used in this subchapter:

(1) Museum

The term “museum” means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis. Such term includes museums that have tangible and digital collections and includes aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.

(2) State

The term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(Pub. L. 94-462, title II, §273, formerly §272, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-303; renumbered §273 and amended Pub. L. 108-81, title III, §§302, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002; Pub. L. 111-340, title III, §302, Dec. 22, 2010, 124 Stat. 3603.)

PRIOR PROVISIONS

A prior section 273 of Pub. L. 94-462 was renumbered section 274 and is classified to section 9173 of this title.

AMENDMENTS

2010—Par. (1). Pub. L. 111-340 inserted “includes museums that have tangible and digital collections and” after “Such term”.

2003—Par. (1). Pub. L. 108-81, §302, inserted at end: “Such term includes aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.”

§ 9173. Museum services activities

(a) In general

The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums, States, local governments, and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

(3) supporting the conservation and preservation of museum collections, including efforts to—

(A) provide optimal conditions for storage, exhibition, and use;

(B) prepare for and respond to disasters and emergency situations;

(C) establish endowments for conservation; and

(D) train museum staff in collections care;

(4) supporting efforts at the State level to leverage museum resources, including statewide assessments of museum services and needs and development of State plans to improve and maximize museum services through the State;

(5) stimulating greater collaboration, in order to share resources and strengthen communities, among museums and—

(A) libraries;

(B) schools;

(C) international, Federal, State, regional, and local agencies or organizations;

(D) nongovernmental organizations; and

(E) other community organizations;

(6) encouraging the use of new technologies and media, including new ways to disseminate information, to enhance access to museum collections, programs, and services;

(7) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

(8) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

(9) supporting professional development and technical assistance programs to enhance museum operations, and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals, in order to ensure the highest standards in all aspects of museum operations;

(10) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

(11) encouraging, supporting, and disseminating model programs of museum and library collaboration.

(b) Federal share

(1) 50 percent

Except as provided in paragraph (2), the Federal share described in subsection (a) of this section shall be not more than 50 percent.

(2) Greater than 50 percent

The Director may use not more than 20 percent of the funds made available under this subchapter for a fiscal year to enter into arrangements under subsection (a) of this section for which the Federal share may be greater than 50 percent.

(3) Operational expenses

No funds for operational expenses may be provided under this section to any entity that is not a museum.

(c) Review and evaluation

(1) In general

The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) of this section entered into under this subchapter.

(2) Grant distribution

In awarding grants, the Director shall take into consideration the equitable distribution of grants to museums of various types and sizes and to different geographic areas of the United States¹

(3) Applications for technical assistance

(A) In general

The Director may use not more than 10 percent of the funds appropriated to carry out this subchapter for technical assistance.

(B) Individual museums

Individual museums may receive not more than 3 technical assistance awards under subparagraph (A). Subsequent awards for technical assistance shall be subject to review outside the Institute.

(d) Services for Native Americans

From amounts appropriated under section 9176 of this title, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7517 of this title), to enable such tribes and organizations to carry out the activities described in subsection (a) of this section.

(Pub. L. 94-462, title II, §274, formerly §273, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-303; renumbered §274 and amended Pub. L. 108-81, title III, §§303, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002; Pub. L. 111-340, title III, §303, Dec. 22, 2010, 124 Stat. 3603.)

PRIOR PROVISIONS

A prior section 274 of Pub. L. 94-462 was classified to section 9174 of this title, prior to repeal by Pub. L. 108-81.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-340, §303(1)(A), inserted “, States, local governments,” after “with museums” in introductory provisions.

Subsec. (a)(3) to (5). Pub. L. 111-340, §303(1)(B), (C), added pars. (3) to (5), redesignated former par. (5) as (6), and struck out former pars. (3) and (4) which read as follows:

“(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

“(4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;”.

¹ So in original. Probably should be followed by a period.

Subsec. (a)(6). Pub. L. 111-340, §303(1)(B), (D), redesignated par. (5) as (6) and substituted “media, including new ways to disseminate information,” for “broadcast media”. Former par. (6) redesignated (7).

