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Library Services and Technology Act (1996): Report 01

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LIBRARY SERVICES AND TECHNOLOGY ACT

(Proposed text of library program modified to be consistent with the tentative conference agreement on H.R. 1617, based on incomplete understanding of this evolving compromise)

Sec. __. AUTHORIZATION OF APPROPRIATIONS (library programs)

(a) Authorizations.--There are authorized to be appropriated to the Secretary of Education for the purpose of carrying out this subtitle and for related administrative expenditures, $150,000,000 for the fiscal year 1998 and such sums as may be necessary for each of fiscal years 1999 through 2003.

(b) Transfer.--The authority of the Secretary of Education shall be limited to the transfer of any funds appropriated under the authority of paragraph (a) to the Director to enable the Director to carry out this subtitle.

(c) Forward Funding of Library Programs.--Notwithstanding any other provision of law, funds appropriated in any fiscal year to carry out activities under this subtitle shall be available on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year. The terms of this subparagraph shall only be effective if specifically provided for in subsequent appropriations to carry out this subtitle.

(d) Additional Authorization.--In addition to the amounts authorized to be appropriated under subparagraph (a) such additional amounts as may be necessary are authorized to be appropriated for the fiscal year prior to the first year in which appropriations are made under the forward funding procedure described under subparagraph (c).

(e) Availability of Appropriations.--Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs under this subtitle during any fiscal year which are not obligated and expended by State library administrative agencies or other entities receiving grants prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by such agencies and entities during such succeeding fiscal year.

(f) Administration.--Not more than __ 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.

Sec. __. AUTHORIZATION OF APPROPRIATIONS (museum programs)
(a) Grants.--For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $ for the fiscal year , and such sums as may be necessary for each of the fiscal years through .

(b) Administration.--Not more than percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subtitle.

(c) Sums Remaining Available.--Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation until expended.

Sec. __. MUSEUM AND LIBRARY SERVICES

__ as in conference agreement

Sec. __. GENERAL DEFINITIONS

As used in this title:


(2) Director--The term "Director" means the Director of the Institute appointed under section .

(3) Institute--The term "Institute" means the Institute of Museum and Library Services established under section .

(4) Museum Board--The term "Museum Board" means the National Museum Services Board established under section .

Sec. __. INSTITUTE OF MUSEUM AND LIBRARY SERVICES

(a) Establishment--There is established an Institute of Museum and Library Services.

(b) Offices--The Institute shall consist of an Office of Museum Services and an Office of Library Services. There shall be a National Museum Services Board in the Office of Museum Services.

Sec. __. DIRECTOR OF THE INSTITUTE

(a) Appointment--

(1) In General--The Institute shall be headed by a Director, appointed by the President, by and with the advice and consent of the Senate.
(2) Term--The Director shall serve for a term of 4 years.

(3) Qualifications--Beginning with the first individual appointed to the position of Director after the date of enactment of this Act, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of this Act, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

(b) Compensation--The Director shall be compensated at 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 activities described in this title, and

(2) recommending a proposed budget for the purposes of carrying out the provisions of this title.

(d) Nondelegation--The Director shall not delegate any of the functions of the Director to any person who is not directly responsible to the Director.

(e) Coordination--The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

Sec. ___ DEPUTY DIRECTORS

(a) Appointment--The Office of Library Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have a graduate degree in library science and expertise in library and information services. The Office of Museum Services shall be headed by a Deputy Director, who shall be appointed by the Director from among individuals who have expertise in museum services.

(b) Compensation--Each such position of Deputy Director shall be a Senior Executive Service position, which shall be paid at a rate of pay for a position at ES-1 of the Senior Executive Service schedule.

Sec. ___ PERSONNEL

(a) In General--The Director may, in accordance 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 and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

Sec. __. CONTRIBUTIONS

The Institute shall have authority to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special interest bearing account to the credit of the Institute for the purposes in each case specified.

Subtitle ?? A--Museum Services

—as in conference agreement

Sec. __. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

(a) Functions--Section 5 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1504) is amended--

(1) by redesignating subsections (b) through (d) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (a) the following:

(b) The Commission shall have the responsibility to advise the Director of the Institute of Museum and Library Services on general policies with respect to the duties and powers vested in the Institute of Museum and Library Services relating to library services, including--

(1) general policies with respect to financial assistance awarded under the National Leadership Program in Library Science established in section ___ of this title; and

(2) measures to ensure that the policies and activities of the Institute of Museum and Library Services are coordinated with other activities of the Federal Government.

Sec. __. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAMS OFFICE

—as in conference agreement (for museum functions)
(for library functions, under Transfer of Functions subsection, add a new subsection as follows:

subsec. ___ All functions that the Director of Library Programs of the Department of Education Office of Educational Research and Improvement exercised before the date of enactment of this section and any related functions of any officer or employee of the Department of Education.)

