

agency shall submit an application in accordance with procedures established by the Director by regulation.

(2) Review and evaluation

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

(3) Treatment of projects determined to be obscene

(A) In general

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

(B) Prohibition

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

(C) Treatment of application disapproval

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

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

REFERENCES IN TEXT

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

The Head Start Act, referred to in subsec. (f)(2), is subchapter B (§635 et seq.) of chapter 8 of subtitle A of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 499, which is classified generally to subchapter II (§9831 et seq.) of chapter 105 of Title 42, The Public Health and Welfare. 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

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.