

vided 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.)

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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.

Executive Documents

EX. ORD. NO. 14084. PROMOTING THE ARTS, THE HUMANITIES, AND MUSEUM AND LIBRARY SERVICES

Ex. Ord. No. 14084, Sept. 30, 2022, 87 F.R. 60535, as amended by Ex. Ord. No. 14109, § 5, Sept. 29, 2023, 88 F.R. 68449, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy.* The arts, the humanities, and museum and library services are essential to the well-being, health, vitality, and democracy of our Nation. They are the soul of America, reflecting our multicultural and democratic experience. They further help us strive to be the more perfect Union to which generation after generation of Americans have aspired. They inspire us; provide livelihoods; sustain, anchor, and bring cohesion within diverse communities across our Nation; stimulate creativity and innovation; help us understand and communicate our values as a people; compel us to wrestle with our history and enable us to imagine our future; invigorate and strengthen our democracy; and point the way toward progress.

It is the policy of my Administration to advance the cultural vitality of the United States by promoting the arts, the humanities, and museum and library services. To that end, my Administration will advance equity, accessibility, and opportunities for all Americans, particularly in underserved communities as defined in Executive Order 13985 of January 20, 2021 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) [5 U.S.C. 601 note], so that they may realize their full potential through the arts, the humanities, and access to museum and library services. Additionally, we will strengthen America’s creative and cultural economy, including by enhancing and expanding opportunities for artists, humanities scholars, students, educators, and cultural heritage practitioners, as well as the museums, libraries, archives, historic sites, colleges and universities, and other institutions that support their work.

Under my Administration, the arts, the humanities, and museum and library services will be integrated into strategies, policies, and programs that advance the economic development, well-being, and resilience of all communities, especially those that have historically been underserved. The arts, the humanities, and museum and library services will be promoted and expanded to strengthen public, physical, and mental health; wellness; and healing, including within military and veteran communities. We will enhance access to high-quality arts and humanities education and programming with the aim of enabling every child in America to obtain the broad creative skills and enrichment vital to succeed. My Administration’s efforts to tackle the climate crisis will be bolstered through Federal and societal support for and advancement of the arts, the humanities, and museum and library services. We will also safeguard and promote the artistic and cultural heritage of the United States and its people domestically and internationally. Finally, my Admin-

istration will strengthen our Nation's democracy, increase civic engagement and public service, bolster social cohesion, and advance the cause of equity and accessibility by lifting up more—and more diverse—voices and experiences through Federal support for the arts, the humanities, and museum and library services.

SEC. 2. *The President's Committee on the Arts and the Humanities.* (a) There is established within the Institute of Museum and Library Services (IMLS) the President's Committee on the Arts and the Humanities (Committee) to inform and support the national engagement with Americans necessary to advance the arts, the humanities, and museum and library services.

(b) The Committee shall be structured as follows:

(i) The Committee shall be composed of the Chairperson of the National Endowment for the Arts (NEA), the Chairperson of the National Endowment for the Humanities (NEH), the Director of the IMLS, and no more than 30 additional persons who are not full-time officers or employees of the Federal Government (non-Federal members) who shall be appointed by the President. The non-Federal members:

(A) shall be selected from among private individuals and State, local, and Tribal officials;

(B) shall have a diversity of backgrounds, experiences, and areas of expertise; and

(C) shall have a demonstrated interest in and commitment to support for the arts, the humanities, and museum and library services.

(ii) The Librarian of Congress, the Secretary of the Smithsonian Institution, the Director of the National Gallery of Art, and the Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts shall be invited to serve as additional, non-voting members of the Committee.

(iii) The President shall designate a Chair or two Co-Chairs from among the non-Federal members of the Committee.

(c) The Committee shall be solely advisory and shall provide recommendations to the President and the heads of the NEA, NEH, and IMLS on:

(i) advancing the policy objectives set forth in section 1 of this order, including with respect to community well-being; economic development and mobility; public, physical, and mental health; education; resilience and adaptation, as well as combatting climate change; civic and democratic engagement; and support for the artistic and cultural heritage of the United States;

(ii) promoting philanthropic and private sector engagement with and support for the arts, the humanities, and museum and library services to advance the policy objectives set forth in section 1 of this order;

(iii) enhancing the effectiveness of Federal support for the arts, the humanities, and museum and library services to advance the policy objectives set forth in section 1 of this order; and

(iv) catalyzing the engagement of the Nation's artists, humanities scholars, cultural heritage practitioners, and leaders in the arts, the humanities, and museum and library services, including with respect to:

(A) engagement in significant cultural events; and

(B) promoting the recognition of excellence in the arts, the humanities, and museum and library services, and their relevance to our Nation's social and economic well-being.

