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In incompatible with the maintenance or creating a ing the safety of our valuable services the YWCA provides to movement in the YWCA, the oldest

numbers are shocking. But, often the real story gets lost in the statistics. Let us take a moment to reflect about what we mean when we say that violence is ever-present in our society. We are referring to senseless crimes committed among strangers; husbands physically and emotionally battering their wives; parents at the end of their ropes driven to abuse and neglect their own children; and young people with guns on the playground who have lost hope and all futures.

I believe that education and public awareness are some of our best tools in bringing about an end to violence in our country. And that is why this "Week Without Violence" is so important. We must lead by example, and send a message to all Americans that of our country .. And that is why this

But, education is not enough. We must maintain the Federal Government's commitment to preventing and reducing violent crimes. I am pleased the Senate recently restored funding for the Federal Commission on Violence, etc., and I encourage my colleagues to continue to support important programs like VAWA which are critical to ensur ing the safety of our citizens.

I also would like to commend the YWCA, the oldest women's membership movement in the United States, for its ongoing efforts to resolve societal ills through nonviolent means, and for helping to reduce violence through pre vention and education initiatives. And I also would like to recognize the invaluable services the YWCA provides to survivors of violence through job training programs, shelters, child care, and support groups for rape and assault vic tims.

Together, we can make our country a safer place to live and raise our families. This "Week Without Violence" is an important step in that direction, and I am proud of our commitment to creating a safer tomorrow for all Americans.

The Workforce Development Act of 1995

Mr. SPECTER (for himself, Mr. Simon, Mr. Hatch, Mr. Johnston, Mr. Pell, and Mr. Kaselbaum) proposed an amendment to amendment No. 2894 proposed by Mrs. Kaselbaum to the bill (S. 143) to consolidate Federal employment training programs and create a new process and procedure for funding the programs, and for other purposes; as follows:

In subtitle B of title I, strike chapters 1 and 2 and insert the following:

CHAPTER 1—GENERAL PROVISIONS

SEC. 131. DEFINITIONS.

As used in this subtitle:

(1) "AT-RISK YOUTH."—The term "at-risk youth" means an individual who—

(A) is not less than age 15 and not more than age 24;

(B) is low-income (as defined in section 113(e));

(C) is 1 or more of the following:

(i) Basic skills deficient.

(ii) A school dropout.

(iii) Homeless or a runaway.

(iv) Pregnant or parenting.

(v) An individual who requires additional education, training, or intensive counseling and related assistance, in order to secure and hold employment or participate successfully in regular work.

(2) ENROLLEE.—The term "enrollee" means an individual enrolled in the Job Corps.

(3) GOVERNOR.—The term "Governor" means the chief executive officer of a State.

(4) JOB CORPS.—The term "Job Corps" means the Job Corps described in section 142.

(5) JOB CORPS CENTER.—The term "Job Corps center" means a center described in section 142.

(6) OPERATOR.—The term "operator" means an entity selected under this chapter to operate a Job Corps center.

(7) SECRETARY.—The term "Secretary" means the Secretary of Labor.

CHAPTER 2—JOB CORPS

SEC. 141. PURPOSES.

The purposes of this chapter are—

(1) to maintain a national Job Corps pro gram, carried out in partnership with States and communities, to assist at-risk youth who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employ able, and productive citizens; and

(2) to set forth standards and procedures for selecting individuals as enrollees in the Job Corps.

(3) to authorize the establishment of Job Corps centers in which enrollees will participate in intensive programs of workforce development activities; and

(4) to prescribe various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps.

SEC. 145. ESTABLISHMENT.

There shall be established in the Department of Labor a Job Corps program, to carry out, in conjunction with the activities carried out by the National Board as specified in section 156, activities described in this chapter for individuals enrolled in the Job Corps and assigned to a center.
opportunity for at-risk youth from various sectors of the Nation to participate in the Job Corps program, to prevent undue delays in assignment of an enrollee, to adequately meet the educational or other needs of an enrollee, and to provide jobs to meet the economic needs of the State in which the enrollee resides.

(c) Period of Enrollment.—No individual may participate in the Job Corps for more than 3 years, except:

(1) in a case in which completion of an advanced career training program under section 149 of this title; or

(2) as the Secretary may authorize in a special case.

SEC. 147. PROGRAM ACTIVITIES.

(a) Activities Provided through Job Corps Centers.—Each Job Corps center shall provide to enrollees access to services described in this section, including work-based learning throughout the enrollment of the enrollee and assistance in obtaining unsubsidized employment, participating successfully in secondary education or post-secondary education programs, enrolling in other suitable training programs, or satisfying Armed Forces requirements, on completion of their enrollment.

(b) Job Placement Accountability.—The Secretary shall arrange for enrollees assigned to Job Corps centers to receive workforce development services through or in coordination with the statewide system, including workforce development services provided through local public or private educational agencies, vocational institutions, or technical institutes.

(c) Job Placement Accountability.—The Secretary shall place an accountability system for Job Corps centers, and coordinate the activities carried out through the Job placement accountability systems described in section 121(d) for the States in which Job Corps centers are located.

(d) Advanced Career Training Programs.—

(1) General.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollee may continue to participate for a period of not to exceed 2 years.