Sec. ___. CONSIDERATION

Consistent with title 5, United States Code, in appointing employees of the Office of Library Services, the Director of the Institute of Museum and Library Services shall give strong consideration to individuals with experience in administering State-based and national library and information services programs.

Subtitle ?? B--Library Services and Technology

Sec. ___. SHORT TITLE

This subtitle may be cited as the "Library Services and Technology Act."

Sec. ___. PURPOSES

The purposes of this Act are--

(1) to consolidate library service programs previously included in the Library Services and Construction Act and the Higher Education Act title II;

(2) to stimulate excellence and promote equity and lifelong access to learning and information resources in all types of libraries;

(3) to combine the ability of the Federal Government to stimulate significant improvement and innovation in library services with support at State and local levels, and with cooperative programs with other agencies and with public and private sector partnerships;

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

(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.
Sec. __. DEFINITIONS.

As used in this subtitle:

(1) LIBRARY.--The term "Library" includes --

(A) a library entity supported at least in part by state or local funds, or recognized by the State or locality as a public library;

(B) a public elementary or secondary school library;

(C) an academic library;

(D) a research library, which, for the purposes of this section, means a library which --

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

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

(E) a private library, but only if the State in which such private library is located determines that the library should be considered a library for purposes of this Act.

(2) LIBRARY CONSORTIA--The term "library consortia" means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of any combination of the resources of school, public, academic, and special libraries and information centers for improved services for their clientele.

(3) STATE.--[Include here whatever definition conferees agree on that accommodates the various states and territories that receive allotments under LSTA.]

(4) STATE ADVISORY COUNCIL.--The term "State advisory council" means the body broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities, and charged with advising and assisting the State library administrative agency in the development of the State application, policy matters arising in the administration of funds received under this subtitle, and in the evaluation of activities assisted under this subtitle.

(5) STATE LIBRARY ADMINISTRATIVE AGENCY.--The term "State library administrative agency" means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State.

Sec. __. RESERVATIONS
(reservation for Indian Tribes) 
as in conference agreement

From the amount appropriated under the authority of section ___ for any fiscal year, the Director shall reserve 4 percent to carry out a national leadership program in library science in accordance with section ___.

Sec ___. ALLOTMENTS

(a) In general--From the sums appropriated under the authority of section ___ and not reserved under section ___ for any fiscal year, the Director shall allot the minimum allotment as determined under subsection (c) to each State. Any sums remaining after minimum allotments have been made for such year shall be allotted in the manner set forth in subsection (b).

(b) Remainder--From the remainder of any sums appropriated under the authority of section ___ that are not reserved under section ___ and not allotted 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.

(c) Minimum allotment--

(1) In general--For the purposes of this subsection the minimum allotment shall be--

(A) $70,000 each to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(B) $____,000 to each of the other States.

(2) Ratable reduction--If the sums appropriated under section ___ and not reserved under section ___ are insufficient to pay all of the allotments under subsection (a), each such allotment shall be ratably reduced.

(d) Determination of Population of States--For the purpose of this subsection, the population of each State, and the total population of all States, shall be determined by the Director on the basis of the most recent census data available to the Director, and the Director shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

Sec. ___. STATE-LEVEL ADMINISTRATION

In any fiscal year, a State library administrative agency may use not more than 3 ____% percent of the total funds received under this subtitle for administration.
Sec. __. PAYMENTS TO STATES; FEDERAL SHARE; AND MAINTENANCE OF EFFORT REQUIREMENTS

(a) Payments--The Director shall pay to each State library administrative agency having a State application approved under section __ the Federal share of the cost of the activities described in the State application.

(b) Federal Share--

(1) In General--Except as provided in paragraph (3), the Federal share shall be 50 percent.

(2) Non-federal Share--The non-Federal share of payments shall be provided from State and local sources.

(3) Special Rule--The Federal share--

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

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

(c) Maintenance of Effort--

(1) In General--

__ as in conference agreement

(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 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.

(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.

Sec. __. ANNUAL APPLICATIONS

(a) Submission--A State library administrative agency that desires to receive a grant under this subtitle for a fiscal year shall submit to the Director, in such form and manner and before such deadline as the Director shall specify in regulations, an application for such year. Such
application shall--

(1) establish goals and specify priorities for achieving within the State the purposes of this subtitle;

(2) describe activities that are consistent with such goals and priorities, the purposes of this subtitle, and the requirements of this subtitle, 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 such activities;

(4) describe the methodology that such agency will use to evaluate the success of such activities in achieving such goals and meeting such priorities;

(if st advis council is part of agreement:)

(5) describe procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle, including establishing the State advisory council;

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

(b) Approval--

(1) In General--The Director shall approve each application submitted under subsection (a) that satisfies the requirements of this subtitle and provides satisfactory assurances that the provisions of such application will be carried out.