(d) The Committee's recommendations pursuant to subsection (c) of this section shall be conveyed in accordance with subsection (g) of this section.

(e) The Committee shall be administered as follows:

(i) The IMLS shall provide funding and administrative support for the Committee, including facilities, staff, equipment, and other support services, to the extent permitted by law and subject to the availability of appropriations. Private funds accepted under the IMLS's gift authority may be used to pay expenses of the Committee, as appropriate and consistent with applicable law.

(ii) The Director of the IMLS may designate an Executive Director to coordinate the work of the Com-

mittee. The Executive Director shall report to the Director of the IMLS and shall meet with all of the heads of the NEA, NEH, and IMLS on a quarterly basis.

(iii) Members of the Committee shall serve without compensation for their work on the Committee, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(f) The Executive Director and the members of the Committee may function as liaisons and spokespersons on behalf of the Committee to relevant State, local, and private entities to share information about the work of the Committee in order to advise the President on the implementation of national engagement with Americans necessary to advance the arts, the humanities, and museum and library services.

(g) The Committee shall meet twice a year.

(h) On an annual basis, and at other times as appropriate, the Chair or Co-Chairs of the Committee shall report to the President through the heads of the NEA, NEH, and IMLS on the Committee's progress in carrying out its mission, any recommendations it has, and its plans for the coming year.

(i) Insofar as the Federal Advisory Committee Act, as amended ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], may apply to the Committee, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Director of the IMLS, in consultation with the heads of the NEA and NEH, and in accordance with guidelines issued by the Administrator of General Services.

(j) The Committee shall terminate 2 years from the date of this order [Sept. 30, 2022], unless extended by the President.

SEC. 3. *Interagency Cooperation to Advance the Arts and Humanities.*

(a) The heads of executive departments and agencies and White House policy councils, including those listed below, or their designees, who must be senior officials, shall advise, coordinate with, and consider undertaking joint projects and initiatives with the heads of the NEA, NEH, and IMLS, as appropriate and consistent with applicable law, to advance the policy objectives set forth in section 1 of this order:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Agriculture;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Health and Human Services;

(x) the Department of Housing and Urban Development;

(xi) the Department of Transportation;

(xii) the Department of Energy;

(xiii) the Department of Education;

(xiv) the Department of Veterans Affairs;

(xv) the Office of Management and Budget;

(xvi) the Small Business Administration;

(xvii) the General Services Administration;

(xviii) the Corporation for National and Community Service;

(xix) the National Institutes of Health;

(xx) the National Science Foundation;

(xxi) the Domestic Policy Council;

(xxii) the National Economic Council;

(xxiii) the Gender Policy Council;

(xxiv) the White House Climate Policy Office; and

(xxv) the Office of Science and Technology Policy.

(b) The heads of agencies described in section 3502(5) of title 44, United States Code, are encouraged to comply with the provisions of this section.

(c) The heads of the NEA, NEH, and IMLS shall consider joint initiatives that would further the policy objectives set forth in section 1 of this order, and then may carry out those initiatives to the extent permitted by law.

SEC. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

EXTENSION OF TERM OF PRESIDENT'S COMMITTEE ON THE ARTS AND THE HUMANITIES

Term of President's Committee on the Arts and the Humanities extended until Sept. 30, 2025, by Ex. Ord. No. 14109, Sept. 29, 2023, 88 F.R. 68447, set out as a note under section 1013 of Title 5, Government Organization and Employees.

§ 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, except that if a successor to the Director has not been appointed by the President, by and with the advice and consent of the Senate, as of the date of expiration of the Director's term, the Director may serve for not more than 1 additional year or until a successor is appointed and confirmed, whichever is earlier.

(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) programs and activities under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] (including programs and activities under subparts 2 and 3 of part B of title II [20 U.S.C. 6641 et seq., 6661 et seq.], and parts A and B of title IV [20 U.S.C. 7101 et seq., 7171 et seq.], of such Act);

(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));¹

(3) activities under the Workforce Innovation and Opportunity Act [29 U.S.C. 3101 et seq.] (including activities under section 121(e) of such Act [29 U.S.C. 3151(e)]);² and

(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in supporting economic and community development, providing education

¹ See References in Text note below.

² So in original. The second closing parenthesis probably should not appear.