

SUBCHAPTER II—LIBRARY SERVICES AND TECHNOLOGY

2010, 124 Stat. 3599; Pub. L. 115-410, §7, Dec. 31, 2018, 132 Stat. 5415.)

§ 9121. Purpose

It is the purpose of this subchapter—

(1) to enhance coordination among Federal programs that relate to library, education, and information services;

(2) to promote continuous improvement in library services in all types of libraries in order to better serve the people of the United States;

(3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry;

(4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public;

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

(6) to enable libraries to develop services that meet the needs of communities throughout the Nation, including people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers;

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

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

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

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

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

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

(Pub. L. 94-462, title II, §212, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-295; amended Pub. L. 108-81, title II, §201, Sept. 25, 2003, 117 Stat. 997; Pub. L. 111-340, title II, §201, Dec. 22,

Editorial Notes

AMENDMENTS

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

Par. (5). Pub. L. 115-410, §7(2), added par. (5) and struck out former par. (5) which read as follows: “to promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;”.

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

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

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

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

2010—Par. (1). Pub. L. 111-340, §201(1), added par. (1) and struck out former par. (1) which read as follows: “to consolidate Federal library service programs;”.

Par. (2). Pub. L. 111-340, §201(2), inserted “continuous” after “promote”.

Pars. (5) to (9). Pub. L. 111-340, §201(3)-(5), added pars. (5) to (9).

2003—Pars. (2) to (5). Pub. L. 108-81 added pars. (2) to (4) and struck out former pars. (2) to (5) which read as follows:

“(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;

“(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;

“(4) to provide linkages among and between libraries; and

“(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.”

§ 9122. Definitions

As used in this subchapter:

(1) Library

The term “library” includes—

(A) a public library;

(B) a public elementary school or secondary school library;

(C) a tribal library;

(D) an academic library;

(E) a research library, which for the purposes of this subchapter means a library that—

(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

(ii) is not an integral part of an institution of higher education; and

(F) a private library or other special library, but only if the State in which such private or special library is located determines that the library should be considered a library for purposes of this subchapter.

(2) Library consortium

The term “library consortium” means any local, statewide, regional, interstate, or inter-

national cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

(3) State

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

(4) State library administrative agency

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

(5) State plan

The term “State plan” means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subchapter, provides assurances for establishing the State’s policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subchapter, submits copies for approval as required by regulations promulgated by the Director, identifies a State’s library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subchapter.

(Pub. L. 94-462, title II, §213, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-296; amended Pub. L. 105-128, §3, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 108-81, title II, §202, Sept. 25, 2003, 117 Stat. 997; Pub. L. 115-410, §8, Dec. 31, 2018, 132 Stat. 5416.)

Editorial Notes

AMENDMENTS

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

2003—Pars. (1) to (6). Pub. L. 108-81 redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out heading and text of former par. (1). Text read as follows: “The term ‘Indian tribe’ means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

1997—Par. (2)(E). Pub. L. 105-128 inserted “or other special library” after “a private library” and “or special” after “such private”.

§ 9123. Authorization of appropriations

(a) In general

There are authorized to be appropriated—

(1) to carry out parts 1, 2, and 3, \$232,000,000 for each of the fiscal years 2020 through 2025; and

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

(b) Forward funding

(1) In general

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

(2) Additional authorization of appropriations

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

(Pub. L. 94-462, title II, §214, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-296; amended Pub. L. 108-81, title II, §203, Sept. 25, 2003, 117 Stat. 997; Pub. L. 111-340, title II, §202, Dec. 22, 2010, 124 Stat. 3599; Pub. L. 115-410, §9, Dec. 31, 2018, 132 Stat. 5416.)

Editorial Notes

AMENDMENTS

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

2010—Subsec. (a). Pub. L. 111-340, §202(a), added subsec. (a) and struck out heading and text of former subsec. (a). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter \$232,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”

Subsec. (c). Pub. L. 111-340, §202(b), struck out heading and text of subsec. (c). Text read as follows: “Not more than 3.5 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subchapter.”

