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**UNITED STATES CODE
TITLE 20 - EDUCATION
CHAPTER 72 - MUSEUM AND LIBRARY SERVICES**

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SUBCHAPTER I - GENERAL PROVISIONS

Sec. 9101. General definitions

As used in this chapter:

(1) Determined to be obscene

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

(2) Digital literacy skills

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

(3) Director

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

(4) Final judgment

The term "final judgment" means a judgment that is -

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

(5) Indian tribe

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

(6) Institute

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

(7) Museum and Library Services Board

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

(8) Obscene

The term "obscene" means, with respect to a project, that -

- (A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

- (B) such project depicts or describes sexual conduct in a patently offensive way; and
- (C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

Sec. 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.

Sec. 9103. Director of Institute

(a) Appointment

(1) In general

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

(2) Term

The Director shall serve for a term of 4 years.

(3) Qualifications

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

(b) Compensation

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

(c) Duties and powers

(1) Primary Responsibility

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

(2) Duties

In carrying out the responsibilities 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 approve 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 Act for the costs of such activities.

(f) Coordination

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

(1) activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

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

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

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

(g) Interagency Collaboration

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

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

(2) resource and policy approaches to eliminate barriers to fully leveraging the roles of libraries and museums in supporting the early learning, literacy, lifelong learning, digital

literacy, workforce development, and education needs of the people of the United States;
and

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

(h) Regulatory authority

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

(i) Application procedures

(1) In general

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

(2) Review and evaluation

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

(3) Treatment of projects determined to be obscene

(A) In general

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

(B) Prohibition

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

(C) Treatment of application disapproval

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

Sec. 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.

Sec. 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 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, United States Code.

(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, United States Code.

(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, United States Code.

Sec. 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, by and with the advice and consent of the Senate, 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, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.

(2) Special qualifications

(A) Library members

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

- (i) five shall be professional librarians or information specialists, of whom -
 - (I) not less than one shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and
 - (II) not less than one other shall be knowledgeable about the library and information service needs of underserved communities; and
- (ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.

(B) Museum members

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

- (i) five shall be museum professionals who are or have been affiliated with -
 - (I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or
 - (II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and
- (ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

(3) Geographic and other representation

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

(4) Voting

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

(c) Terms

(1) In general

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

(2) Authority to adjust terms

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

(3) Vacancies

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

(4) Reappointment

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

(5) Service until successor takes office

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

(d) Duties and powers

(1) In general

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

(2) National awards and medals

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

(e) Chairperson

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

(f) Meetings

(1) In general

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

(2) Vote

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

(g) Quorum

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

(h) Compensation and travel expenses

(1) Compensation

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

Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

(2) Travel expenses

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

(i) Coordination

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

Sec. 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.

Sec. 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.

Sec. 9108. Policy Research, Analysis, Data Collection, and Dissemination In general

(a) In general

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

(b) Requirements

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

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

(c) Objectives

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

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

(d) Dissemination

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

(e) Authority to contract

The Director is authorized --

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

(f) Authorization of Appropriations

(1) In general

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

(2) Availability of funds

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

Sec. 9108b Hearings

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

Sec. 9108c Administrative Funds

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

Sec. 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.

SUBCHAPTER II - LIBRARY SERVICES AND TECHNOLOGY

Sec. 9121. Purpose

It is the purpose of this subchapter -

- (1) to enhance coordination among Federal programs that relate to library and information services;
- (2) to promote continuous improvement in library services in all types of libraries in order to better serve the people of the United States;
- (3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry;
- (4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public;

- (5) to promote literacy, education, and 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;
- (6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;
- (7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;
- (8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and
- (9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.

Sec. 9122. Definitions

As used in this subchapter:

(1) Library

The term "library" includes -

- (A) a public library;
- (B) a public elementary school or secondary school library;
- (C) an academic library;
- (D) a research library, which for the purposes of this subchapter means a library that -
 - (i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and
 - (ii) is not an integral part of an institution of higher education; and
- (E) a private library or other special library, but only if the State in which such private or special library is located determines that the library should be considered a library for purposes of this subchapter.

(2) Library consortium

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

(3) State

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

(4) State library administrative agency

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

(5) State plan

The term "State plan" means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subchapter, provides assurances for establishing

the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subchapter, submits copies for approval as required by regulations promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subchapter.

Sec. 9123. Authorization of appropriations

(a) In general

There are authorized to be appropriated –

- (1) To carry out Parts [chapters] 1, 2, and 3 [Basic Program Requirements; Library Programs (Grants to States); Administrative Provisions (Services for Native Americans, National Leadership Grants)], \$232,000,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016; and
- (2) To carry out Part [chapter] 4 [LB21], \$24,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

(b) Forward funding

(1) In general

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

(2) Additional authorization of appropriations

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

PART 1 - BASIC PROGRAM REQUIREMENTS

Sec. 9131. Reservations and allotments

(a) Reservations

(1) In general

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

- (A) shall reserve 1.75 percent to award grants in accordance with section 9161 of this title; and
- (B) shall reserve 3.75 percent to award national leadership grants or contracts in accordance with section 9162 of this title.

(2) Special rule

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

(b) Allotments

(1) In general

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

(2) Remainder

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

(3) Minimum allotments

(A) In general

For purposes of this subsection, the minimum allotment for each State shall be \$680,000, except that the minimum allotment shall be \$60,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) Ratable reductions

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

(C) Special rule

(i) In general

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

(ii) Award basis

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

(iii) Administrative costs

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

(4) Data

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

Sec. 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.

Sec. 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.

Sec. 9134. State plans

(a) State plan required

(1) In general

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

(2) Duration

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

(3) Revisions

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

(b) Contents

The State plan shall -

- (1) establish goals, and specify priorities, for the State consistent with the purposes of this subchapter;
- (2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subchapter, and section 9141 of this title, that the State library administrative agency will carry out during such year using such grant;
- (3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);
- (4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);
- (5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subchapter;

- (6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in --
 - (A) elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);
 - (B) early childhood education, including coordination with –
 - (i) the State’s activities carried out under subsections (b)(4) and (e)(1) of section 642 of the Head Start Act (42 U.S.C. 9837); and
 - (ii) the activities described in the State’s strategic plan in accordance with section 642B(a)(4)(B)(i) of such Act (42 U.S.C. 9837b(a)(4)(B)(i));
 - (C) workforce development, including coordination with –
 - (i) the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d); and
 - (ii) the State’s one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)); and
 - (D) Other Federal programs and activities that relate to library services, including economic and community development and health information;
- (7) provide assurances that the State will comply with subsection (f) of this section; and
- (8) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subchapter and to determine the extent to which funds provided under this subchapter have been effective in carrying out the purposes of this subchapter.

(c) Evaluation and report

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

(d) Information

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

(e) Approval

(1) In general

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

(2) Public availability

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

(3) Administration

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

- (A) immediately notify the State library administrative agency of such determination and the reasons for such determination;
- (B) offer the State library administrative agency the opportunity to revise its State plan;
- (C) provide technical assistance in order to assist the State library administrative agency

in meeting the requirements of this section; and

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

(f) Internet safety

(1) In general

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

(A) such library -

- (i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are -
 - (I) obscene;
 - (II) child pornography; or
 - (III) harmful to minors; and
- (ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(B) such library -

- (i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are -
 - (I) obscene; or
 - (II) child pornography; and
- (ii) is enforcing the operation of such technology protection measure during any use of such computers.

(2) Access to other materials

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

(3) Disabling during certain use

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

(4) Timing and applicability of implementation

(A) In general

A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this subchapter following the effective date of this subsection, and for each subsequent program funding year thereafter.

(B) Process

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

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

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

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

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

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

(iii) Waivers

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

(5) Noncompliance

(A) Use of General Education Provisions Act remedies

Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this 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 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.

PART 2 - LIBRARY PROGRAMS

Sec. 9141. Grants to States

(a) In general

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

- (1) expanding services for learning and access to information and educational resources in

a variety of formats, in all types of libraries, for individuals of all ages in order to support such individuals' needs for education, life-long learning, workforce development, and digital literacy skills;

- (2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in 9134(b)(6), for the purpose of improving the quality of and access to library and information services;
- (3) (A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and
(B) enhancing efforts to recruit future professionals to the field of library and information services;
- (4) developing public and private partnerships with other agencies and community-based organizations;
- (5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills;
- (6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved;
- (7) developing library services that provide all users access to information through local, State, regional, national, and international collaborations and networks; and
- (8) carrying out other activities consistent with the purposes set forth in section 9121, as described in the State library administrative agency's plan.

(b) Special rule

Each State library administrative agency receiving funds under this chapter may apportion the funds available for the priorities described in subsection (a) as appropriate to meet the needs of the individual State.

PART 3 - ADMINISTRATIVE PROVISIONS

SUBPART A - STATE REQUIREMENTS

Sec. 9151. State advisory councils

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

SUBPART B - FEDERAL REQUIREMENTS

Sec. 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.

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

(a) In general

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

- (1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;
- (2) (A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available;
and
(B) dissemination of information derived from such projects;
- (3) preserving or digitizing of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster; and
- (4) model programs demonstrating cooperative efforts between libraries and museums.

(b) Grants, contracts, or cooperative agreements

(1) In general

The Director may carry out the activities described in subsection (a) of this section by awarding grants to, or entering into contracts or cooperative agreements with, libraries, agencies, institutions of higher education, or museums, where appropriate.

(2) Competitive basis

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

(c) Special rule

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

Sec. 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.

PART 4 – LAURA BUSH 21ST CENTURY LIBRARIANS

Sec. 9164 Laura Bush 21st Century Librarian Program

(a) Purpose –

It is the purpose of this chapter to develop a diverse workforce of librarians by –

- (1) recruiting and educating the next generation of librarians, including by encouraging middle or high school students and postsecondary students to pursue careers in library and information science;
- (2) developing faculty and library leaders, including by increasing the institutional capacity of graduate schools of library and information science; and
- (3) enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.

(b) Activities –

From the amounts provided under section 9123(a)(2), 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 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), and other entities that the Director determines appropriate, for projects that further the purpose of this chapter, 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 chapter.

SUBCHAPTER III - MUSEUM SERVICES

Sec. 9171. Purpose

It is the purpose of this subchapter -

- (1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;
- (2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;
- (3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services through international, national, regional, State, and local networks and partnerships;
- (4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;
- (5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public;
- (6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations; and
- (7) to encourage and support museums as a part of economic development and revitalization in communities;
- (8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support; and
- (9) to support efforts at the State level to leverage museum resources and maximize museum services.

Sec. 9172. Definitions

As used in this subchapter:

(1) Museum

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

(2) State

The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of

the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

Sec. 9173. Museum services activities

(a) In general

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

- (1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;
- (2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;
- (3) supporting the conservation and preservation of museum collections, including efforts to –
 - (A) provide optimal conditions for storage, exhibition, and use;
 - (B) prepare for and respond to disasters and emergency situations;
 - (C) establish endowments for conservation; and
 - (D) train museum staff in collections care;
- (4) supporting efforts at the State level to leverage museum resources, including statewide assessments of museum services and needs and development of State plans to improve and maximize museum services through the State;
- (5) stimulating greater collaboration, in order to share resources and strengthen communities among museums and –
 - (A) libraries;
 - (B) schools;
 - (C) international, Federal, State, regional, and local agencies or organizations.;
 - (D) nongovernmental organizations; and
 - (E) other community organizations.
- (6) encouraging the use of new technologies and media, including new ways to disseminate information, to enhance access to museum collections, programs, and services;
- (7) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;
- (8) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;
- (9) supporting professional development and technical assistance programs to enhance museum operations and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals, in order to ensure the highest standards in all aspects of museum operations;
- (10) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and
- (11) encouraging, supporting, and disseminating model programs of museum and library collaboration.

(b) Federal share

(1) 50 percent

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

(2) Greater than 50 percent

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

(3) Operational expenses

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

(c) Review and evaluation

(1) In general

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

(2) Grant Distribution

In awarding grants, the Director shall take into consideration the equitable distribution of grants to museums of various types and sizes and to different geographic areas of the United 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 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7517 of this title), to enable such tribes and organizations to carry out the activities described in subsection (a) of this section.

Sec. 9176. Authorization of appropriations

(a) Grants

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

(b) Sums remaining available

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

(c) Funding rules

Notwithstanding any other provision of this subtitle, if the amount appropriated under

subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than \$10,000,000, than an amount of not less than 30 percent but not more than 50 percent of the increase in appropriated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 9173 to carry out the State assessments described in section 9173(a)(4) and to assist States in the implementation of such plans.