

1996

Institute of Museum and Library Services Act (1996): Conference Proceeding 06

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Notes as of 5/6/96

524. The House bill, but not the Senate amendment, requires that, for a five year period following enactment, the Corporation shall disclose that it is not a government sponsored corporation or instrumentality.

The Senate recedes with an amendment

525. The House bill, but not the Senate amendment, prohibits the Corporation from using the name College Construction Loan Insurance Association.

The Senate recedes with an amendment

526. The House bill, but not the Senate amendment, requires certain amendments to the Corporation's Articles of Incorporation.

The Senate recedes with an amendment

527. The House bill, but not the Senate amendment, places certain reporting requirements on the Corporation for a period of two years.

The Senate recedes with an amendment

528. The House bill, but not the Senate amendment, requires the Secretary of the Treasury to sell the federally held stock in the Corporation within six months of the date of enactment.

The Senate recedes with an amendment

529. The House bill, but not the Senate amendment, requires that, in the event that the Secretary of the Treasury cannot sell the federally held stock to another entity, the Corporation must repurchase the stock at a price not to exceed the value estimated by the Congressional Budget Office.

5/6/96

The Senate recesses with an amendment

Museums and Library Services

530. The House bill consolidates the Federal library programs under the Library Services and Construction Act, the Elementary and Secondary Education Act, and Title II of the Higher Education Act into one Federal libraries program focused on helping libraries acquire and use new technologies and forging electronic ties among libraries and between libraries and one-stop career centers.

The Senate amendment creates a new Institute of Museums and Library Services, and consolidates into it the functions of the Institute of Museum Services (IMS), along with Federal library programs under the Library Services and Construction Act and Title II of the Higher Education Act. Focuses of the Senate amendment include technology, life-long learning, and information access for those needing special services.

Legislative counsel. (Note describes general differences)

531. The House bill authorizes \$110 million for each of fiscal years 1997, 1998, 1999, 2000, 2001, and 2002 for library technology programs under this act. The House bill further authorizes the forward funding of these programs.

The House and Senate recess with an amendment inserting

\$150 million authorization for FY1997 and "such sums" for FY1998-FY2002; inserting new paragraphs (a) (1) (C) and (a) (1) (C) (3)

(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. The terms of this subparagraph shall only be effective if specifically provided for in the subsequent appropriations to carry out this subtitle.

(3) Additional Authorization -- In addition to amounts authorized to be appropriated under subparagraph () 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 in paragraph ().

531a. The Senate amendment authorizes \$75 million for Fiscal Year 1996 and such sums as necessary for fiscal years 1997-2000 for library technology programs.

The Senate recesses.

531b. The Senate amendment, but not the House bill, authorizes \$75 million for Fiscal Year 1996 and such sums as necessary for fiscal years 1997-2000 to provide library services to special populations.

The Senate recesses.

531bb. New Note -- The Senate amendment, but not the House bill, allows for the transfer of funds between the Secretary of Education and the Director of Museum Services.

The House recesses.

531c. The Senate amendment, but not the House bill, provides that no less than 5% nor more than 7% of library funds be used for joint projects with museums.

The Senate recesses.

531d. The Senate amendment, but not the House bill, allows not more than 10% of funds appropriated for library services under this Act to be spent for Federal administration.

The House recesses with an amendment changing administrative funds to 3%.

531e. The Senate amendment, but not the House bill, authorizes \$28,700,000 for FY1996, and such sums as necessary for Fiscal Years 1997-2000 for museum services under this Act.

The House recesses with an amendment inserting FY1997 and continue from FY1998-2002.

531f. The Senate amendment, but not the House bill, allows not more than 10% of funds appropriated for museum services to be used for administrative expenses.

The House recesses.

531g. The Senate amendment, but not the House bill, provides that not less than 5% nor more than 7% of appropriated museum funding be used for joint projects with libraries.

The Senate recesses.

531h. The Senate amendment, but not the House bill, mandates that funds made available for museum services under this Act shall remain available until expended.

The House recesses.

531i. The Senate amendment, but not the House bill, authorizes such sums as necessary for the Arts and Artifacts Indemnity Act.

HOLD -- Member's issue - Sen. Jeffords

532. The Senate amendment, but not the House bill, amends the Museum Services Act.

The House recesses.