(2) Public Availability--Each State library administrative agency receiving a grant under this subtitle shall make the State application available to the public.

(3) Rights of States upon Disapproval--If the Director determines that the State application 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 application;

(C) provide technical assistance in order to assist the State library administrative agency to meet the requirements of this section; and
(D) provide the State library administrative agency the opportunity for a hearing.

Sec. __. INTERIM APPLICATION

Notwithstanding any other provision of law, a State library administrative agency that desires to receive a grant under the Library Services and Construction Act for the fiscal year beginning October 1, 1996 shall submit an interim application. This application should describe the initiatives to be undertaken by the State library administrative agency in order to ensure a smooth transition to the activities to be carried out under this subtitle. The interim application must also include any revisions from the annual application submitted for the fiscal year beginning October 1, 1995.

Sec. __. GRANTS TO STATES

(a) Purpose--The purpose of this section is to permit the use of funds for the improvement of library services so that all people have access to information delivered by libraries through new and emerging technologies, and through special services targeted to persons of all ages and cultures who have difficulty using a library and to communities which are geographically disadvantaged in access to libraries, who or which need special materials or services, or who or which will benefit from outreach services for equity of access to library services and information technologies, including children (from birth through age 17) from families living below the income official poverty line.

(b) Grants--The Director shall award grants under this subtitle from allotments under section _ to State library administrative agencies to be used to pay the Federal share of the cost of the activities under section _ that are described in a State application approved under section _.

(c) Authorized Activities--A State library administrative agency receiving funds in accordance with this subtitle for purposes of this section may use such funds for statewide services and subgrants to public libraries, other types of libraries and library consortia, or library linkages with other entities, in accordance with the State application. Such services and subgrants shall involve activities consistent with subsection (a) that --

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

(2) increase literacy, lifelong learning, and workforce and economic development;

(3) improve support of the technology infrastructure; or

(4) support the provision of special services.

Sec. __. SERVICES FOR INDIAN TRIBES
__as in conference agreement
Sec. __. NATIONAL LEADERSHIP PROGRAM

(a) In General--From the amounts reserved under section __ 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 services 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;

(3) preservation or 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; or

(4) activities relating to library and information services and activities relating to museum services.

(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, library entities, agencies, or institutions of higher education; or in the case of subsection (a)(4) to such entities and to museums.

(2) Competitive Basis--Grants and contracts described in paragraph (1) shall be awarded on a competitive basis.

(c) Special Rule--The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and information science professionals or experts.

Sec. __. STATE AND LOCAL INITIATIVES

Nothing in this subtitle 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 subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved to the States and their local subdivisions.

Sec. __. EFFECTIVE DATE

The effective date of this subtitle shall be October 1, 1997.
The Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the Library Program activities previously administered by the Department of Education to the activities administered by the Institute of Museum and Library Services under this title. Such measures may include the transfer of appropriated funds.

Sec. __. AMENDMENTS RELATING TO CERTAIN AUTHORIZATIONS OF APPROPRIATIONS

(a) In General-- Section 4(a) of the Library Services and Construction Act (20 U.S.C. 351b(a)), as amended by section 375 of the Improving America's Schools Act, P.L. 103-382, is amended by striking "for fiscal year 1995" each place the phrase appears and inserting "for fiscal year 1997."

(b) The Secretary of Education may expend or transfer such fiscal year 1997 funds appropriated pursuant to its salaries and expenses authorization that are necessary to ensure the orderly transition of responsibility to the Institute of Museum and Library Services pursuant to the Library Services and Technology Act, and in no event to be less than $200,000.

Sec. __. REPEALS

The Library Services and Construction Act (20 U.S.C. 351 et seq.) is repealed as of October 1, 1997. The Higher Education Act Title II (20 U.S.C. 1021-1047) is repealed as of October 1, 1997. Any Library Services and Construction Act or Higher Education Act Title II funds remaining available for obligation after that date shall be expended in accordance with this subtitle consistent with section 412(b) of the General Education Provisions Act (20 U.S.C. 1221 et seq.).

Sec. __. TECHNICAL AND CONFORMING AMENDMENTS

Section 254(h)(4) of the Telecommunications Act of 1996 is amended effective October 1, 1997 by striking "library not eligible for participation in State-based plans for funds under title III of the Library Services and Construction Act (20 U.S.C. 335c)" and inserting "library or library consortia not eligible for assistance under State library administrative agency applications for the Library Services and Technology Act (___appropriate U.S.C. reference)."

NOTE: NO repeal of Part F of the Technology for Education Act of 1994 (contained in title III of the Elementary and Secondary Education Act)