(2) General.—The Secretary may arrange for programs of advanced career training for selected enrollees in which the enrollee may continue to participate for a period of not to exceed 2 years.

(3) Company-Sponsored Training Programs.—The Secretary may enter into contracts with private entities to provide the advanced career training through intensive training in company-sponsored training programs, combined with internships in work settings.

4. Benefits.—

(A) In General.—During the period of participation in an advanced career training program, an enrollee shall be eligible for full Job Corps benefits, or a monthly stipend equal to the average value of the residential support, food, allowances, and other benefits provided to enrollees assigned to residential Job Corps centers.

(B) Security.—The total amount for which an enrollee shall be eligible under subparagraph (A) shall be reduced by the amount of any scholarship or other educational assistance provided to the enrollee for advanced career training.

(C) Demonstration.—Each year, any operator seeking to enroll additional enrollees in an advanced career training program shall demonstrate that participants in such program have achieved a reasonable rate of enrollment, progression, and successful readjustment to the workforce before the operator may carry out such additional enrollment.

SEC. 148. SUPPORT.

The Secretary shall provide enrollees assigned to Job Corps centers with such personal allowances, including readjustment allowances, the Secretary may determine to be necessary or appropriate to meet the needs of the enrollees.

SEC. 149. OPERATING PLAN.

(a) The Secretary shall be eligible to operate a Job Corps center, an entity shall prepare and submit an operating plan to the Secretary for approval. Prior to submitting the operating plan, the Secretary shall submit the plan to the Governor of the State in which the center is located for review and comment. The Secretary shall not submit any components prepared by the Governor to the plan to the Secretary with the plan. Such plan shall include, at a minimum, information indicating the following:

(1) in quantifiable terms, the extent to which the center will contribute to the achievement of the proposed State goals and objectives described in section 121(b)(1)(B) in a well-suited location that provides work-based learning and other suitable training programs, or satisfying Armed Forces requirements, on completion of their enrollment.

(2) Job placement accountability systems described in section 121(d) for the States in which the center is located;

(3) an implementation strategy to ensure that all enrollees assigned to the Job Corps centers shall participate in a progressive, work-based learning environment that provides work-based learning and other suitable training programs, or satisfying Armed Forces requirements, on completion of their enrollment.

(b) Approvals.—The Secretary shall not approve an operating plan described in subsection (a) for a center if the Secretary determines that the activities proposed to be carried out through the center are not sufficiently integrated with the activities carried out through the statewide system of the State in which the center is located.

SEC. 150. STANDARDS OF CONDUCT.

(a) Provision and Enforcement.—The Secretary shall provide, and directors of Job Corps centers shall stringently enforce, standards of conduct within the centers. Such standards of conduct shall include provisions for disciplinary and corrective actions described in subsection (b)(2)(A).

(b) Disciplinary Measures.—The directors shall take the proper moral and disciplinary conditions in the Job Corps, the directors of Job Corps centers shall take appropriate disciplinary measures against enrollees. If such a director determines that an enrollee has committed a violation of the standards of conduct, the director shall dismiss the enrollee from the Job Corps if the director determines that the re-election of the enrollee in the Job Corps will jeopardize the enforcement of such standards or diminish the opportunities of other enrollees.

(2) zero Tolerance Policy.—

(A) General.—The Secretary shall adopt and implement a zero tolerance policy for an act of violence, for use, sale, or possession of a controlled substance, for abuse of alcohol, or for other illegal or deleterious habits.

(B) Definitions.—As used in this paragraph:

1. Controlled Substance.—The term "controlled substance" has the meaning given in the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

2. Zero Tolerance Policy.—The term "zero tolerance policy" means a policy under
which an enrollee shall be automatically dis-
minded from the program after a determination by the director that the enrollee has carried out an action described in subparagraph (A).

(b) SELECTION PANELS.—The Governor may recommend individuals to serve on a selection panel convened by the Secretary to pro-
vide recommendations to the Secretary regard-
ing any competitive selection of an op-
erator for a center in the State. The panel shall be composed of 7 members. Recom-
manding individuals to serve on the panel, the Governor may recommend mem-
bers of workforce development boards estab-
lished in the State under section 106(b). The Governor may recommend mem-
bers of any local partnerships or local workforce development boards established in the State under section 106(b) and members selected by the Governor. The Governor shall select at least 1 individual recommended by the Governor.

(c) ACTIVITIES.—Each Job Corps center di-
rector shall—

(1) give officials of nearby communities ap-
plication of enrollees in programs for improvement of the commun-
ities, including policies governing the is-
surance and terms of passes to enrollees; and

(2) afford the communities a meaningful voice in the affairs of the Job Corps center that are of direct concern to the com-
unities, including policies governing the ins-
urance and terms of passes to enrollees; and

(3) encourage the participation of enrollees in programs for improvement of the com-
unities, with appropriate advance consulta-
tion with business, labor, professional, and other interested groups, in the communities.

SEC. 152. ADVISORY COMMITTEES.

The Secretary shall ensure that enrollees assigned to Job Corps centers receive acade-
ic and vocational counseling and job placement services, which will be provided, to the maximum extent practicable, through the delivery of core services described in section 106(a)(1).

SEC. 153. APPLICATION OF PROVISIONS OF FED-
ERAL LAW TO ENROLLEES.