2003—Subsec. (a). Pub. L. 108-81, §203(1), added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows:

“(1) IN GENERAL.—There are authorized to be appropriated \$150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subchapter.

“(2) TRANSFER.—The Secretary of Education shall—

“(A) transfer promptly to the Director any funds appropriated under the authority of paragraph (1), to enable the Director to carry out this subchapter; and

“(B) not exercise any authority concerning the administration of this chapter other than the transfer described in subparagraph (A).”

Subsec. (c). Pub. L. 108-81, §203(2), substituted “3.5 percent” for “3 percent”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

PART 1—BASIC PROGRAM REQUIREMENTS

§ 9131. Reservations and allotments**(a) Reservations****(1) In general**

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

(A) shall reserve 2.25 percent to award grants in accordance with section 9161 of this title; and

(B) shall reserve 3.75 percent to award national leadership grants or contracts in accordance with section 9162 of this title.

(2) Special rule

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

(b) Allotments**(1) In general**

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

(2) Remainder

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

(3) Minimum allotments**(A) In general**

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

(B) Ratable reductions

Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allot-

ments under such subparagraph shall be reduced ratably.

(C) Exception**(i) In general**

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

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

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

(ii) Insufficient funds to award alternative minimum

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

(4) Data

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

(Pub. L. 94-462, title II, §221, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-297; amended Pub. L. 105-128, §4, Dec. 1, 1997, 111 Stat. 2548; Pub. L. 108-81, title II, §204, Sept. 25, 2003, 117 Stat. 997; Pub. L. 111-340, title II, §203, Dec. 22, 2010, 124 Stat. 3600; Pub. L. 115-410, §10, Dec. 31, 2018, 132 Stat. 5416.)

Editorial Notes

AMENDMENTS

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

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

2010—Subsec. (b)(3)(A). Pub. L. 111-340, §203(1), substituted “\$680,000” for “\$340,000” and “\$60,000” for “\$40,000”.

Subsec. (b)(3)(C), (D). Pub. L. 111-340, §203(2), (3), redesignated subpar. (D) as (C) and struck out former subpar. (C), which related to the minimum allotments for States when the appropriated sums exceed the aggregate of allotments for all States for fiscal year 2003.

2003—Subsec. (b)(3). Pub. L. 108-81 amended heading and text of par. (3) generally. Prior to amendment, text read as follows:

“(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 9123 of this title and not reserved under subsection (a) of this section for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

“(C) SPECIAL RULE.—

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

“(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

“(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.

“(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.”

1997—Subsec. (a)(1)(A). Pub. L. 105-128, §4(1), substituted “1.75 percent” for “1½ percent”.

Subsec. (a)(1)(B). Pub. L. 105-128, §4(2), substituted “3.75 percent” for “4 percent”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

§ 9132. Administration

(a) In general

Not more than 4 percent of the total amount of funds received under this subchapter for any fiscal year by a State may be used for administrative costs.

(b) Construction

Nothing in this section shall be construed to limit spending for evaluation costs under section 9134(c) of this title from sources other than this subchapter.

(Pub. L. 94-462, title II, §222, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-298.)

§ 9133. Payments; Federal share; and maintenance of effort requirements

(a) Payments

Subject to appropriations provided pursuant to section 9123 of this title, the Director shall pay to each State library administrative agency having a State plan approved under section 9134 of this title the Federal share of the cost of the activities described in the State plan.

(b) Federal share

(1) In general

The Federal share shall be 66 percent.

(2) Non-Federal share

The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

(c) Maintenance of effort

(1) State expenditures

(A) Requirement

(i) In general

The amount otherwise payable to a State for a fiscal year pursuant to an allotment under this part shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year is less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.

(ii) Calculation

Any decrease in State expenditures resulting from the application of subparagraph (B) shall be excluded from the calculation of the average level of State expenditures for any 3-year period described in clause (i).

