Library Services and Technology Act (1996): Report 02

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Subtitle D—Amendments to the National Literacy Act of 1991

SEC. 261. EXTENSION OF FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAM FOR STATE AND LOCAL PRISONERS.

Paragraph (3) of section 601(i) of the National Literacy Act of 1991 (20 U.S.C. 1211-2(i)) is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting "1994, and such sums as may be necessary for each of the fiscal years 1997, 1998, 1999, 2000, 2001, and 2002" before the period.

TITLE III—MUSEUMS AND LIBRARIES

SEC. 301. MUSEUM AND LIBRARY SERVICES.

The Museum Services Act (20 U.S.C. 961 et seq.) is amended to read as follows:

"TITLE II—MUSEUM AND LIBRARY SERVICES

"Subtitle A—General Provisions

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Museum and Library Services Act'.

"SEC. 202. GENERAL DEFINITIONS.

"As used in this title:
"(1) COMMISSION.—The term ‘Commission’ means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).

"(2) DIRECTOR.—The term ‘Director’ means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term ‘Institute’ means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term ‘Museum Board’ means the National Museum Services Board established under section 275.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

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

"SEC. 204. 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 the Workforce and Career Development Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to library and information services. Beginning with the second individual appointed to the position of Director after the date of enactment of the Workforce and Career Development Act of 1996, every second individual so appointed shall be appointed from among individuals who have special competence with regard to museum services.

"(b) COMPENSATION.—The Director 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 pre-
scribed by law, including awarding financial assistance for activities described in this title.

“(d) NONDELEGATION.—The Director shall not delegate any of the functions of the Director to any person who is not an officer or employee of the Institute.

“(e) 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. 205. DEPUTY DIRECTORS.

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

“SEC. 206. 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 employ-
ees 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. 207. CONTRIBUTIONS.

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

“Subtitle B—Library Services and Technology

“SEC. 211. SHORT TITLE.

“This subtitle may be cited as the 'Library Services and Technology Act'.
"SEC. 212. PURPOSE."

"It is the purpose of this subtitle—

(1) to consolidate Federal library service programs;

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

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

(4) to provide linkages among and between libraries and one-stop career center systems; and

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

"SEC. 213. DEFINITIONS."

"As used in this subtitle:

(1) **INDIAN TRIBE.**—The term 'Indian tribe' means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the In-
terior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(2) LIBRARY.—The term ‘library’ includes—

"(A) a public library;

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

"(C) an academic library;

"(D) a research library, which for the purposes of this subtitle means a library that—

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

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

"(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 subtitle.

"(3) LIBRARY CONSORTIUM.—The term ‘library consortium’ means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, pub-
lic, academic, and special libraries and information
centers, for improved services for the clientele of
such library entities.

"(4) STATE.—The term ‘State’, unless other-
wise specified, includes each of the 50 States of the
United States, the District of Columbia, the Com-
monwealth of Puerto Rico, the United States Virgin
Islands, Guam, American Samoa, the Common-
wealth of the Northern Mariana Islands, the Repub-
lic of the Marshall Islands, the Federated States of
Micronesia, and the Republic of Palau.

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

"(6) STATE PLAN.—The term ‘State plan’
means the document which gives assurances that the
officially designated State library administrative
agency has the fiscal and legal authority and capa-
bility to administer all aspects of this subtitle, pro-
vides assurances for establishing the State’s policies,
priorities, criteria, and procedures necessary to the
implementation of all programs under this subtitle,
submits copies for approval as required by regula-
tions promulgated by the Director, identifies a State's library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

"SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

"(a) Authorization of Appropriations.—

"(1) In General.—There are authorized to be appropriated $150,000,000 for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2002 to carry out this subtitle.

"(2) Transfer.—The Secretary of Education shall—

"(A) transfer any funds appropriated under the authority of paragraph (1) to the Director to enable the Director to carry out this subtitle; and

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

"(b) Forward Funding.—

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

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

“(c) ADMINISTRATION.—Not more than 3 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. 221. RESERVATIONS AND ALLOTMENTS.