(a) ENROLLEES NOT CONSIDERED TO BE FED-
ERAL EMPLOYEES.—In general.—Except as otherwise provided in this section and in section 114(a) of title 5, United States Code, enrollees shall not be considered to be Federal employees and shall not be subject to the provisions of law relating to Federal employment, includ-
ing such provisions regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee bene-

(b) GENERAL.—A disciplinary measure taken by a director under this section shall be sub-
ject to expeditious appeal in accordance with procedures established by the Secretary.

SEC. 154. COMMUNITY PARTICIPATION.

(a) ACTIVITIES.—The Secretary shall en-
courage and cooperate in activities to estab-
lish a mutual beneficial relationship be-
tween Job Corps centers and nearby com-
nunities. The activities shall in-
clude the use of any local partnerships or local work-
force development boards established in the State under section 106(b) and members selected by the Governor. The Secretary shall select at least 1 individual recommended by the Governor.

(b) SELECTION PANELS.—The Governor may recommend individuals to serve on a selection panel convened by the Secretary to pro-
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unities, including policies governing the ins-
urance and terms of passes to enrollees; and

(3) encourage the participation of enrollees in programs for improvement of the com-
unities, with appropriate advance consulta-
tion with business, labor, professional, and other interested groups, in the communities.

SEC. 155. SPECIAL PROVISIONS.

(a) ENROLLMENT OF WOMEN.—The Secretary shall ensure that enrollees are enrolled so that the United States, or each State, is served by a Job Corps program consistent with the need to—

(1) promote efficiency and economy in the operation of the program;

(2) promote sound administrative practice; and

(3) meet the socioeconomic, educational, and training needs of the population to be served by the program.

(b)육아 돌봄, 프로그램의 제안, 및 데이터.—The Secretary shall assure that all studies, evaluations, proposals, and data pro-
duced or developed with Federal funds in the course of carrying out the Job Corps pro-
gram shall become the property of the Unit-
eded States.

(c) gross RECEIPTS.—Transactions con-
ducted by a private for-profit contractor or a non-profit contractor in connection with the operation by the contractor of a Job Corps center or center with services that are provided by a contractor for a Job Corps center shall not be considered to be generating gross receipts. Such a contractor shall not be liable, di-
rectly or indirectly, to any State or subdivi-
sion of a State (not to any person acting on behalf of such a State or subdivision) for any gross receipts taxes, business privilege taxes measured by gross receipts, or any similar taxes imposed on, or measured by, gross re-
ceipts in connection with any payments made or services provided for a Job Corps center. Such a contractor shall not be liable to any State or subdivision of a State to collect or pay any sales, excise, use, or similar tax im-
posed on the sale to or use by such contrac-
tor of any property, service, or other item in connection with the operation of or provi-
sion of services for a contract.

(d) MANAGEMENT FEE.—The Secretary shall provide each operator or entity providing services for a Job Corps center with an equa-
table and negotiated management fee of not less than 1 percent of the contract amount.

(e) PROVISIONS.—The Secretary shall re-
source and negotiate, on behalf of the Job Corps or individual Job Corps centers charitable donations of cash or other assistance, including equipment and materials, if such donations are available for appropriate use for the purposes set forth in this chapter.

SEC. 156. REVIEW OF JOB CORPS CENTERS.

(a) NATIONAL JOB CORPS REVIEW.—Not later than March 31, 1997, the National Board shall conduct a review of the activities car-
ried out under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.), and submit to the appropriate committe-
es of Congress a report containing the re-
sults of the review, including—

(1) information on the amount of funds expended for fiscal year 1996 to carry out ac-
tivities under such part to for each State and for the United States;

(2) for each Job Corps center funded under

(iii) information on the amount of funds expended for fiscal year 1996 under such part to carry out activities related to the direct operation of the center, including funds expended for outreach or intake activities, meals and lodg-
ing, student allowances, medical care, place-
ment, or settlement activities, and adminis-
ration;

(3) for each Job Corps center, information on the amount of funds expended for fiscal year 1996 under such part for facility con-
struction, rehabilitation, and acquisition ex-
enses;

(4) information on the amount of funds re-
quired to be expended under such part to com-
plete each new or proposed Job Corps center, and to rehabilitate and repair each existing Job Corps center, as of the date of the subm-
mission of the report; and

(5) a summary of the information described in paragraphs (2) through (5) for all Job Corps centers;

(6) an assessment of the need to serve at-
risk youth in the Job Corps program, includ-
ing—

(A) a cost-benefit analysis of the resident-
ial component of the Job Corps program;

(B) the need for residential education and training services for at-risk youth, analyzed for each State and for the United States; and

(C) the distribution of training positions in the Job Corps program, as compared to the number of training services for at-risk youth provided under subpara-
graph (B), analyzed for each State;

(7) an overview of the Job Corps program as a whole and of the financial impact of the Job Corps program under this title for fiscal year 1996, and a 5-year perform-
ance measurement summary that includes information, analyzed by the program and for each Job Corps center on—

(A) the number of new enrollees;

(B) the number of former enrollees who en-
tered employment, including the number of former enrollees who placed after leaving the program and who were placed in positions related to the Job training received through the pro-
gram and the number placed in a position not related to the job training received;

(C) the number of former enrollees placed in jobs for 32 hours per week or more;
(D) the number of former enrollees who entered employment and were retained in the employment for more than 13 weeks;
(E) the number of former enrollees who entered the Armed Forces;
(F) the number of former enrollees who completed vocational training, and the rate of completion, analyzed by vocation;
(G) the number of former enrollees who entered postsecondary education;
(H) the number and percentage of early dropouts from the Job Corps program;
(I) the average wage of former enrollees, including wages from positions described in subsequent paragraphs, over the 3 years preceding the date of submission of the report; and
(J) the number of former enrollees who obtained a secondary school diploma or its recognized equivalent.

(2) CONSIDERATIONS.—In determining whether to recommend that the Secretary of Labor close the only Job Corps center in a State or a region of the United States, the National Board shall not recommend that the State expend more than $25,000 per Job Corps center per year under the Armed Forces program.

(c) ALLOWANCE FOR NEW JOB CORPS CENTERS.—In making recommendations under subsection (b), as the yeas after the close of the Senate in the session in which the report referred to in subsection (a) is submitted to Congress, the National Board shall include a recommendation to the Secretary of Labor, under section 153(c)(3), of the appropriation necessary to maintain overall Job Corps program services as provided in this Act.

(C) IMPLEMENTATION OF PERFORMANCE IMPROVEMENTS.—The Secretary shall, after reviewing the report referred to in subsection (b), determine whether the State has made the necessary improvements in the operation of the Job Corps program, including closing the number of Job Corps centers as specified in the Department of Labor Job Corps chapter, and insert subsection (c).

(D) REPORT TO CONGRESS.—The Secretary shall annually report to Congress the information referred to in paragraph (a), (b), (c), and (d) of subsection (a) and such additional information relating to the Job Corps program as the National Board determines to be appropriate.

SEC. 157. ADMINISTRATION.

The Secretary shall carry out the responsibilities imposed on the Secretary in this chapter, notwithstanding any other provision of this title.

SEC. 158. ENFORCEMENT DATE.

(a) IN GENERAL.—Except as provided in paragraph (b), this section shall take effect on July 1, 1996.

(b) REPORT.—Section 156 shall take effect on the date of enactment of this Act.

(c) IN GENERAL.—Except as provided in paragraph (b), this section shall take effect on the date of enactment of this Act.

(d) REPORT.—Section 156 shall take effect on the date of enactment of this Act.

(e) IN GENERAL.—Except as provided in paragraph (b), this section shall take effect on the date of enactment of this Act.

(f) IN GENERAL.—Except as provided in paragraph (b), this section shall take effect on the date of enactment of this Act.

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(K) IN GENERAL.—Except as provided in paragraph (b), this section shall take effect on the date of enactment of this Act.

(L) the number of former enrollees that did not—

(1) enter employment or postsecondary education;

(2) complete a vocational education program;

(3) make identifiable learning gains;

(4) information regarding the performance of all existing Job Corps centers over the 3 years preceding the date of submission of the report; and

(5) the placement rates for each Job Corps center and each entity providing services to a Job Corps center.

(B) SCOPE.—

(1) INITIAL REDUCTIONS.—Not later than the date of the transfer under subsection (b), the Secretary of Labor and the Secretary of Education shall take the actions described in subparagraph (A) with respect to not less than 10 percent of the number of positions of personnel that relate to a covered activity.

(2) SUBSEQUENT REDUCTIONS.—Not later than 5 years after the date of the transfer under subsection (b), the Secretary of Labor and the Secretary of Education shall take the actions described in subparagraph (A) with respect to not less than 6 percent of the number of positions of personnel that relate to a covered activity, unless the Secretary or the Secretary of Labor makes a determination that the number of positions of personnel that relate to a covered activity, in the Secretary's or the Secretary of Labor's judgment, is not less than the number of positions of personnel that relate to a covered activity, as of the date of enactment of this Act.

(3) CALCULATION.—For purposes of calculating under subparagraph (A), the number of positions of personnel that relate to a covered activity, such number shall include the number of positions of personnel that relate to a covered activity as of the date of enactment of this Act.

PELLE AND JEFFORDS AMENDMENT NO. 286

Mr. PELL (for himself and Mr. JEFFORDS) proposed an amendment to amendment No. 2868 proposed by Mrs. KASSEBAUM to the bill S. 143, supra, as follows:

MR. PELL. Mr. President, I understand that the amendment that Mrs. Kassbaum proposed would allow for an increase in the allowance for the Job Corps program. I strongly believe that we should support the Job Corps program, and I appreciate the efforts that have been made to ensure its success.

In my view, it is essential that we continue to invest in the Job Corps program to provide meaningful opportunities for young people who are at risk of not achieving their full potential. The Job Corps program has a long history of success in helping young people develop the skills and experiences they need to succeed in life.

As we consider this amendment, I urge my colleagues to support it, as it will help to ensure that the Job Corps program can continue to make a positive impact on the lives of young people across the country. I believe that this amendment is an important step forward in supporting the Job Corps program.

Thank you.
CONGRESSIONAL RECORD — SENATE

October 11, 1995

S 15047

On page 315, after line 16, insert the follow­

ing:

SEC. 206. DEPUTY DIRECTORS.

(a) APPOINTMENT.—The Office of Library Services shall be headed by a Deputy Di­

rector, who shall be appointed by the Di­

rector from among individuals who have a graduate degree in library science and expertise in li­

brary and information services.

(b) COMPENSATION.—Each such position of Deputy Director shall be a Senior Executive Service position and shall pay at a rate of pay for a position at GS-1 of the Sen­

ior Executive Service schedule.

SEC. 208. PERSONNEL.

(a) IN GENERAL.—The Director may, in ac­

cordance with applicable provisions of title 5, United States Code, appoint and determine the compensation of such employees as the Director determines to be necessary to carry out the duties of the Institute.

(b) VOLUNTARY SERVICES.—The Director may accept 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 provided under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

SEC. 209. CONTRIBUTIONS.

The Institute shall have authority to solic­
tate, accept, receive, and invest in the name of the United States, bequests, devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute.

SEC. 210. DUTIES AND POWERS.

(a) STATE LIBRARY SERVICES.—The Direc­
tor shall perform such duties and exercise such powers as may be prescribed by law, including—

(1) awarding financial assistance for ac­
tivities described in this title; and

(2) using not less than 5 percent and not more than 7 percent of the funds made avail­

able for this title for each fiscal year to award financial assistance for projects that involve both—

(1) activities relating to library and informa­
tion services, as described in subtitle B, carried out in accordance with such sub­
title; and

(2) activities relating to museum services, as described in subtitle C, carried out in accordance with such subtitle.

(b) STATE LIBRARY SERVICES.—The Director shall carry out the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(c) DUTIES AND POWERS.—The Director shall perform such duties and exercise such powers as may be prescribed by law, including—

(1) awarding financial assistance for ac­
tivities described in this title; and

(2) using not less than 5 percent and not more than 7 percent of the funds made avail­

able for this title for each fiscal year to award financial assistance for projects that involve both—

(1) activities relating to library and informa­
tion services, as described in subtitle B, carried out in accordance with such sub­
title; and

(2) activities relating to museum services, as described in subtitle C, carried out in accordance with such subtitle.

(3) NONDELEGATION.—The Director shall not delegate any of the functions of the Di­

rector to any person who is not directly re­

sponsible to the Director.

(e) COORDINATION.—The Director shall en­sue coordination of the policies and activi­
ties of the Institute with the policies and ac­
tivities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of mu­

seums and libraries and information serv­

ices.
(B) STATE PLAN.—The term 'State plan' means the document which gives assurances that the United States library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances that the State will promulgate written policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submit copies for approval as required by the Director, and 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 subtitle.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

(A) AUTHORITY.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education:

(A) for the purpose of awarding grants under subchapter A of chapter 2 and for related administrative expenses, $75,000,000 for fiscal year 1996, and such sums as may be necessary for each of the 4 succeeding fiscal years; and

(B) for the purpose of awarding grants under subchapter B of chapter 2 and for related administrative expenses, $75,000,000 for fiscal year 1996, and such sums as may be necessary for each of the 4 succeeding fiscal years.

(2) TRANSFER.—The Secretary of Education shall transfer any funds appropriated under subsection (A) to the Director to enable the Director to carry out this subtitle.

(B) JOINT PROJECTS.—Not less than 5 percent and not more than 7 percent of the funds appropriated under this section for a fiscal year may be made available for projects described in paragraph (1) to the Director to carry out this subtitle.

(3) ADMINISTRATION.—Not more than 10 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 subtitle.

CHAPTER 1—BASIC PROGRAM REQUIREMENTS

SEC. 201. RESERVATIONS AND ALLOTMENTS.

(A) RESERVATIONS.—From the amount appropriated under the authority of section 214(a) for any fiscal year, the Director—

shall reserve 1 percent to award grants under subchapter A of chapter 2; and

shall reserve 8 percent to carry out a national leadership program in library science in accordance with section 262.

(B) ALLOTMENTS.—

(1) IN GENERAL.—From the sums appropriated under the authority of section 214(a) and not reserved under subsection (a) for any fiscal year, the Director shall allot to each State an amount that bears the same relation to such remainder as the population of the State bears to the population of all the States.

(2) MINIMUM ALLOTMENT.—

(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment shall—

(i) with respect to appropriations for the purposes of subchapter A of chapter 2, $40,000, in the case of Federal funds, except that the minimum allotment shall be $40,000 in the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Marshall Islands, the Federated States of Micronesia, and the Republic of the Palau; and

(ii) with respect to appropriations for the purposes of subchapter B of chapter 2, $200,000 for each State, except that the minimum allotment shall be $40,000 in the case of Federal funds, except that the minimum allotment shall be $40,000 in the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(B) RATING REDUCTIONS.—If the sums appropriated under the authority of section 214(a) and not reserved under subsection (a) for any fiscal year are 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.

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

SEC. 222. ADMINISTRATION AND EVALUATION.

(A) IN GENERAL.—Not more than 5 percent of the total funds received under this subsection for any fiscal year may be used by a State to be used for administration.

(B) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation under section 201 from sources other than this subtitle.

SEC. 223. PAYMENTS; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS.

(A) PAYMENTS.—The Director shall pay to each State library administrative agency having a State plan approved under section 224 the Federal share of the cost of the activities described in the State plan.