533. The Senate amendment, but not the House bill, includes certain definitions.

The House recesses with an amendment inserting

(1) "Commission" - The term "Commission" means the National Commission on Libraries and Museums established under section ___;

(2) "Director" - keep Senate definition;

(3) "Deputy Director" - The term "Deputy Director" means the Deputy Director of the Institute appointed under section ___;

(4) "Museum Board" - strike definition

534. The Senate amendment, but not the House bill, establishes an Institute of Museum and Library Services.

The House recesses.

535. The Senate amendment, but not the House bill, provides for the appointment of a Director of the Institute of Museum and Library Services by the President with the advise and consent of the Senate. The Senate amendment further provides that the Director will serve for a term of 4 years, and that the appointment will alternate between individuals with expertise in library and museum services.

The House recesses.

536. The Senate amendment, but not the House bill, provides for the appointment by the Director of Deputy Directors for the offices of Library Services and Museum Services.

The House recesses with an amendment striking paragraph "(b) COMPENSATION."

537. The Senate amendment, but not the House bill, provides for the staffing of the Institute by the Director.

The House recesses.

538. The Senate amendment, but not the House bill, provides the Director with the authority to accept or solicit gifts and bequests on behalf of the Institute.

The House recesses.

539. The Senate amendment, but not the House bill, sets forth purposes for funding of museum services under this subtitle.

The House recesses.

540. The Senate amendment, but not the House bill, sets forth definitions for this subtitle.

The House recesses with an amendment inserting a definition of "STATE" --

"STATE" - The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Northern Mariana Islands, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau."

541. The Senate amendment, but not the House bill, empowers the Director of the Institute to award grants for Museum improvements, and outlines purposes for which the grants may be used.

The House recesses with an amendment inserting "(7) model programs demonstrating cooperative efforts between libraries and museums".

541a. The Senate amendment, but not the House bill, allows the Director to enter into contract or cooperative agreements for the improvement of museums.

The House recesses.

541b. The Senate amendment, but not the House bill, limits the Federal share of activities funded under this section.

The House recesses.

541c. The Senate amendment, but not the House bill, requires the Director to develop procedures for reviewing assistance made under this Section.

The House recesses.

542. The Senate amendment, but not the House bill, provides for an assessment of collaborative efforts that museums can engage in to serve the public more effectively, applicable only in years when appropriations for museum services exceed \$28.7 million.

The Senate recesses.

543. The Senate amendment, but not the House bill, allows the Director to annually award a national award for museum services to outstanding museums for significant contributions in service to the community.

The House recesses.

544. The Senate amendment, but not the House bill, establishes a National Museum Services Board appointed by the President with advice and consent of the Senate.

The House recesses.

544a. The Senate amendment, but not the House bill, sets forth qualifications for appointment to the Board.

The House recesses.

544b. The Senate amendment, but not the House bill, provides for 5 year staggered terms for members of the board.

The House recesses.

544c. The Senate amendment, but not the House bill, sets forth the powers and duties of the board. The Senate amendment further outlines the structure and general operating rules of the Board.

The House recesses.

545. The Senate amendment, but not the House bill, amends the National Commission on Libraries and Information Science Act to provide the commission with the responsibility of advising the Director of the Institute of Museum and Library Services on matters relating to library services. The Senate amendment further outlines procedures for advising the Director and modifies membership and membership criteria for the commission.

The House recesses.

546. The Senate amendment, but not the House bill, provides for the orderly transition of functions from the Institute of Museum Services (IMS) to the Institute of Museum and Library Services.

The House recesses with an amendment changing title of paragraph "(b) TRANSFER OF FUNCTIONS" to "(1) TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE"; inserting new paragraph "(2) 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 function of any officer or employee of the Department of Education."; and inserting at the end of the last sentence in paragraph "(d)" "provided that delegation of program authority shall be made only consistent with the purposes of section____."

HOLD -- Notes 547-547g (Sen. Jefford's issue)

547. The Senate amendment, but not the House bill, provides an authorization for the Arts and Artifacts Indemnity Act.

HOLD

547a. The Senate amendment, but not the House bill, transfers authority for indemnity agreements to the Director of the IMLS from the Federal Council on the Arts and the Humanities.

HOLD

547b. The Senate amendment, but not the House bill, retains the definition of eligible items from current law.

HOLD

547c. The Senate amendment, but not the House bill, expands coverage under the Act to domestic exhibits on display within the U.S.

HOLD

547d. The Senate amendment, but not the House bill, retains the applications procedure from current law.

HOLD

547e. The Senate amendment, but not the House bill, retains the terms under which indemnity agreements are made from current law.

HOLD

547f. The Senate amendment, but not the House bill, makes conforming amendments to current law with respect to the authority of the Director to issue regulations and certify claims.

HOLD

547g. The Senate amendment, but not the House bill, retains reporting requirements from current law.

HOLD

548. The Senate amendment, but not the House bill, provides for a short title.

The House recesses.

549. Both the House bill and the Senate amendment provide for purposes.

The House and Senate recede with an amendment inserting

"Sec. __ PURPOSE.

(a) STATEMENT OF PURPOSE. - The purposes of this subtitle are as follows:

(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 regional, State, national and international electronic networks;

(4) to provide linkages among and between libraries and [one-stops/integrated career centers]; 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.

549a. The purposes of the House bill are limited to the consolidation of library programs, providing access through new technology and providing electronic linkages among libraries and between libraries and integrated career center systems. The House bill contains no recognition of need.

549b. The purposes of the Senate amendment include an emphasis on life-long access to learning and library information resources as well as preparing libraries for service in the 21st Century in the areas of access to electronic networks, workforce and economic development, and adequate provision of resources and services to special populations.

550. Both the House bill and the Senate amendment provide definitions relative to library services. However, definitions in the House bill are in title I of the House bill.

The Senate recedes with an amendment inserting

(1) "INDIAN TRIBE" - move definition to title I (this definition would be determined w/the larger issue of Indians - House staff will work on the definitions)

550a. The Senate amendment includes definitions of "library consortia," "library entity," and "public library." The House bill includes a definition of "library" in the general definitions section. (See Note 50.)

The House and Senate recede with an amendment inserting

(2) "LIBRARY CONSORTIA" - keep Senate definition

(3) "LIBRARY ENTITY" - strike

(4) "LIBRARY" - The term "library" includes --

(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 makes library services and materials suitable for scholarly research and not otherwise available to the public, publicly available, and is not an integral part of an institution of higher learning; 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."

(Report language on this definition from David & Pamela)

(5) "STATE" - keep Senate definition

(6) "STATE ADVISORY COUNCIL" - strike

550b. Both the House bill and the Senate amendment include a definition of "State library administrative agency." (See Note 80.)

The Senate recedes with an amendment striking (7) "STATE LIBRARY ADMINISTRATIVE AGENCY".

551. The Senate amendment, but not the House bill, reserves 11/2% of funds appropriated for serving Indian Tribes. In the House bill, Indian Tribes may use funds allotted under section 325 for library services.

The House recesses.

551a. The Senate amendment, but not the House bill, reserves 8% of allotted funds for a national leadership program in library services.

The House recesses with an amendment changing reserve to 4%; changing "national leadership program" to "national leadership grants"; inserting "If the funds have not been obligated by the end of the fiscal year, funds are to be re-allotted to the States under the prescribed formula and may be carried over by the State for use in the next fiscal year." [Need to review language w/ Leg. Counsel]

552. Both the House bill and the Senate amendment provide for minimum State allotments. However, the House bill does not provide funding for the Freely Associated States.

The House recesses with an amendment inserting

"SPECIAL RULE. Of the allotments reserved for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Director shall make a grant to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants consistent with the provisions of this Act in 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. The eligibility of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau for assistance under this Act shall terminate as of September 30, 2001.

LIMITATION. The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received pursuant to the Special Rule for administrative costs."

552aa - [New note regarding allotments -- \$200,000 vs \$400,000]

HOLD - Members issue per Sen. Jeffords

HOUSE OFFER PENDING: \$300,000 State minimum and 50% Federal share (See Note 555a)

552a. Both the House bill and the Senate amendment provide for the ratable reduction of funds should appropriations be insufficient.

Legislative counsel.

552b. Both the House bill and the Senate amendment allot remaining funds based on State populations.

Legislative counsel.

553. The House bill, but not the Senate amendment, requires the Secretary to make grants to States that will meet minimum requirements such as submitting an approved application, providing 100% of the amount of the grant to the State library administrative agency, and requiring that agency to use the allocated funds to carry out activities described in the application. The House bill further provides that such grant will be the lesser of the sum of the initial allotment and the additional allotment or 75% of the total cost of the activities described in the application.