(B) Decrease in Federal support

If the amount made available under this subchapter for a fiscal year is less than the amount made available under this subchapter for the preceding fiscal year, then the expenditures required by subparagraph (A) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(2) Level of State expenditures

The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library adminis-

trative agency for library programs that are consistent with the purposes of this subchapter. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made, and shall not include capital expenditures, special one-time project costs, or similar windfalls.

(3) Waiver

The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(Pub. L. 94-462, title II, § 223, as added Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-299; amended Pub. L. 105-128, § 5, Dec. 1, 1997, 111 Stat. 2549.)

Editorial Notes

AMENDMENTS

1997—Subsec. (c)(1)(A)(i). Pub. L. 105-128 amended second sentence generally. Prior to amendment, second sentence read as follows: “The amount of the reduction in allotment for any fiscal year shall be equal to the amount by which the level of such State expenditures for the fiscal year for which the determination is made is less than the average of the total of such expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made.”

§ 9134. State plans

(a) State plan required

(1) In general

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

(2) Duration

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

(3) Revisions

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

(b) Contents

The State plan shall—

(1) establish goals, and specify priorities, for the State consistent with the purposes of this subchapter;

(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subchapter, and section 9141 of this title, that the State library administrative agency will carry out during such year using such grant;

(3) describe the procedures that such agency will use to carry out the activities described in paragraph (2);

(4) describe the methodology that such agency will use to evaluate the success of the activities established under paragraph (2) in achieving the goals and meeting the priorities described in paragraph (1);

(5) describe the procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subchapter;

(6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in—

(A) programs and activities under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.] (including programs and activities under subparts 2 and 3 of part B of title II [20 U.S.C. 6641 et seq., 6661 et seq.], and parts A and B of title IV [20 U.S.C. 7101 et seq., 7171 et seq.], of such Act);

(B) early childhood education, including coordination with—

(i) the State’s activities carried out under subsections (b)(4) and (e)(1) of section 9837 of title 42; and

(ii) the activities described in the State’s strategic plan in accordance with section 9837b(a)(4)(B)(i) of title 42;

(C) workforce development, including coordination with—

(i) the activities carried out by the State workforce development board under section 101 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111];

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

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

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

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

(8) provide assurances satisfactory to the Director that such agency will make such reports, in such form and containing such information, as the Director may reasonably require to carry out this subchapter and to determine the extent to which funds provided under this subchapter have been effective in carrying out the purposes of this subchapter.

(c) Evaluation and report

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

(d) Information

Each library receiving assistance under this subchapter shall submit to the State library ad-

ministrative agency such information as such agency may require to meet the requirements of subsection (c).

(e) Approval

(1) In general

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

(2) Public availability

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

(3) Administration

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

(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(B) offer the State library administrative agency the opportunity to revise its State plan;

(C) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

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

(f) Internet safety

(1) In general

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

(A) such library—

(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene;

(II) child pornography; or

(III) harmful to minors; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

(B) such library—

(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

(I) obscene; or

(II) child pornography; and

(ii) is enforcing the operation of such technology protection measure during any use of such computers.

(2) Access to other materials

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

(3) Disabling during certain use

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

(4) Timing and applicability of implementation

(A) In general

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

(B) Process

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

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

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

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

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

(II) for the second program year after the effective date of this subsection in which the library applies for funds under this subchapter, shall certify that such library is in compliance with such requirements.

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

(iii) Waivers

Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that

clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this subchapter.

(5) Noncompliance

(A) Use of General Education Provisions Act remedies

Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this¹ 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) Resumption 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.