“(a) Reservations.—

“(1) IN GENERAL.—From the amount appropriated under the authority of section 214 for any fiscal year, the Director—
“(A) shall reserve 1 1/2 percent to award grants in accordance with section 261; and
“(B) shall reserve 4 percent to award national leadership grants or contracts in accordance with section 262.
“(2) SPECIAL RULE.—If the funds reserved pursuant to paragraph (1)(B) for a fiscal year have not been obligated by the end of such fiscal year, then such funds shall be allotted in accordance with subsection (b) for the fiscal year succeeding the fiscal year for which the funds were so reserved.
“(b) ALLOTMENTS.—
“(1) IN GENERAL.—From the sums appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year, the Director shall award grants from minimum allotments, as determined under paragraph (3), to each State. Any sums remaining after minimum allotments are made for such year shall be allotted in the manner set forth in paragraph (2).
“(2) REMAINDER.—From the remainder of any sums appropriated under the authority of section 214 that are not reserved under subsection (a) and not allotted under paragraph (1) for any fiscal year, the Director shall award grants to each State in an
amount that bears the same relation to such remain-
der as the population of the State bears to the popu-
lation of all States.

"(3) MINIMUM ALLOTMENT.—

"(A) IN GENERAL.—For the purposes of
this subsection, the minimum allotment for each
State shall be $340,000, except that the mini-
imum allotment shall be $40,000 in the case of
the United States Virgin Islands, Guam, Amer-
ican Samoa, the Commonwealth of the North-
ern Mariana Islands, the Republic of the Mar-
shall Islands, the Federated States of Microne-
sia, and the Republic of Palau.

"(B) RATABLE REDUCTIONS.—If the sum
appropriated under the authority of section 214
and not reserved under subsection (a) for any
fiscal year is insufficient to fully satisfy the ag-
gregate of the minimum allotments for all
States for that purpose for such year, each of
such minimum allotments shall be reduced rat-
ably.

"(C) SPECIAL RULE.—

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

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

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

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

"(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.

“(a) IN GENERAL.—Not more than 4 percent of the total amount of funds received under this subtitle for any fiscal year by a State may be used for administrative costs.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to limit spending for evaluation costs under section 224(c) 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
I approved under section 224 the Federal share of the cost of the activities described in the State plan.

“(b) Federal Share.—

“(1) In general.—The Federal share shall be 66 percent.

“(2) Non-Federal Share.—The non-Federal share of payments shall be provided from non-Federal, State, or local sources.

“(c) MAINTENANCE OF EFFORT.—

“(1) State expenditures.—

“(A) Requirement.—

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

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

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

"(2) Level of State Expenditures.—The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library 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. 224. STATE PLANS.

"(a) STATE PLAN REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director not later than April 1, 1997.

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

"(3) REVISIONS.—If a State library administrative agency makes a substantive revision to its State plan, then the State library administrative agency shall submit to the Director an amendment to the State plan containing such revision not later than April 1 of the fiscal year preceding the fiscal year for which the amendment will be effective.
“(b) CONTENTS.—The State plan shall—

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

“(2) describe activities that are consistent with the goals and priorities established under paragraph (1), the purposes of this subtitle, and section 231, that the State library administrative agency will carry out during such year using such grant;

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

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

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

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

"(c) EVALUATION AND REPORT.—Each State library
administrative agency receiving a grant under this subtitle
shall independently evaluate, and report to the Director
regarding, the activities assisted under this subtitle, prior
to the end of the 5-year plan.

"(d) INFORMATION.—Each library receiving assist-
ance under this subtitle shall submit to the State library
administrative agency such information as such agency
may require to meet the requirements of subsection (e).

"(e) APPROVAL.—

"(1) IN GENERAL.—The Director shall approve
any State plan under this subtitle that meets the re-
quirements of this subtitle and provides satisfactory
assurances that the provisions of such plan will be
carried out.

"(2) PUBLIC AVAILABILITY.—Each State li-
brary administrative agency receiving a grant under
this subtitle shall make the State plan available to
the public.