(B) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in paragraph (3), the Federal share shall be 50 percent.

(ii) NON-FEDERAL SHARE.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

(C) SPECIAL RULE.—The Federal share—

(A) for the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, shall be 66 percent; and

(B) for the States of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, shall be 100 percent.

(D) MAINTENANCE OF EFFORT.—

(i) IN GENERAL.—The amount otherwise payable to a State for a fiscal year under chapter 2 shall be reduced if the level of State expenditures, as described in paragraph (2), for the fiscal year is less than the amount of the total of such expenditures for the previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be in exact proportion to the amount which the State fails to meet the requirement of this subsection.

(ii) LEVEL OF STATE EXPENDITURES.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle.

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.

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

SEC. 224. STATE PLANS.

(A) STATE PLAN REQUIRED.—

(1) IN GENERAL.—In order to be eligible to receive funds under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1996.

(2) CONTENTS.—The State plan shall cover a period of 5 fiscal years.

(3) REVISES.—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 the revised plan 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) specify priorities for improvement of library services so that all people in the State have convenient and appropriate access to information delivered by libraries through any means; and

(C) ADMINISTRATIVE COSTS.—The State shall provide a contribution of 50 percent of the Federal administrative costs under subchapter B of chapter 2 and notify the Director of the amount to be used for administration.

(D) ADMINISTRATION.—The State will use the administrative agency to carry out the purposes of this subtitle.

(E) IN GENERAL.—The State plan shall cover—

(i) the criteria for selecting projects under subchapter A of chapter 2 and specify priorities for improvement of library services so that all people in the State have convenient and appropriate access to information delivered by libraries through any means; and

(ii) the framework for monitoring the activities described in the State plan approved under section 224(b)(3) to improve library services provided to children in the State described in section 224(b)(3).

(F) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation under section 201 from sources other than this subtitle.

(G) MAINTENANCE OF EFFORT.—The State shall notify the Director of the amount to be used for administration.

(H) REVISES.—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 the revised plan not later than April 1, of the fiscal year preceding the fiscal year for which the amendment will be effective.

(2) identify those persons who need special services under subchapter B of chapter 2 and notify the Director of the amount to be used for administration.

(3) promote and encourage the accountability and evaluation procedures to be followed by public libraries receiving funds under this section, and specify whether and how funds are to be aggregated under section 243(b)(3) to improve library services provided to children in the State described in section 243(b)(3).

(4) describe the activities and services for which assistance is sought, including—

(A) priorities for the use of funds under this subtitle; and

(B) a description of the types of libraries and library entities that will be eligible to receive funds under this subtitle.

(5) provide that any funds paid to the State in accordance with the State plan shall be expended solely for the purposes for which funds are appropriated and that such fiscal control and fund accounting procedures have been adopted as are necessary to ensure the accountability of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other entity) under this subtitle.

(6) provide procedures to ensure that the State library administrative agency shall involve libraries and users throughout the State in policy decisions regarding implementation of this subtitle, and development of the State plan, including establishing the State advisory council.

(7) provide satisfactory assurance that the State library administrative agency—

(A) will make such reports, in such form and containing such information, as the Director may require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out the purposes of this subtitle, including reports on evaluations under section 225;

(B) will keep such records and afford such access thereto as the Director may find necessary to assure the correctness and verification of such reports; and

(C) will involve State advisory council members in an orientation regarding the provisions of this subtitle and members' responsibilities, including an easy understandable information about the State plan; and
(D) will report annually at a meeting of the State advisory council on the State library administrative agency's progress toward meeting the goals and objectives of the State plan.

(6) describe the process for assessing the needs for library and information services within the State, and describe the results of the most recent needs assessment;

(7) identify the personnel, programs, and objectives for achieving within the State the purposes of this subtitle, including the purposes in section 1138f(a)(1), (a)(2), and (a)(4); and

(10) describe how the State library administrative agency, in consultation with the State advisory council, will—

(1) administer this subtitle; and

(2) conduct evaluations under section 231, including a description of the types of evaluation methodologies to be employed.

(c) ACCOUNTABILITY.—Each State plan shall—

(1) establish State-defined performance goals to set forth the level of performance to be achieved by an activity assisted under this subtitle;

(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form in accordance with section 111(b)(2) of title 51, United States Code;

(3) briefly describe the operational processes, skills and technology, and the human, organizational, or other resources required to meet the performance goals;

(4) establish performance indicators in accordance with section (d) to be used in measuring or assessing the relevant outputs, service levels, and outcomes, of each activity assisted under this subtitle;

(5) establish a methodology for comparing actual program results with the established performance goals; and

(6) describe the means to be used to verify and validate measured values.

(d) PERFORMANCE INDICATORS.—Performance indicators described in subsection (c)(4) shall include—

(1) evidence of progress toward the national library service goals under section 212(a)(3);

(2) consultation with the State education agency;

(3) identification of activities suitable for nationwide replication; and

(4) progress in improvement of library services provided to children described in section 247(a)(3).

(e) APPROVAL.—

(1) IN GENERAL.—The Director shall approve any State plan under this subtitle that meets the requirements of this subtitle 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 subtitle shall make the State plan available to the public.