(Pub. L. 94-462, title II, §224, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-300; amended Pub. L. 106-554, §1(a)(4) [div. B, title XVII, §1712(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-340; Pub. L. 108-81, title II, §205, title V, §504(f), Sept. 25, 2003, 117 Stat. 999, 1004; Pub. L. 111-340, title II, §204, Dec. 22, 2010, 124 Stat. 3600; Pub. L. 113-128, title V, §512(t)(2), July 22, 2014, 128 Stat. 1712; Pub. L. 114-95, title IX, §9215(aaa)(2), Dec. 10, 2015, 129 Stat. 2184; Pub. L. 115-410, §11, Dec. 31, 2018, 132 Stat. 5417.)

Editorial Notes

REFERENCES IN TEXT

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

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

For the effective date of this subsection, referred to in subsec. (f)(4), as 120 days after Dec. 21, 2000, see §1(a)(4) [div. B, title XVII, §1712(b)] of Pub. L. 106-554, set out as an Effective Date of 2000 Amendment note below.

The General Education Provisions Act, referred to in subsec. (f)(5)(A), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

AMENDMENTS

2018—Subsec. (b)(6)(A). Pub. L. 115-410, §11(1), added subpar. (A) and struck out former subpar. (A) which

¹ So in original. Probably should be preceded by “under”.

read as follows: “elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 6646 of this title;”.

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

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

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

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

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

2010—Subsec. (b)(6) to (8). Pub. L. 111–340, § 204(1), added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

Subsec. (e)(2). Pub. L. 111–340, § 204(2), inserted “, including through electronic means” before period at end.

2003—Subsec. (a)(1). Pub. L. 108–81, § 205(1), substituted “once every 5 years, as determined by the Director.” for “not later than April 1, 1997.”

Subsec. (b)(5). Pub. L. 108–81, § 504(f), struck out “and” at end.

Subsec. (f). Pub. L. 108–81, § 205(2)(A), substituted “this subchapter” for “this chapter” wherever appearing.

Subsec. (f)(1). Pub. L. 108–81, § 205(2)(B), substituted “section 9122(1)(A) or (B)” for “9122(2)(A) or (B)” and made technical amendment to reference in original act which appears in text as reference to section 254(h)(6) of title 47.

Subsec. (f)(7). Pub. L. 108–81, § 205(2)(C)(i), substituted “subsection:” for “section:” in introductory provisions.

Subsec. (f)(7)(D). Pub. L. 108–81, § 205(2)(C)(ii), substituted “applicable to” for “given”.

2000—Subsec. (b)(6), (7). Pub. L. 106–554, § 1(a)(4) [div. B, title XVII, § 1712(a)(1)], added par. (6) and redesignated former par. (6) as (7).

Subsec. (f). Pub. L. 106–554, § 1(a)(4) [div. B, title XVII, § 1712(a)(2)], added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

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

EFFECTIVE DATE OF 2014 AMENDMENT

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

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–554, § 1(a)(4) [div. B, title XVII, § 1712(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–343, provided that: “The amendment made by this section [amending this section] shall take effect 120 days after the date of the enactment of this Act [Dec. 21, 2000].”

AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES

Pub. L. 106–554, § 1(a)(4) [div. B, title XVII, § 1721(g)], Dec. 21, 2000, 114 Stat. 2763, 2763A–350, as amended by Pub. L. 114–95, title IX, § 9215(q), Dec. 10, 2015, 129 Stat. 2171, provided that:

“(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under part B of title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6361 et seq.], or under section 231 of the Library Services and Technology Act [20 U.S.C. 9141], may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title [see Short Title of 2000 Amendments note set out under section 6301 of this title] and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

“(2) TECHNOLOGY PROTECTION MEASURE DEFINED.—In this section, the term ‘technology protection measure’ has the meaning given that term in section 1703 [set out as a note under section 902 of Title 47, Telecommunications].”