"(3) ADMINISTRATION.—If the Director deter-
mines that the State plan does not meet the require-
ments of this section, the Director shall—
Subsection 231(a) (1) -- on p. 116 of H. Rept. 104-707, please substitute language in caps:

(1) establishing or enhancing electronic linkages among or between libraries; LINKING LIBRARIES ELECTRONICALLY WITH EDUCATIONAL, SOCIAL, OR INFORMATION SERVICES; ASSISTING LIBRARIES IN ACCESSING INFORMATION THROUGH ELECTRONIC NETWORKS; ENCOURAGING LIBRARIES IN DIFFERENT JURISDICTIONS AND DIFFERENT TYPES OF LIBRARIES TO ESTABLISH CONSORTIA AND SHARE RESOURCES; OR PAYING COSTS FOR LIBRARIES TO ACQUIRE OR SHARE COMPUTER SYSTEMS AND TELECOMMUNICATIONS TECHNOLOGIES; and
“(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

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

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

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

“CHAPTER 2—LIBRARY PROGRAMS

“SEC. 231. GRANTS TO STATES.

“(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants or cooperative agreements, at least 96 percent of such funds for—

“(1) establishing or enhancing electronic linkages among or between libraries, library consortia, one-stop career center systems established under section 121(d) of the Workforce and Career Development Act of 1996, and eligible providers as such term is defined in section 4 of such Act, or any combination thereof; and
“(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

“(b) SPECIAL RULE.—Each State library administra-
tive agency receiving funds under this chapter may apportion the funds available for the purposes described in sub-
section (a) between the two purposes described in para-
graphs (1) and (2) of such subsection, as appropriate, to meet the needs of the individual State.

“CHAPTER 3—ADMINISTRATIVE PROVISIONS

“Subchapter A—State Requirements

“SEC. 251. STATE ADVISORY COUNCILS.

“Each State desiring assistance under this subtitle may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional librar-
ies, and libraries serving individuals with disabilities.
“Subchapter B—Federal Requirements

“SEC. 261. SERVICES FOR INDIAN TRIBES.

“From amounts reserved under section 221(a)(1)(A) for any fiscal year the Director shall award grants to organizations primarily serving and representing Indian tribes to enable such organizations to carry out the activities described in section 231.

“SEC. 262. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

“(a) IN GENERAL.—From the amounts reserved under section 221(a)(1)(B) for any fiscal year the Director shall establish and carry out a program awarding national leadership grants or contracts to enhance the quality of library services nationwide and to provide coordination between libraries and museums. Such grants or contracts shall be used for activities that 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; and

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

"(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, agencies, institutions of higher education, or museums, where appropriate.

"(2) COMPETITIVE BASIS.—Grants and contracts under this section shall be awarded on a competitive basis.

"(c) SPECIAL RULE.—The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and museum professionals or experts.

"SEC. 263. 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 for 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 their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

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

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

"SEC. 272. DEFINITIONS."

"As used in this subtitle:

"(1) MUSEUM.—The term ‘museum’ means a public or private nonprofit agency or institution or-
ganized on a permanent basis for essentially edu-
cational or aesthetic purposes, that utilizes a profes-
sional staff, owns or utilizes tangible objects, cares
for the tangible objects, and exhibits the tangible ob-
jects to the public on a regular basis.

"(2) STATE.—The term 'State' means each of
the 50 States of the United States, the District of
Columbia, the Commonwealth of Puerto Rico, the
United States Virgin Islands, Guam, American
Samoa, the Commonwealth of the Northern Mariana
Islands, the Republic of the Marshall Islands, the
Federated States of Micronesia, and the Republic of
Palau.

"SEC. 273. MUSEUM SERVICES ACTIVITIES.

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

"(1) programs that enable museums to con-
struct or install displays, interpretations, and exhibi-
tions in order to improve museum services provided
to the public;
“(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

“(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, 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, meeting transportation costs, and identifying and locating collections available for loan;

“(5) assisting museums in the conservation of their collections;

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

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

“(b) Contracts and Cooperative Agreements.—

“(1) Projects to Strengthen Museum Services.—The Director, subject to the policy di-
reception of the Museum Board, is authorized to enter
into contracts and cooperative agreements with ap-
propriate entities, as determined by the Director, 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 effective only to such extent or in such
amounts as are provided in appropriations Acts.

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

"(3) OPERATIONAL EXPENSES.—No financial
assistance may be provided under this subsection to
pay for operational expenses.