(3) ADMINISTRATION.—If the Director determines that a 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; and

(C) provide technical assistance in order to assist the State library administrative agency to meet the requirements of this section.

(4) PROVIDE the State library administrative agency the opportunity for a hearing.

CHAPTER 3. LIBRARY PROGRAMS

Subchapter A.—Information Access Through Technology

SEC. 231. GRANTS TO STATES FOR INFORMATION ACCESS THROUGH TECHNOLOGY

(a) PURPOSE.—The purpose of this subchapter is to provide for the improvement of library services so that all people have access to the latest developments in library services and library collections or by library linkages with other entities, in accordance with the State plan.

(b) GRANTS.—

(1) IN GENERAL.—The Director shall grant funds to States that have State plans approved under section 224.

(2) FEDERAL SHARE.—Grants awarded under paragraph (1) shall be used to pay the Federal share of the cost of activities described in subsection (a) that are described in a State plan approved under section 224.

(3) SEC. 322. AUTHORIZED ACTIVITIES.

(a) THAT receive a grant under section 231(b) may use the grant funds to provide statewide services and subgrants to public libraries and other types of libraries and library consortia or library linkages with other entities, in accordance with the State plan. Such services and subgrants shall involve—

(1) organization, access, and delivery of information;

(2) lifelong learning, and workforce and economic development; or

(3) support of technology infrastructure.

(b) ADMINISTRATION.—Each State library administrative agency shall—

(1) provide a plan; and

(2) have a plan available to the public. —
“(c) PROHIBITION.—No funds shall be awarded pursuant to this section unless such funds will be administered by a librarian.

“(d) IN GENERAL.—Nothing in this section shall preclude the awarding of grants under this section, the Director shall take such actions as may be necessary to prevent the use of funds provided under this section from being received by a single or more entities to serve the same population.

“(e) MAINTENANCE OF EFFORT.—Each organization that receives a grant under this section and supports a public library system shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by such organization from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

“(f) CONSTRUCTION.—Nothing in this section shall be construed to prohibit the dissemination of restricted collections of tribal cultural materials with funds made available under this section.

“(g) APPLICATION.—

“(1) IN GENERAL.—Any organization which desires to receive a grant under this section shall submit an application to the Director that—

“(A) describes the activities and services for which assistance is sought; and

“(B) contains such data as the Director may require by regulation.

“(2) CRITERIA.—The Director shall issue criteria for the consideration of applications under this section, but such criteria shall not include—

“(A) an allotment formula; or

“(B) a matching of funds requirement.

“SEC. 252. NATIONAL LEADERSHIP PROGRAM.

“(a) IN GENERAL.—From the amounts reserved under section 221(a)(1) for any fiscal year the Director shall establish and carry out a program of national leadership and evaluation activities to enhance the quality of library services nationwide. Such activities may include—

“(1) education 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; and

“(3) preservation of digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project.

“(b) GRANTS OR CONTRACTS.—

“(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, libraries, library organizations, or institutions of higher education.

“(2) COMPETITIVE BAZIS.—Grants and contracts described in paragraph (1) shall be awarded on a competitive basis.

“(c) SPECIAL RULE.—The Director, with policy advice from the Museum Board shall make one-time efforts to ensure that activities assisted by such grants are administered by appropriate libraries and information services professionals or experts and science professionals or experts.

“SEC. 253. STATE AND LOCAL INITIATIVES.

“Nothing in this section shall be construed to interfere with State and local initiatives and requirements for 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 subtitle, the determination of the best use of the land acquired under this subtitle shall be reserved to the States and their local subdivisions.

"Subtitle C—Museum Services"

"SEC. 271. PURPOSE.

"It is the purpose of this subtitle—

(1) to encourage and assist museums in the education of all age groups; 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 may be 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.

"SEC. 272. DEFINITIONS.

"As used in this subtitle, the term 'museum' means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff of employees or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

"(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

(1) programs to enable museums to conduct research, display, interpretations, and exhibitions in order to improve museum services to the public;

(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet their needs;

(3) assisting museums in meeting their administrative costs in preserving and maintaining their collections, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

(4) assisting museums in cooperating with each other in developing traveling exhibitions, transportation costs, and identifying and locating collections available for loan;

(5) assisting museums in conservation of their collections; and

(6) developing and carrying out specialized programs for specific segments of the public, such as urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be efficient and coordinated to the extent or in such amounts as are provided in appropriations Acts.

(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

(c) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection for operational expenses.

(d) SHARED EXPENSES.

(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) and (b) shall not be more than 50 percent.

(2) 100 PERCENT.—The Director may use not more than 20 percent of the funds made available under this section in any fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be 100 percent.

(3) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section shall not be subject to any review outside of the Institute.

"SEC. 274. ASSESSMENTS.

(a) IN GENERAL.—The Director, subject to the policy direction of the Museum Board and in consultation with appropriate representatives of museums and other types of community institutions, agencies, and organizations, shall undertake an assessment of the collaborative possibilities museums can engage in to serve the public more broadly and effectively.

(b) CONTENTS.—The assessment shall include—

(1) an investigation of opportunities to establish collaborative programs between museums within a community, including an investigation of the role that larger institutions can play as mentors to smaller institutions;

(2) an investigation of opportunities to establish collaborative programs between museums and community organizations;

(3) an investigation of the potential for collaboration between museums on technological issues to reach a broader audience; and

(4) an investigation of opportunities for museums to work with each other and with other community resources to serve the public better and to coordinate professional and financial development activities.

