

Section 9008, Pub. L. 103-382, title IV, § 409, Oct. 20, 1994, 108 Stat. 4035, related to dissemination of statistical records and making of statistical compilations and surveys. See section 9546 of this title.

Section 9009, Pub. L. 103-382, title IV, § 410, Oct. 20, 1994, 108 Stat. 4036, authorized establishment of national cooperative education statistics systems. See section 9547 of this title.

SHORT TITLE

Pub. L. 103-382, title IV, § 401, Oct. 20, 1994, 108 Stat. 4029, which provided that title IV of Pub. L. 103-382, enacting this chapter, could be cited as the “National Education Statistics Act of 1994”, was repealed by Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985.

§§ 9010, 9011. Transferred

CODIFICATION

Section 9010, Pub. L. 103-382, title IV, § 411, Oct. 20, 1994, 108 Stat. 4036; Pub. L. 107-110, title VI, § 602(a), Jan. 8, 2002, 115 Stat. 1898; Pub. L. 107-279, title IV, § 401(d)(1)-(7), Nov. 5, 2002, 116 Stat. 1984, was renumbered Pub. L. 107-279, title III, § 303, by Pub. L. 107-279, title IV, § 401(d)(8), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9622 of this title.

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 Repealed.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 L. 94-462, comprising this chapter, was originally enacted as Pub.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—

- (A) using technology to enable users to find, evaluate, organize, create, and communicate information; and
- (B) developing digital citizenship and the responsible use of technology.

(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 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; Pub. L. 115-410, §2, Dec. 31, 2018, 132 Stat. 5412.)

## 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

2018—Par. (2). Pub. L. 115-410, §2(1), substituted “means the skills associated with—” and subpars. (A) and (B) for “means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.”

Par. (5). Pub. L. 115-410, §2(2), struck out “by the Secretary of the Interior” after “which is recognized”.

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 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 2018 AMENDMENT

Pub. L. 115-410, §1(a), Dec. 31, 2018, 132 Stat. 5412, provided that: “This Act [enacting section 9175 of this title and amending sections 9101, 9103, 9105a, 9108, 9111, 9121 to 9123, 9131, 9134, 9141, 9151, 9162, 9165, 9171 to 9173, and 9176 of this title] may be cited as the ‘Museum and Library Services Act of 2018’.”

## 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, 12211, 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, 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));<sup>1</sup>

(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)]);<sup>2</sup> 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 and research, improving digital literacy skills, strengthening financial literacy and other types of literacy skills, and enhancing public safety and health awareness.

**(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, the Director of the Office of Management and Budget, the Secretary of Commerce, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Agriculture, the Chief Executive Officer of the Corporation for National and Community Service, the Librarian of Congress, the Archivist of the United States, and the Director of the United States Government Publishing Office, or the designees of such individuals, on—

(1) initiatives, materials, technology, or research to support education, workforce development, economic and business development, and related activities and services 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, technology, or research 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

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. The second closing parenthesis probably should not appear.

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; Pub. L. 113-128, title V, §512(t)(1), July 22, 2014, 128 Stat. 1712; Pub. L. 114-95, title IX, §9215(aaa)(1), Dec. 10, 2015, 129 Stat. 2184; Pub. L. 115-410, §3, Dec. 31, 2018, 132 Stat. 5412.)

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 Elementary and Secondary Education Act of 1965, referred to in subsec. (f)(1), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. Subparts 2 and 3 of part B of title II of the Act are classified generally to subparts 2 (§6641 et seq.) and 3 (§6661 et seq.), respectively, of subchapter II of chapter 70 of this title. Parts A and B of title IV of the Act are classified generally to parts A (§7101 et seq.) and B (§7171 et seq.), respectively, of subchapter IV of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

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. Cl. (vii) of section 641(d)(2)(H) of that Act was redesignated cl. (vi) by Pub. L. 114-95, title IX, §9215(nn)(2)(A)(ii), Dec. 10, 2015, 129 Stat. 2176, and is now classified to section 9836(d)(2)(H)(vi) of Title 42. 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 Innovation and Opportunity Act, referred to in subsec. (f)(3), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of Title 29, Labor, repealed chapter 30 (§2801 et seq.) of Title 29 and chapter 73 (§9201 et seq.) of this title, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 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

2018—Subsec. (a)(2). Pub. L. 115-410, §3(1), inserted “, 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” before period at end.