"(c) FEDERAL SHARE.—

"(1) 50 PERCENT.—Except as provided in para-
graph (2), the Federal share described in sub-
sections (a) and (b) shall be not more than 50 per-
cent.

"(2) GREATER THAN 50 PERCENT.—The Direc-
tor may use not more than 20 percent of the funds
made available under this subtitle for a fiscal year
to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.

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

"SEC. 274. 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 in service to their communities.

"SEC. 275. 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 appointive members of the Museum Board shall be selected from among citizens of the United States—

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

“(B) who are or have been affiliated with—

“(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

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

“(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

“(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments,
the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

"(c) TERMS.—

"(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

"(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

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

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

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

"(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

“(1) financial assistance awarded under this subtitle for museum services; and

“(2) projects described in section 262(a)(4).

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

“(f) MEETINGS.—

“(1) IN GENERAL.—The Museum Board shall meet—

“(A) not less than 3 times each year, including—

“(i) not less than 2 times each year separately; and

“(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for
projects described in section 262(a)(4); and

“(B) at the call of the Director.

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

“(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.

“(h) COMPENSATION AND TRAVEL EXPENSES.—

“(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government shall be compensated at a
rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.

“(2) TRAVEL EXPENSES.—The members of the Museum Board shall be allowed 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.

“(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.
"SEC. 276. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director $28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.

(b) ADMINISTRATION.—Not more than 10 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. 302. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

(a) FUNCTIONS.—Section 5 of the National Commission on Libraries and Information Science 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 du-
ties, powers, and authority of the Institute of Museum and Library Services relating to library services, including—

“(1) general policies with respect to—

“(A) financial assistance awarded under the Museum and Library Services Act for library services; and

“(B) projects described in section 262(a)(4) of such Act; 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.

“(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 of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

“(2) All decisions by the Commission and the National Museum Services Board with respect to the advice on general policy described in paragraph (1) shall be made by a 2/3 majority vote of the total number of the members of the Commission and the National Museum Services Board who are present.
“(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.”.

(b) MEMBERSHIP.—Section 6 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1505) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “Librarian of Congress” and inserting “Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),”;

(B) in the second sentence—

(i) by striking “special competence or interest in” and inserting “special competence in or knowledge of; and

(ii) by inserting before the period the following: “and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly”;

(C) in the third sentence, by inserting “appointive” before “members”; and
(D) in the last sentence, by striking "term and at least" and all that follows and inserting "term."; and

(2) in subsection (b), by striking "the rate specified" and all that follows through "and while" and inserting "the daily equivalent of the maximum rate authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel-time) during which the members are engaged in the business of the Commission. While".

SEC. 303. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

(a) DEFINITIONS.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.
(b) **TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.**—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

(1) all functions that the Director of the Institute of Museum Services exercised before the date of enactment of this section (including all related functions of any officer or employee of the Institute of Museum Services); and

(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enactment of this section and any related function of any officer or employee of the Department of Education.

(e) **DETERMINATIONS OF CERTAIN FUNCTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.**—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) **DELEGATION AND ASSIGNMENT.**—Except where otherwise expressly prohibited by law or otherwise provided by this section, the Director of the Institute of Museum and Library Services may delegate any of the func-
tions transferred to the Director of the Institute of Museum and Library Services by this section and any function transferred or granted to such Director of the Institute of Museum and Library Services after the effective date of this section to such officers and employees of the Institute of Museum and Library Services as the Director of the Institute of Museum and Library Services may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate, except that any delegation of any such functions with respect to libraries shall be made to the Deputy Director of the Office of Library Services and with respect to museums shall be made to the Deputy Director of the Office of Museum Services. No delegation of functions by the Director of the Institute of Museum and Library Services under this section or under any other provision of this section shall relieve such Director of the Institute of Museum and Library Services of responsibility for the administration of such functions.

(e) REORGANIZATION.—The Director of the Institute of Museum and Library Services may allocate or reallocate any function transferred under subsection (b) among the officers of the Institute of Museum and Library Services, and may establish, consolidate, alter, or discontinue such
organizational entities in the Institute of Museum and Library Services as may be necessary or appropriate.