(c) LIMITATION.—This section shall not apply in any fiscal year for which the amount appropriated under section 276(c) is less than $28,700,000.

"SEC. 275. AWARD.

The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions to the communities in which they are located.

"SEC. 276. NATIONAL MUSEUM SERVICES BOARD.

(a) ESTABLISHMENT.—There is established in the Institute a National Museum Services Board.

(b) COMPOSITION AND QUALIFICATIONS.—

(1) COMPOSITION.—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The appointing power of the Museum Board shall be selected from among citizens of the United States—

(A) who are members of the general public; or

(B) who are or have been affiliated with—

(i) resources that, collectively, are broadly representative of the curatorial, conservational, and cultural resources of the United States; and

(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, and art, zoos, and botanical gardens;

(c) TERMS.—(1) The terms for terms of 5 years, shall serve for terms of 5 years, shall serve for terms of 4 years, shall serve for terms of 3 years, shall serve for terms of 2 years, and shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(d) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

(e) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member shall serve until the expiration of the term of the member until the successor to the member takes office.

(f) DUTIES AND POWERS.—The Museum Board has the power with respect to Federal policies with respect to the duties, powers, and authorities vested in the Institute to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be 100 percent.

(g) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

(h) MEETINGS.—The Museum Board shall meet—

(A) not less than 3 times each year, including at least 2 meetings in each calendar year;

(B) not less than 2 times each year separa-

ately; and

(ii) not less than 1 time each in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 204(c)(2); and

(iii) at the call of the Director.

(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the activities described in paragraph (1)(A)(ii) shall be made by a 3 majority vote of the total number of the members of the Commission and the Mu-

(3) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum at official meetings of the Museum Board, but a
(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes specified by the General Services Administration or otherwise for the conduct of business at official joint meetings of the Commission and the Museum Board.

(2) All compensation and travel expenses shall be paid as provided in this section.

(2) TRAVEL EXPENSES.—The Museum Board, with the approval of the Director, shall make necessary or appropriate financial arrangements with the Secretary of Transportation, and the Director shall ensure that the policies and activities of the Federal Government are consistent, in the performance of the duties of the Museum Board, with the policies of the Federal Government.

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science (20 U.S.C. 1506) is amended—

(1) in subsection (a)—

(A) by striking "Library of Congress" and inserting "Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member)".

(B) in the second sentence—

(ii) by striking "the Federal Government" and inserting "the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member)".

(b) by striking "the rate" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS-15 of the General Schedule under section 5106 of title 5, United States Code, for the fiscal year 1996, and such sums as may be necessary or appropriate. No funds allocated, reallotted or reduced under this section and for such further measures and dispositions as necessary to effectuate the purposes of this section.

(c) the third sentence, by inserting "appointive" before "members".

(d) by striking "term and at least" and all that follows through "term."

(e) in subsection (b), by striking "the rate specified" and all that follows through "term."

(f) in subsection (d), by striking "term and at least" and all that follows through "term."

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the Director of the Office of Management and Budget shall make any determinations of special Government employees) and part-time personnel holding permanent positions or engaged in connection with such functions, as may be necessary or appropriate. No funds allocated, reallotted or reduced under this section and for such further measures and dispositions as necessary to effectuate the purposes of this section.

(1) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel or employee positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such personnel to the positions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or performed under this section shall be considered to be a function of the Institute of Museum and Library Services.

(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any
person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 55 of title 5, United States Code, and who, without a break in service, is appointed to the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for such time as may reasonably be needed to facilitate the orderly implementation of this section.

(i) SAVINGS PROVISIONS.—
(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—By redesignating paragraphs, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registration privileges, and other administrative actions—
(A) that have been issued, made, granted, or allowed to become effective by the President, any officer or official of the Federal department, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and
(B) the Institute of Museum and Library Services, the Director of the Institute of Museum and Library Services, and the Instituto de Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law;
(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including the making of rules, regulations, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued, and orders issued in any such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official of the Federal department, court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any order under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(b) Section 10413(c) of the Act of 1965 is amended—
(1) by striking paragraph (12); and
(2) by redesignating paragraphs (13) through (15) as paragraphs (12) through (14), respectively.


(c) Title II of the Appalachian Regional Development Act of 1965 is amended—
(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(3) Title II of the Appalachian Regional Development Act of 1965 is amended—
(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(4) Title II of the Appalachian Regional Development Act of 1965 is amended—
(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(5) Title II of the Appalachian Regional Development Act of 1965 is amended—
(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(6) Title II of the Appalachian Regional Development Act of 1965 is amended—
(1) by striking paragraph (1); and
(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(i) SAVINGS PROVISIONS.—
(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—By redesignating paragraphs, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registration privileges, and other administrative actions—
(A) that have been issued, made, granted, or allowed to become effective by the President, any officer or official of the Federal department, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and
(B) the Institute of Museum and Library Services, the Director of the Institute of Museum and Library Services, and the Instituto de Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law;
(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including the making of rules, regulations, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued, and orders issued in any such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official of the Federal department, court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any order under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

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