PART 2—LIBRARY PROGRAMS

§ 9141. Grants to States

(a) In general

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

(1) expanding services for learning and access to information and educational resources in a variety of formats (including new and emerging technology), in all types of libraries, for individuals of all ages in order to support such individuals’ needs for education, lifelong learning, workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, and financial literacy and other types of literacy skills;

(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in section 9134(b)(6) of this title, for the purpose of improving the quality of and access to library and information services;

(3)(A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and

(B) enhancing efforts to recruit future professionals, including those from diverse and underrepresented backgrounds, to the field of library and information services;

(4) developing public and private partnerships with other agencies, tribes, and community-based organizations;

(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills;

(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes

below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved;

(7) developing library services that provide all users access to information through local, State, regional, national, and international collaborations and networks; and

(8) carrying out other activities consistent with the purposes set forth in section 9121 of this title, as described in the State library administrative agency's plan.

(b) Special rule

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

(Pub. L. 94-462, title II, § 231, as added Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-301; amended Pub. L. 108-81, title II, § 206, Sept. 25, 2003, 117 Stat. 999; Pub. L. 111-340, title II, § 205, Dec. 22, 2010, 124 Stat. 3600; Pub. L. 115-410, § 12, Dec. 31, 2018, 132 Stat. 5417.)

Editorial Notes

AMENDMENTS

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

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

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

2010—Subsec. (a). Pub. L. 111-340, § 205(1), inserted “in order to support such individuals’ needs for education, lifelong learning, workforce development, and digital literacy skills” before semicolon at end in par. (1), added pars. (2) and (3), redesignated former par. (2) as (7) and substituted “collaborations and networks; and” for “electronic networks;”, struck out former par. (3) which read “providing electronic and other linkages among and between all types of libraries;”, and added par. (8).

Subsec. (b). Pub. L. 111-340, § 205(2), added subsec. (b) and struck out heading and text of former subsec. (b). Prior to amendment, text read as follows: “Each State library administrative agency receiving funds under this part may apportion the funds available for the purposes described in subsection (a) of this section among such purposes, as appropriate, to meet the needs of the individual State.”

2003—Subsec. (a)(1) to (6). Pub. L. 108-81, § 206(1), added pars. (1) to (6) and struck out former pars. (1) and (2) which read as follows:

“(1)(A) establishing or enhancing electronic linkages among or between libraries;

“(B) electronically linking libraries with educational, social, or information services;

“(C) assisting libraries in accessing information through electronic networks;

“(D) encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

“(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

“(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.”

Subsec. (b). Pub. L. 108-81, § 206(2), substituted “among such purposes,” for “between the two purposes described in paragraphs (1) and (2) of such subsection.”

PART 3—ADMINISTRATIVE PROVISIONS

SUBPART A—STATE REQUIREMENTS

§ 9151. State advisory councils

Each State desiring assistance under this subchapter may establish a State advisory council which is broadly representative of the library entities in the State, including public, tribal, school, academic, special, and institutional libraries, and libraries serving people of diverse geographic, cultural, and socioeconomic backgrounds, individuals with disabilities, residents of rural and urban areas, Native Americans, military families, veterans, and caregivers.

(Pub. L. 94-462, title II, § 251, as added Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-301; amended Pub. L. 115-410, § 13, Dec. 31, 2018, 132 Stat. 5417.)

Editorial Notes

AMENDMENTS

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

SUBPART B—FEDERAL REQUIREMENTS

§ 9161. Services for Native Americans

From amounts reserved under section 9131(a)(1)(A) of this title for any fiscal year the Director shall award grants to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 7517 of this title) to enable such tribes and organizations to carry out the activities described in section 9141 of this title.

(Pub. L. 94-462, title II, § 261, as added Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; amended Pub. L. 105-128, § 6, Dec. 1, 1997, 111 Stat. 2549; Pub. L. 107-110, title VII, § 702(d), Jan. 8, 2002, 115 Stat. 1947; Pub. L. 114-95, title IX, § 9215(aaa)(3), Dec. 10, 2015, 129 Stat. 2184.)

Editorial Notes

AMENDMENTS

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

2002—Pub. L. 107-110 substituted “7517” for “7912”.