Subsec. (a)(7), (8). Pub. L. 111-340, §303(1)(B), redesignated pars. (6) and (7) as (7) and (8), respectively. Former par. (8) redesignated (9).

Subsec. (a)(9). Pub. L. 111-340, §303(1)(B), (E), redesignated par. (8) as (9) and substituted “, and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals,” for “at all levels,”. Former par. (9) redesignated (10).

Subsec. (a)(10), (11). Pub. L. 111-340, §303(1)(B), redesignated pars. (9) and (10) as (10) and (11), respectively.

Subsec. (c)(2), (3). Pub. L. 111-340, §303(2)(A), (B), added par. (2) and redesignated former par. (2) as (3).

Subsec. (c)(3)(A). Pub. L. 111-340, §303(2)(C)(i), which directed that “awards” be struck out after “assistance” in subpar. (A) of par. (2), was executed by making the amendment in subpar. (A) of par. (3) to reflect the probable intent of Congress and the intervening redesignation of par. (2) as (3). See above.

Subsec. (c)(3)(B). Pub. L. 111-340, §303(2)(C)(ii), which directed the substitution of “. Subsequent” for “. but subsequent” in subpar. (B) of par. (2), was executed by making the amendment in subpar. (B) of par. (3) to reflect the probable intent of Congress and the intervening redesignation of par. (2) as (3). See above.

2003—Pub. L. 108-81, §303, amended section catchline and text generally. Prior to amendment, section contained provisions which in subsec. (a) authorized the Director to make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, in subsec. (b) authorized the Director to enter into contracts and cooperative agreements with appropriate entities to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, in subsec. (c) established the Federal share, and in subsec. (d) required the Director to establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements entered into under this subchapter.

§§ 9174, 9175. Repealed. Pub. L. 108-81, title III, § 304, Sept. 25, 2003, 117 Stat. 1002

Section 9174. Pub. L. 94-462, title II, §274, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-304, related to National Award for Museum Service.

Section 9175. Pub. L. 94-462, title II, §275, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-304, related to National Museum Services Board.

§ 9176. Authorization of appropriations

(a) Grants

For the purpose of carrying out this subchapter, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

(b) Sums remaining available

Sums appropriated pursuant to subsection (a) of this section for any fiscal year shall remain available for obligation until expended.

(c) Funding rules

Notwithstanding any other provision of this subchapter, if the amount appropriated under subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than \$10,000,000, then an amount of not less than 30 percent but not more than 50 percent of the increase in appro-

riated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 9173 of this title to carry out the State assessments described in section 9173(a)(4) of this title and to assist States in the implementation of such plans.

(Pub. L. 94-462, title II, §275, formerly §276, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-306; renumbered §275 and amended Pub. L. 108-81, title III, §305, Sept. 25, 2003, 117 Stat. 1002; Pub. L. 111-340, title III, §304, Dec. 22, 2010, 124 Stat. 3604.)

PRIOR PROVISIONS

A prior section 275 of Pub. L. 94-462 was classified to section 9175 of this title, prior to repeal by Pub. L. 108-81.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-340, §304(1), added subsec. (a) and struck out heading and text of former subsec. (a). Prior to amendment, text read as follows: “For the purpose of carrying out this subchapter, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”

Subsec. (b). Pub. L. 111-340, §304(2), (3), redesignated subsec. (c) as (b) and struck out heading and text of former subsec. (b). Prior to amendment, text of former subsec. (b) read as follows: “Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subchapter.”

Subsec. (c). Pub. L. 111-340, §304(4), added subsec. (c). Former subsec. (c) redesignated (b).

2003—Subsec. (a). Pub. L. 108-81, §305(1), substituted “\$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.” for “\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

CHAPTER 73—ADULT EDUCATION AND LITERACY

SUBCHAPTER I—ADULT EDUCATION AND FAMILY LITERACY

- Sec. 9201. Purpose.
- 9202. Definitions.
- 9203. Home schools.
- 9204. Authorization of appropriations.

PART A—ADULT EDUCATION AND LITERACY PROGRAMS

SUBPART 1—FEDERAL PROVISIONS

- 9211. Reservation of funds; grants to eligible agencies; allotments.
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