Subsec. (f)(1). Pub. L. 115-410, §3(2)(A), added par. (1) and struck out former par. (1) which read as follows: “activities under section 6646 of this title;”.

Subsec. (f)(4). Pub. L. 115-410, §3(2)(B), added par. (4) and struck out former par. (4) which read as follows: “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.”

Subsec. (g). Pub. L. 115-410, §3(3)(A), in introductory provisions, substituted “Humanities, the Director of the Office of Management and Budget, the Secretary of Commerce, the Secretary of Veterans Affairs, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Agriculture, the Chief Executive Officer of the Corporation for National and Community Service, the Librarian of Congress, the Archivist of the United States, and the Director of the United States Government Publishing Office,” for “Humanities, and the Director of the Office of Management and Budget;”.

Subsec. (g)(1). Pub. L. 115-410, §3(3)(B), added par. (1) and struck out former par. (1) which read as follows: “initiatives, materials, or technology to support workforce development activities undertaken by libraries;”.

Subsec. (g)(3). Pub. L. 115-410, §3(3)(C), substituted “technology, or research” for “or technology”.

2015—Subsec. (f)(1). Pub. L. 114-95 added par. (1) and struck out former par. (1) which read as follows: “activities under section 6383 of this title;”.

2014—Subsec. (f)(3). Pub. L. 113-128 substituted “activities under the Workforce Innovation and Opportunity Act (including activities under section 121(e) of such Act)” for “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))”.

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).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014

(July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

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 paragraph (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, including rural 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, and the needs of, various geographic regions of the United States, including rural areas. 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 per-

sons with disabilities who are involved with museums and libraries.

**(4) Voting**

The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the General Counsel of the Institute shall be non-voting 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) 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) Secretary**

The General Counsel of the Institute shall serve as Secretary of the Museum and Library Services Board.

**(g) 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.

**(h) 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.

**(i) 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.

**(j) 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; Pub. L. 115-410, §4, Dec. 31, 2018, 132 Stat. 5413.)

## 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

2018—Subsec. (b)(2)(A)(i)(II). Pub. L. 115-410, §4(1), inserted “, including rural communities” after “underserved communities”.

Subsec. (b)(3). Pub. L. 115-410, §4(2), in first sentence, inserted “, and the needs of,” after “persons from” and “, including rural areas” after “United States”.

Subsec. (b)(4). Pub. L. 115-410, §4(3), substituted “the Deputy Director of the Office of Museum Services, and the General Counsel of the Institute” for “and the Deputy Director of the Office of Museum Services”.

Subsecs. (f) to (j). Pub. L. 115-410, §4(4), (5), added subsec. (f) and redesignated former subsecs. (f) to (i) as (g) to (j), respectively.

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 follows: “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, data collection, analysis and modeling, evaluation, and dissemination****(a) In general**

The Director shall regularly support and conduct, as appropriate, policy research, data collection, analysis and modeling, evaluation, and dissemination of information to extend and improve the Nation’s museum, library, and information services.

**(b) Objectives**

The objectives of the policy research, data collection, analysis and modeling, evaluation, and dissemination of information carried out under this section include the following:

- (1) To enhance and expand the capacity of museums, libraries, and information services to anticipate, respond to, and meet the evolving needs of communities and the public, including by identifying trends and developments that may impact the need for and delivery of services.
- (2) To provide information and data on the role, value, and impact of museum, library, and information resources, including the identification of trends and potential gaps in the availability and use of museum and library services by their communities and the public.
- (3) To measure the effectiveness of museums, libraries, and information services throughout the United States, including the impact of Federal programs authorized under this chapter.
- (4) To identify indicators and outcomes that can be used to create enhancements to the efficiency and efficacy of museum, library, and information services.
- (5) To promote advancement and growth in museum, library, and information services through sharing of best practices and effective strategies in order to better serve the people of the United States.

(6) To facilitate planning for, and building of, institutional capacity in order to improve—

- (A) museum, library, and information services at the national, State, local, and regional levels; and
- (B) international communications and cooperative networks.

(7) To support and enhance collaborative professional networks and consortia that use shared, meaningful, and actionable data analysis and modeling to advance museum, library, and information services and address community needs.

**(c) Authority to contract and enter into other arrangements**

The Director is authorized to enter into grants, contracts, cooperative agreements, and other arrangements with Federal agencies, public and private organizations, and other entities with expertise the Director determines appropriate, to further the objectives described in subsection (b) and to carry out the responsibilities under subsection (f).

**(d) Consultation and public engagement**

In carrying out subsection (a) and in furtherance of the objectives described in subsection (b), the Director—

(1) shall conduct ongoing collaboration (as determined appropriate by the Director) and consult with—

- (A) State library administrative agencies; and
- (B) National, State, tribal, and regional museum and library organizations; and

(2) may also collaborate or consult with—

- (A) cooperative networks of geographic- or discipline-based museums and libraries; and
- (B) other applicable agencies, organizations (including international organizations), entities (including entities with expertise in the fields of data collection, analysis and modeling, and evaluation), and community stakeholders.

**(e) Assistance to museums and libraries**

The Director shall provide technical support and assistance (and other resources, to the extent practicable) to ensure consistency in data reporting and help the museum and library fields with meeting the objectives of this section.

**(f) Dissemination****(1) In general**

Each year, the Director shall widely disseminate, as appropriate to further the objectives described in subsection (b)—

- (A) the results, data, reports, findings, studies, surveys, and other information obtained under this section;
- (B) the means and approaches by which the objectives described in subsection (b) were accomplished; and
- (C) information regarding the manner and extent to which collaboration and consultation were conducted, as required by subsection (d).

**(2) Formats to be used**

The information described in paragraph (1) shall be shared in formats that facilitate access and ease of use and are searchable.

**(g) Authorization of appropriations****(1) In general**

There are authorized to be appropriated to carry out this section \$3,500,000 for each of the fiscal years 2020 through 2025.

**(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; Pub. L. 115-410, §5, Dec. 31, 2018, 132 Stat. 5413.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(3), 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

2018—Pub. L. 115-410, §5(1), substituted “Policy research, data collection, analysis and modeling, evaluation, and dissemination” for “Policy research, analysis, data collection, and dissemination” in section catchline.

Subsecs. (a) to (f). Pub. L. 115-410, §5(3), added subsecs. (a) to (f) and struck out former subsecs. (a) to (e) which required the Director annually to conduct policy research, analysis, and data collection to improve the Nation’s museum, library, and information services, set out requirements and objectives for the research, required dissemination of the results, and provided contract authority. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 115-410, §5(2), redesignated subsec. (f) as (g).

Subsec. (g)(1). Pub. L. 115-410, §5(4), substituted “each of the fiscal years 2020 through 2025” for “fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016”.

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 \$17,000,000 of the total funds appropriated under sections 9108(g), 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; amended Pub. L. 115-410, §6, Dec. 31, 2018, 132 Stat. 5415.)

## 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.

## AMENDMENTS

2018—Pub. L. 115-410 substituted “\$17,000,000 of the total funds” for “a total of 7 percent of the funds” and “sections 9108(g), 9123, and 9176 of this title” for “sections 9108(f), 9123, and 9176 of this title”.

**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, education, 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 lifelong learning, including by building learning partnerships with school libraries in our Nation’s schools, including tribal schools, and developing resources, capabilities, and programs in support of State, tribal, and local efforts to offer a well-rounded educational experience to all students;

(6) to enable libraries to develop services that meet the needs of communities throughout the Nation, including people of diverse geographic, cultural, and socioeconomic back-

grounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers;

(7) to enable libraries to serve as anchor institutions to support community revitalization through enhancing and expanding the services and resources provided by libraries, including those services and resources relating to workforce development, economic and business development, critical thinking skills, health information, digital literacy skills, financial literacy and other types of literacy skills, and new and emerging technology;

(8) to enhance the skills of the current library workforce and to recruit future professionals, including those from diverse and underrepresented backgrounds, to the field of library and information services;

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

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

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

(12) to encourage, support, and disseminate model programs of library and museum collaboration.

(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; Pub. L. 115-410, §7, Dec. 31, 2018, 132 Stat. 5415.)

#### AMENDMENTS

2018—Par. (1). Pub. L. 115-410, §7(1), inserted “, education,” after “library”.

Par. (5). Pub. L. 115-410, §7(2), added par. (5) and struck out former par. (5) which read as follows: “to promote literacy, education, and lifelong 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;”.

Pars. (6), (7). Pub. L. 115-410, §7(4), added pars. (6) and (7). Former pars. (6) and (7) redesignated (8) and (9), respectively.

Par. (8). Pub. L. 115-410, §7(3), (5), redesignated par. (6) as (8) and inserted “, including those from diverse and underrepresented backgrounds,” after “professionals”.

Pars. (9) to (11). Pub. L. 115-410, §7(3), redesignated pars. (7) to (9) as (9) to (11), respectively.

Par. (12). Pub. L. 115-410, §7(6)-(8), added par. (12).

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) a tribal library;

(D) an academic library;

(E) 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

(F) 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; Pub. L. 115-410, §8, Dec. 31, 2018, 132 Stat. 5416.)

#### AMENDMENTS

2018—Par. (1)(C) to (F). Pub. L. 115-410 added subpar. (C) and redesignated former subpars. (C) to (E) as (D) to (F), respectively.

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 each of the fiscal years 2020 through 2025; and

(2) to carry out part 4, \$24,500,000 for each of the fiscal years 2020 through 2025.

#### (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), 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; Pub. L. 115-410, §9, Dec. 31, 2018, 132 Stat. 5416.)

#### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-410 substituted "each of the fiscal years 2020 through 2025" for "fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016" in pars. (1) and (2).

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 2.25 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) 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) 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) 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) 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) Exception****(i) In general**

Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2019—

(I) the minimum allotment for each State otherwise receiving a minimum allotment of \$680,000 under subparagraph (A) shall be increased to \$1,000,000; and

(II) the minimum allotment for each State otherwise receiving a minimum allotment of \$60,000 under subparagraph (A) shall be increased to \$100,000.

**(ii) Insufficient funds to award alternative minimum**

If the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2019, yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above \$680,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above \$60,000.

**(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; Pub. L. 115-410, §10, Dec. 31, 2018, 132 Stat. 5416.)

## AMENDMENTS

2018—Subsec. (a)(1)(A). Pub. L. 115-410, §10(1), substituted “2.25 percent” for “1.75 percent”.

Subsec. (b)(3)(C). Pub. L. 115-410, §10(2), added subpar. (C) and struck out former subpar. (C) which related to special rule for grants to various United States territories.

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) 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);

(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 development board under section 101 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111];

(ii) the State's one-stop delivery system established under section 121(e) of such Act [29 U.S.C. 3151(e)]; and

(iii) the activities carried out by the State in support of adult education and literacy under title II of such Act [29 U.S.C. 3271 et seq.]; and

(D) other Federal programs and activities that relate to library services, including economic, business, and community development, health information, critical thinking skills, digital literacy skills, financial literacy and other types of literacy skills;

(7) provide assurances that the State will comply with subsection (f); 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).

**(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 this<sup>1</sup> 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) Recommencement 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

<sup>1</sup> So in original. Probably should be preceded by "under".



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.

##### (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; Pub. L. 113-128, title V, §512(t)(2), July 22, 2014, 128 Stat. 1712; Pub. L. 114-95, title IX, §9215(aaa)(2), Dec. 10, 2015, 129 Stat. 2184; Pub. L. 115-410, §11, Dec. 31, 2018, 132 Stat. 5417.)

#### REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(6)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. Subparts 2 and 3 of part B of title II of the Act are classified generally to subparts 2 (§6641 et seq.) and 3 (§6661 et seq.), respectively, of subchapter II of chapter 70 of this title. Parts A and B of title IV of the Act are classified generally to parts A (§7101 et seq.) and B (§7171 et seq.), respectively, of subchapter IV of chapter 70 of this title. For complete classification of this Act to the Code, see

Short Title note set out under section 6301 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (b)(6)(C)(iii), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Title II of the Act, known as the Adult Education and Family Literacy Act, is classified generally to subchapter II (§3271 et seq.) of chapter 32 of Title 29, Labor. For complete classification of these Acts to the Code, see sections 1(a) and 201 of Pub. L. 113-128, set out as Short Title notes under section 3101 of Title 29 and Tables.

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

2018—Subsec. (b)(6)(A). Pub. L. 115-410, §11(1), added subpar. (A) and struck out former subpar. (A) which read as follows: “elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 6646 of this title.”

Subsec. (b)(6)(C)(iii). Pub. L. 115-410, §11(2), added cl. (iii).

Subsec. (b)(6)(D). Pub. L. 115-410, §11(3), inserted “, business,” after “economic” and substituted “, health information, critical thinking skills, digital literacy skills, financial literacy and other types of literacy skills” for “and health information”.

2015—Subsec. (b)(6)(A). Pub. L. 114-95 substituted “including coordination with the activities within the State that are supported by a grant under section 6646 of this title” for “including coordination with the activities within the State that are supported by a grant under section 6383 of this title”.

2014—Subsec. (b)(6)(C)(i). Pub. L. 113-128, §512(t)(2)(A), substituted “the activities carried out by the State workforce development board under section 3111 of title 29” for “the activities carried out by the State workforce investment board under section 2821(d) of title 29”.

Subsec. (b)(6)(C)(ii). Pub. L. 113-128, §512(t)(2)(B), substituted “the State’s one-stop delivery system established under section 3151(e) of title 29” for “the State’s one-stop delivery system established under section 2864(c) of title 29”.

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 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

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, as amended by Pub. L. 114-95, title IX, §9215(q), Dec. 10, 2015, 129 Stat. 2171, provided that:

"(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under part B of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6361 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 (including new and emerging technology), in all types of libraries, for individuals of all ages in order to support such individuals' needs for education, lifelong learning, workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, and financial literacy and other types of 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, including those from diverse and underrepresented backgrounds, to the field of library and information services;

(4) developing public and private partnerships with other agencies, tribes, 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; Pub. L. 115-410, §12, Dec. 31, 2018, 132 Stat. 5417.)

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-410, §12(1), inserted "(including new and emerging technology)" after "formats" and substituted "workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, and financial literacy and other types of literacy skills" for "workforce development, and digital literacy skills".

Subsec. (a)(3)(B). Pub. L. 115-410, §12(2), inserted ", including those from diverse and underrepresented backgrounds," after "professionals".

Subsec. (a)(4). Pub. L. 115-410, §12(3), inserted "tribes," after "agencies".

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, tribal, school, academic, special, and institutional libraries, and libraries serving people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers.

(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; amended Pub. L. 115-410, §13, Dec. 31, 2018, 132 Stat. 5417.)

AMENDMENTS

2018—Pub. L. 115-410 inserted “tribal,” after “public,” and substituted “and libraries serving people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers” for “and libraries serving individuals with disabilities”.

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; Pub. L. 114-95, title IX, §9215(aaa)(3), Dec. 10, 2015, 129 Stat. 2184.)

AMENDMENTS

2015—Pub. L. 114-95 substituted “represent Native Hawaiians (as the term is defined in section 7517 of this title)” for “represent Native Hawaiians (as the term is defined in section 7517 of this title)”.

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 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

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 to enhance the quality of library services nationwide and to provide coordination between libraries and museums, including by carrying out activities such as—

(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 and emerging 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) conserving, preserving, and digitizing library materials and resources, giving priority to projects emphasizing coordination, optimizing conditions for storage and future use, offering staff training, avoiding duplication, and providing access by researchers beyond the institution or library entity undertaking the project;

(4) enhancing the ability of libraries to provide services to affected communities in the event of an emergency or disaster through—

(A) the development of national, regional, statewide, or local emergency and disaster management plans that—

(i) address communication and coordination of information and services for affected communities; and

(ii) ensure the preservation of knowledge and library collections; and

(B) the implementation of the emergency and disaster management plans described in subparagraph (A), or otherwise enabling libraries to provide services consistent with this chapter to affected communities in the event of an emergency or disaster; and

(5) 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) by entering into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education, museums, and other entities that the Director determines appropriate.

**(2) Competitive basis**

Grants, contracts, cooperative agreements, and other arrangements or forms of assistance 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—

(1) are administered by appropriate library and museum professionals or experts;

(2) reflect and serve a range of library types and geographically diverse areas;

(3) include evaluation, analysis, and dissemination components; and

(4) to the extent practicable, actively involve, have direct impact on, or provide future application in, libraries.

(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; Pub. L. 115-410, §14, Dec. 31, 2018, 132 Stat. 5418.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(4)(B), 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

2018—Subsec. (a)(1). Pub. L. 115-410, §14(1)(A), in introductory provisions, struck out “of awarding grants or entering into contracts or cooperative agreements” after “carry out a program” and substituted “museums, including by carrying out activities such as” for “museums. Such grants, contracts, and cooperative agreements shall be used for activities that may include”.

Subsec. (a)(2)(A). Pub. L. 115-410, §14(1)(B), inserted “and emerging” after “new”.

Subsec. (a)(3) to (5). Pub. L. 115-410, §14(1)(C), (D), added pars. (3) and (4) and redesignated former par. (4) as (5).

Subsec. (b)(1). Pub. L. 115-410, §14(2)(A), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts or cooperative agreements with, libraries, agencies, institutions of higher education, or museums, where appropriate.”

Subsec. (b)(2). Pub. L. 115-410, §14(2)(B), substituted “cooperative agreements, and other arrangements or forms of assistance” for “and cooperative agreements”.

Subsec. (c). Pub. L. 115-410, §14(3), inserted dash after “under this section” and par. (1) designation before “are administered”, substituted “experts,” for “experts.”, and added pars. (2) to (4).

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

## AMENDMENTS

**§ 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 from diverse and underrepresented backgrounds, including by encouraging at the middle school, high school, and postsecondary levels students to pursue careers in library and information science;

(2) developing faculty and library leaders from diverse and underrepresented backgrounds, 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 enable librarians and the library workforce to meet the needs of their communities, including those needs relating to education, lifelong learning, workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, financial and other types of literacy skills, and new and emerging technology.

**(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; amended Pub. L. 115-410, § 15, Dec. 31, 2018, 132 Stat. 5419.)

2018—Subsec. (a)(1). Pub. L. 115-410, § 15(1)(A), inserted “from diverse and underrepresented backgrounds” after “librarians” and substituted “at the middle school, high school, and postsecondary levels” for “middle or high school students and postsecondary”.

Subsec. (a)(2). Pub. L. 115-410, § 15(1)(B), inserted “from diverse and underrepresented backgrounds” after “library leaders”.

Subsec. (a)(3). Pub. L. 115-410, § 15(1)(C), added par. (3) and struck out former par. (3) which read as follows: “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.”

## SUBCHAPTER III—MUSEUM SERVICES

**§ 9171. Purpose**

It is the purpose of this subchapter—

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

(2) 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 diverse heritage;

(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 diverse 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 they serve their communities in new and different ways;

(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;

(9) to support efforts at the State and regional levels to leverage museum resources and maximize museum services; and

(10) to assist museums in their civic engagement efforts to ensure that every person in the United States has access to high-quality 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; Pub. L. 115-410, § 16, Dec. 31, 2018, 132 Stat. 5419.)

## 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

2018—Par. (1). Pub. L. 115-410, §16(1), (2), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “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;”.

Par. (2). Pub. L. 115-410, §16(3), added par. (2). Former par. (2) redesignated (1).

Par. (4). Pub. L. 115-410, §16(4), inserted “diverse” before “cultural”.

Par. (5). Pub. L. 115-410, §16(5), substituted “as they serve their communities in new and different ways” for “as a result of their increasing use by the public”.

Par. (9). Pub. L. 115-410, §16(7), substituted “State and regional levels” for “State level” and “services; and” for “services.”

Par. (10). Pub. L. 115-410, §16(6), (8), added par. (10).

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, tribal, or private nonprofit agency or institution organized on a permanent basis for essentially educational, cultural heritage, 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; Pub. L. 115-410, §17, Dec. 31, 2018, 132 Stat. 5420.)

## 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

2018—Par. (1). Pub. L. 115-410, §17(2), inserted “, cultural heritage,” after “educational”.

Pub. L. 115-410, §17(1), which directed insertion of “, tribal,” after “public”, was executed by making the insertion after “public” the first time appearing, to reflect the probable intent of Congress.