(f) RULES.—The Director of the Institute of Museum and Library Services may prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Director of the Institute of Museum and Library Services determines to be necessary or appropriate to administer and manage the functions of the Institute of Museum and Library Services.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Institute of Museum and Library Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determina-
tions as may be necessary with regard to the functions
transferred by this section, and make such additional inci-
dental dispositions of personnel, assets, liabilities, grants,
contracts, property, records, and unexpended balances of
appropriations, authorizations, allocations, and other
funds held, used, arising from, available to, or to be made
available in connection with such functions, as may be nec-
essary to carry out this section. The Director of the Office
of Management and Budget shall provide for the termi-
nation of the affairs of all entities terminated by this sec-
tion and for such further measures and dispositions as
may be necessary to effectuate the purposes of this sec-
tion.

(i) EFFECT ON PERSONNEL.—

(1) IN GENERAL.—Except as otherwise pro-
vided by this section, the transfer pursuant to this
section of full-time personnel (except special Govern-
ment employees) and part-time personnel holding
permanent positions shall not cause any such em-
ployee to be separated or reduced in grade or com-
ensation for 1 year after the date of transfer of
such employee under this section.

(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 53 of title 5, United States Code, and who, without a break in service, is appointed in 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 the duration of the service of such person in such new position.

(j) **Savings Provisions.**—

(1) **Continuing Effect of Legal Documents.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the ef-
effective date of this section and are to become effective on or after the effective date of this section;
shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of 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 notices of proposed rulemaking, 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. Orders shall be issued in 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, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be
construed to prohibit the discontinuance or modification of any such proceeding 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.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Institute of Museum Services, or by or against any individual in the official capacity of such individual as an officer of the Institute of Museum Services, shall abate by reason of the enactment of this section.

(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of Mu-
seum and Library Services with the same effect as
if this section had not been enacted.

(k) TRANSITION.—The Director of the Institute of
Museum and Library Services may utilize—

(1) the services of such officers, employees, and
other personnel of the Institute of Museum Services
with respect to functions transferred to the Institute
of Museum and Library Services by this section; and

(2) funds appropriated to such functions for
such period of time as may reasonably be needed to
facilitate the orderly implementation of this section.

(l) REFERENCES.—A reference in any other Federal
law, Executive order, rule, regulation, or delegation of au-
thority, or any document of or relating to—

(1) the Director of the Institute of Museum
Services with regard to functions transferred under
subsection (b), shall be deemed to refer to the Direct-
or of the Institute of Museum and Library Services;
and

(2) the Institute of Museum Services with re-
gard to functions transferred under subsection (b),
shall be deemed to refer to the Institute of Museum
and Library Services.

(m) ADDITIONAL CONFORMING AMENDMENTS.—

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute appointed under section 204.

"(3) INSTITUTE.—The term 'Institute' means the Institute of Museum and Library Services established under section 203.

"(4) MUSEUM BOARD.—The term 'Museum Board' means the National Museum Services Board established under section 276.

"SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

"(a) ESTABLISHMENT.—There is established within the Foundation 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. 204. DIRECTOR OF THE INSTITUTE.

"(a) APPOINTMENT.—
1 SEC. 244. FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.
2
3 Section 304 of the National Literacy Act of 1991 (20
4 U.S.C. 1213c note) is repealed.
5
6 SEC. 245. MANDATORY LITERACY PROGRAM.
7
8 Paragraph (3) of section 601(i) of the National Lit-
9 eracy Act of 1991 (20 U.S.C. 1211–2(i) is amended—
10 (1) by striking “1994, and” and inserting
11 “1994,”; and
12 (2) by inserting “, and such sums as may be nec-
13 essary for each of the fiscal years 1996, 1997, 1998,
14 1999, 2000, and 2001” before the period.
15
16 TITLE III—MUSEUMS AND
17 LIBRARIES
18
19 SEC. 301. MUSEUM AND LIBRARY SERVICES.
20
21 The Museum Services Act (20 U.S.C. 961 et seq.) is
22 amended to read as follows:
23
24 “TITLE II—MUSEUM AND
25 LIBRARY SERVICES
26 “Subtitle A—General Provisions
27 “SEC. 201. SHORT TITLE.
28 “This title may be cited as the ‘Museum and Library
29 Services Act’.
30 “SEC. 202. GENERAL DEFINITIONS.
31 “As used in this title: