

**(7) Museum and Library Services Board**

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

**(8) Obscene**

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

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

(B) such project depicts or describes sexual conduct in a patently offensive way; and

(C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

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

## REFERENCES IN TEXT

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

## PRIOR PROVISIONS

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

## AMENDMENTS

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

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

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

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

## EFFECTIVE DATE OF 2003 AMENDMENT

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

## SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-340, §1(a), Dec. 22, 2010, 124 Stat. 3594, provided that: “This Act [enacting part 4 of subchapter II

of this chapter and sections 9110 and 9111 of this title, amending this section and sections 953, 958, 9103, 9105, 9105a, 9107, 9108, 9121, 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, repealing chapter 34 of this title, and enacting provisions set out as notes under section 9102 of this title] may be cited as the ‘Museum and Library Services Act of 2010.’”

## SHORT TITLE OF 2003 AMENDMENT

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

## SHORT TITLE OF 1997 AMENDMENT

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

## SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(e) [title VII, §701], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293, provided that: “This title [enacting this chapter, amending sections 1069b, 1504, 1505, 3441, 3473, 3489, 6621, 6645, 6648, 6649, 6813, 8091, 8102, and 8104 of this title, section 5315 of Title 5, Government Organization and Employees, section 276d-3 of former Title 40, Public Buildings, Property, and Works, section 214 of former Title 40, Appendix, section 3338 of Title 42, The Public Health and Welfare, section 254 of Title 47, Telecommunications, and section 1666 of Title 48, Territories and Insular Possessions, repealing sections 351 to 386g, 1021 to 1047, 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.

#### (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.