

(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serve, at the pleasure of the President, as the first Director of the Institute of Museum and Library Services, was repealed by Pub.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.)