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, including tribal schools, and developing museum resources, capabilities, and programs in support of State and local efforts to offer a well-rounded educational experience to all students;

(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;

(D) curate, stabilize, and organize object-related information; and

(E) 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) creating shared technology tools and data resources, and developing museum staff training plans to improve and maximize museum services through organizations such as museum associations, professional networks, community-based organizations, and founda-

tions, and through other collaborative mechanisms;

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

- (A) libraries;
- (B) schools;
- (C) institutions of higher education;
- (D) international, Federal, State, regional, tribal, and local agencies or organizations;
- (E) nongovernmental organizations;
- (F) other community organizations; and
- (G) other relevant research and policy organizations;

(7) encouraging the use of new and emerging technologies and media, including new ways to disseminate information, engage varied audiences in experiential learning, and support teachers and students to enhance access to and engagement with museum collections, programs, and services;

(8) supporting museums in developing, carrying out, and providing programs and services that meet the needs of communities throughout the Nation, including people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers, and for 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;

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

(12) enabling museums to serve as anchor institutions to support community revitalization and the creation of opportunities for advancement; and

(13) developing public and private partnerships with other agencies and community-based organizations to expand and enhance museum services.

## **(b) Federal share**

### **(1) 50 percent**

Except as provided in paragraph (2), the Federal share described in subsection (a) 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) 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) 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 States.

### **(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 2.25 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).

(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; Pub. L. 114-95, title IX, §9215(aaa)(4), Dec. 10, 2015, 129 Stat. 2184; Pub. L. 115-410, §18, Dec. 31, 2018, 132 Stat. 5420.)

#### 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

2018—Subsec. (a)(2). Pub. L. 115-410, §18(a)(1), added par. (2) and struck out former par. (2) which read as follows: “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;”.

Subsec. (a)(3)(D), (E). Pub. L. 115-410, §18(a)(2), added subpar. (D) and redesignated former subpar. (D) as (E).

Subsec. (a)(5). Pub. L. 115-410, §18(a)(5), added par. (5). Former par. (5) redesignated (6).

Subsec. (a)(6). Pub. L. 115-410, §18(a)(4), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Subsec. (a)(6)(C). Pub. L. 115-410, §18(a)(6)(B), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (a)(6)(D). Pub. L. 115-410, §18(a)(6)(A), (C), redesignated subpar. (C) as (D) and inserted “tribal,” after “regional.” Former subpar. (D) redesignated (E).

Subsec. (a)(6)(E), (F). Pub. L. 115-410, §18(a)(6)(A), (D), redesignated subpars. (D) and (E) as (E) and (F), respectively.

Subsec. (a)(6)(G). Pub. L. 115-410, §18(a)(6)(D)–(F), added subpar. (G).

Subsec. (a)(7). Pub. L. 115-410, §18(a)(4), (7), redesignated par. (4) as (7), struck it out, and added a new par. (7). Prior to amendment, par. read as follows: “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;”.

Pub. L. 115-410, §18(a)(3), struck out par. (7) which read as follows: “supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;”.

Subsec. (a)(8). Pub. L. 115-410, §18(a)(8), added par. (8) and struck out former par. (8) which read as follows: “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;”.

Subsec. (a)(12), (13). Pub. L. 115-410, §18(a)(9)–(11), added pars. (12) and (13).

Subsec. (c)(2). Pub. L. 115-410, §18(c)(1)(A), inserted period at end.

Subsec. (c)(3)(A). Pub. L. 115-410, §18(c)(1)(B)(i), amended subpar. (A) of par. (3) to duplicate amendment made by Pub. L. 111-340, §303(2)(C)(i), which had been directed to subpar. (A) of par. (2) but executed to par. (3) to reflect the probable intent of Congress, thus resulting in no change in text. See 2010 Amendment note below.

Subsec. (c)(3)(B). Pub. L. 115-410, §18(c)(1)(B)(ii), amended subpar. (B) of par. (3) to duplicate amendment made by Pub. L. 111-340, §303(2)(C)(ii), which had been directed to subpar. (B) of par. (2) but executed to par. (3) to reflect the probable intent of Congress, thus resulting in no change in text. See 2010 Amendment note below.

Subsec. (d). Pub. L. 115-410, §18(b), (c)(2), substituted “2.25 percent” for “1.75 percent” and made technical amendment to reference in original act which appears in text as reference to section 9176 of this title.

2015—Subsec. (d). Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7517 of this title.

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;”.

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 “assist-

ance” 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.

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

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

Section, 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.

#### § 9175. 21st century museum professional program

##### (a) Purpose

It is the purpose of this section to develop and enhance the diverse workforce of museum professionals in order to best anticipate and serve the needs of their local communities and the public by—

(1) recruiting and educating future museum professionals from diverse and underrepresented backgrounds, including through encouraging middle or high school students and postsecondary students to pursue careers and build skills in museum services;

(2) developing museum leaders from diverse and underrepresented backgrounds, including by increasing the capacity of institutions that offer early career and mid-career professional development, specialized training, and leadership programs that directly relate to museum studies and management; and

(3) supporting the professional development of current museum professionals and the museum workforce to enable them to meet identified needs of their communities.

##### (b) Activities

From the amounts provided under section 9176 of this title, the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums, museum consortia and associations, institutions of higher education (as defined in section 9165(b) of this title), and other entities that the Director determines appro-



priate, for projects that further the purpose of this section, such as projects that—

(1) increase the number of students from diverse and underrepresented backgrounds enrolled in graduate and undergraduate museum-related programs as well as other relevant programs offered through other education-focused entities, such as State and local governments, associations, and nonprofit organizations, in order to effectively prepare the students for, and retain the students in, careers in museum services;

(2) recruit future museum professionals from diverse and underrepresented backgrounds, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in museum services such as through offering paid internships, mentoring, and fellowship opportunities;

(3) develop new or enhance current professional development and retention programs for museum professionals and the museum workforce, including through mid-career skill-building, mentoring, and fellowships, and by supporting the development of local and regional networks for those who may not have easy access to such opportunities; and

(4) support and conduct research, needs assessments, pilot programs, and evaluation of education and professional development programs to explore successful approaches that can successfully recruit, prepare, educate, and retain the next generation of museum professionals.

### (c) Evaluation

The Director shall establish procedures for reviewing and evaluating arrangements supported under this section.

(Pub. L. 94-462, title II, §275, as added Pub. L. 115-410, §19(2), Dec. 31, 2018, 132 Stat. 5421.)

#### PRIOR PROVISIONS

A prior 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, prior to repeal by Pub. L. 108-81, title III, §304, Sept. 25, 2003, 117 Stat. 1002.

A prior section 275 of Pub. L. 94-462 was renumbered section 276 and is classified to section 9176 of this title.

### § 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 each of the fiscal years 2020 through 2025.

#### (b) Sums remaining available

Sums appropriated pursuant to subsection (a) 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 2020 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-

priated 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, §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; renumbered §276 and amended Pub. L. 115-410, §§19(1), 20, Dec. 31, 2018, 132 Stat. 5421, 5422.)

#### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-410, §20(1), substituted “each of the fiscal years 2020 through 2025” for “fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016”.

Subsec. (c). Pub. L. 115-410, §20(2), substituted “fiscal year 2020” for “fiscal year 2011”.

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

#### §§ 9201 to 9204. Repealed. Pub. L. 113-128, title V, § 511(a), July 22, 2014, 128 Stat. 1705

Section 9201, Pub. L. 105-220, title II, §202, Aug. 7, 1998, 112 Stat. 1059, related to the purpose of this subchapter.

Section 9202, Pub. L. 105-220, title II, §203, Aug. 7, 1998, 112 Stat. 1060; Pub. L. 105-244, title I, §102(d)(2), Oct. 7, 1998, 112 Stat. 1622; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(a)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416; Pub. L. 107-110, title X, §1076(s), Jan. 8, 2002, 115 Stat. 2092, provided the definitions of this subchapter.

Section 9203, Pub. L. 105-220, title II, §204, Aug. 7, 1998, 112 Stat. 1062; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(a)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-416, related to the effect of this subchapter on home schools.

Section 9204, Pub. L. 105-220, title II, §205, Aug. 7, 1998, 112 Stat. 1062; Pub. L. 105-277, div. A, §101(f) [title