1997—Pub. L. 105-128 substituted “Native Americans” for “Indian tribes” in section catchline and in text sub-

stituted “to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 7912 of this title to enable such tribes and organizations” for “to organizations primarily serving and representing Indian tribes to enable such organizations”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

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

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

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

(a) In general

From the amounts reserved under section 9131(a)(1)(B) of this title for any fiscal year the Director shall establish and carry out a program to enhance the quality of library services nationwide and to provide coordination between libraries and museums, including by carrying out activities such as—

(1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;

(2)(A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new and emerging technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available; and

(B) dissemination of information derived from such projects;

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

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

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

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

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

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

(5) model programs demonstrating cooperative efforts between libraries and museums.

(b) Grants, contracts, or cooperative agreements

(1) In general

The Director may carry out the activities described in subsection (a) by entering into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education, museums, and other entities that the Director determines appropriate.

(2) Competitive basis

Grants, contracts, cooperative agreements, and other arrangements or forms of assistance under this section shall be awarded on a competitive basis.

(c) Special rule

The Director shall make every effort to ensure that activities assisted under this section—

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

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

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

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

(Pub. L. 94-462, title II, §262, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; amended Pub. L. 105-128, §§7, 8, Dec. 1, 1997, 111 Stat. 2549, 2550; Pub. L. 108-81, title II, §207, title V, §504(g), Sept. 25, 2003, 117 Stat. 1000, 1004; Pub. L. 111-340, title II, §206, Dec. 22, 2010, 124 Stat. 3601; Pub. L. 115-410, §14, Dec. 31, 2018, 132 Stat. 5418.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(4)(B), was in the original “this Act” and was translated as reading “this title”, meaning title II of Pub. L. 94-462, known as the Museum and Library Services Act, to reflect the probable intent of Congress.

AMENDMENTS

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

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

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

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

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

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

2010—Subsec. (a)(1), (2). Pub. L. 111-340, §206(1), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) education, recruitment, and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

“(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects;”.

Subsec. (a)(3). Pub. L. 111-340, §206(2), substituted “digitizing” for “digitization” and inserted “, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster” before “; and”.

2003—Subsec. (a)(1). Pub. L. 108-81, §207, substituted “education, recruitment, and training” for “education and training”.

Subsec. (b)(1). Pub. L. 108-81, §504(g), substituted “cooperative agreements with,” for “cooperative agreements, with,”.

1997—Pub. L. 105-128, §7(1), substituted section catchline for former catchline which read as follows: “National leadership grants or contracts”.

Subsec. (a). Pub. L. 105-128, §7(2), in introductory provisions, substituted “program of awarding grants or entering into contracts or cooperative agreements” for “program awarding national leadership grants or contracts” and “Such grants, contracts, and cooperative agreements” for “Such grants or contracts”.

Subsec. (a)(3). Pub. L. 105-128, §8, substituted “preserving or digitization” for “preservation of digitization”.

Subsec. (b). Pub. L. 105-128, §7(3)(A), substituted heading for former heading which read as follows: “Grants or contracts”.

Subsec. (b)(1). Pub. L. 105-128, §7(3)(B), inserted “or cooperative agreements,” after “contracts”.

Subsec. (b)(2). Pub. L. 105-128, §7(3)(C), substituted “Grants, contracts, and cooperative agreements” for “Grants and contracts”.

§ 9163. State and local initiatives

Nothing in this subchapter shall be construed to interfere with State and local initiatives and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and insofar as consistent with the purposes of this subchapter, the determination of the best uses of the funds provided under this subchapter, shall be reserved for the States and their local subdivisions.

(Pub. L. 94-462, title II, §263, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302.)

PART 4—LAURA BUSH 21ST CENTURY LIBRARIANS

§ 9165. Laura Bush 21st Century Librarian Program

(a) Purpose

It is the purpose of this part to develop a diverse workforce of librarians by—

- (1) recruiting and educating the next generation of librarians from diverse and underrep-

resented backgrounds, including by encouraging at the middle school, high school, and postsecondary levels students to pursue careers in library and information science;

(2) developing faculty and library leaders from diverse and underrepresented backgrounds, including by increasing the institutional capacity of graduate schools of library and information science; and

(3) enhancing the training and professional development of librarians and the library workforce to enable librarians and the library workforce to meet the needs of their communities, including those needs relating to education, lifelong learning, workforce development, economic and business development, health information, critical thinking skills, digital literacy skills, financial and other types of literacy skills, and new and emerging technology.

(b) Activities

From the amounts provided under section 9123(a)(2) of this title, the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education (as defined in section 1001 of this title), and other entities that the Director determines appropriate, for projects that further the purpose of this part, such as projects that—

(1) increase the number of students enrolled in nationally accredited graduate library and information science programs and preparing for careers of service in libraries;

(2) recruit future professionals, including efforts to attract promising middle school, high school, or postsecondary students to consider careers in library and information science;

(3) develop or enhance professional development programs for librarians and the library workforce;

(4) enhance curricula within nationally accredited graduate library and information science programs;

(5) enhance doctoral education in order to develop faculty to educate the future generation of library professionals and develop the future generation of library leaders; and

(6) conduct research, including research to support the successful recruitment and education of the next generation of librarians.

(c) Evaluation

The Director shall establish procedures for reviewing and evaluating projects supported under this part.

(Pub. L. 94-462, title II, §264, as added Pub. L. 111-340, title II, §207, Dec. 22, 2010, 124 Stat. 3602; amended Pub. L. 115-410, §15, Dec. 31, 2018, 132 Stat. 5419.)

Editorial Notes

AMENDMENTS

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

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

Subsec. (a)(3). Pub. L. 115-410, §15(1)(C), added par. (3) and struck out former par. (3) which read as follows: “enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.”

SUBCHAPTER III—MUSEUM SERVICES

§ 9171. Purpose

It is the purpose of this subchapter—

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

(2) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our diverse heritage;

(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services through international, national, regional, State, and local networks and partnerships;

(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the diverse cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as they serve their communities in new and different ways;

(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations;

(7) to encourage and support museums as a part of economic development and revitalization in communities;

(8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support;

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

(10) to assist museums in their civic engagement efforts to ensure that every person in the United States has access to high-quality museum services.

(Pub. L. 94-462, title II, §272, formerly §271, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-302; renumbered §272 and amended Pub. L. 108-81, title III, §§301, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002; Pub. L. 111-340, title III, §301, Dec. 22, 2010, 124 Stat. 3603; Pub. L. 115-410, §16, Dec. 31, 2018, 132 Stat. 5419.)

Editorial Notes

PRIOR PROVISIONS

A prior section 272 of Pub. L. 94-462 was renumbered section 273 and is classified to section 9172 of this title.

AMENDMENTS

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

as follows: “to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;”

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

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

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

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

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

2010—Par. (3). Pub. L. 111-340, §301(1), inserted “through international, national, regional, State, and local networks and partnerships” after “services”.

Pars. (7) to (9). Pub. L. 111-340, §301(2)-(4), added pars. (7) to (9).

2003—Pub. L. 108-81, §301, amended section catchline and text generally. Prior to amendment, text read as follows: “It is the purpose of this subchapter—

“(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

“(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

“(3) to ease the financial burden borne by museums as a result of their increasing use by the public.”

§ 9172. Definitions

As used in this subchapter:

(1) Museum

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

(2) State

The term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(Pub. L. 94-462, title II, §273, formerly §272, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-303; renumbered §273 and amended Pub. L. 108-81, title III, §§302, 306(1), Sept. 25, 2003, 117 Stat. 1000, 1002; Pub. L. 111-340, title III, §302, Dec. 22, 2010, 124 Stat. 3603; Pub. L. 115-410, §17, Dec. 31, 2018, 132 Stat. 5420.)