The House recesses.

554. Both the House bill and the Senate amendment limit administrative funding at the State level. The Senate amendment limits this amount to not more than 5%. The House bill limits State administrative funding to 3% elsewhere in this Subtitle.

The Senate recedes with an amendment inserting 4% for administrative State funding.

555. The Senate amendment establishes the Federal share for programs under this subtitle and sets forth maintenance of effort provisions. The House bill establishes the Federal share for programs under this subtitle, but does not require maintenance of effort.

Legislative counsel.

555a. The Senate amendment sets the Federal share for State projects at 50% with higher Federal shares for the Trust Territories, and defines non-Federal share. The House bill sets the Federal share for State projects at 75%, and makes no distinction for the Trust Territories.

The House recedes with an amendment inserting "(1) IN GENERAL. -- The Federal share shall be 66 percent." and striking paragraph "(3)".

555b. The Senate amendment, but not the House bill, reduces a State's allocation if the State fails to maintain its funding level for library services. The reduction in Federal allocation is in proportion to the reduction in State effort.

~~HOLD -- maintenance of effort~~

HR W.D. amendment (exception)
except that a reduction of federal support shall reduce state support by the same percentage.

555c. The Senate amendment, but not the House bill, provides a waiver for reductions in a State's allocation under this subsection if the reduction in State efforts is due to certain uncontrollable circumstances.

HOLD -- maintenance of effort

556. The House bill requires that each State seeking a grant under this subtitle submit an annual application establishing goals and priorities consistent with the purposes of this subtitle describing activities and procedures to reach these goals, describing methodologies for evaluation, describing procedures to involve libraries and their areas in policy decisions to implement this subtitle, and assuring that reporting practices required by the Secretary will be implemented. The Senate amendment requires States to provide similar information as part of the State plan, which covers a period of 5 years.

The Senate recedes with an amendment inserting

SEC. ___ STATE PLAN.

(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 such goals and priorities, the purposes of this subtitle, and the requirements of section ___ 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;

(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; 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 its purposes.

(c) EVALUATION. - Each State receiving a grant under this subtitle shall independently evaluate and report prior to the end of the 5 year plan, the activities assisted under this title.

(d) INFORMATION. - Each public library receiving assistance under section (c?) shall submit to the State library administrative agency such information as such agency may require to meet the requirements of paragraph___.

(e) INTERIM APPLICATION. -- Notwithstanding other provisions 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 assure a smooth transition to the activities to be carried out under this subtitle. The interim application must also any revisions from the annual application submitted for the fiscal year beginning October 1, 1995.

556a. The House bill requires the Secretary to approve each application which meets the requirements outlined in Note 556. The House bill further provides States with an opportunity to revise their applications, should they fail to be approved. The Senate amendment requires the Director to approve a State plan if it meets the purposes of this subtitle. The Senate amendment further provides that if a State plan is not approved, the State will have an opportunity to revise its plan, that the Director will provide the State with technical assistance and that the State library administrative agency will have the opportunity for a hearing.

The House recesses.

557. The House bill, but not the Senate amendment, requires that State library administrative agencies use at least 97% of funds provided under this subtitle for electronically connecting libraries to integrated career center systems, establishing or enhancing linkages among libraries, assisting libraries to access information through electronic networks, encouraging the formation of library consortia, helping libraries acquire and share new technologies, and improving library services for individuals with special needs. The Senate amendment does require that State library administrative agencies follow their State plan.

The Senate recesses with an amendment inserting

(a) IN GENERAL. - Of the funds provided to a State library administrative agency under section 454(a)(2)(A), the agency shall expend (either directly or through

subgrants or cooperative agreements) at least 96 percent in the aggregate for the following two purposes:

(1) to establish or enhance electronic linkages among or between libraries, [career center systems/one-stops] designated or established under section 107, and local service providers receiving grants under paragraphs (1) or (2) of section 432(a), or any combination thereof; and

(2) to target library and information services to persons having difficulty using a library and under-served urban and rural communities, including children (from birth through age 17) from families living below the income official 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 USC 9902(2))).

Special Rule. With respect to subsections (a(1) and (a(2) above, each State library administrative agency may apportion funds between the two purposes, as appropriate, to meet the needs of the individual State.

[Will need assistance from Leg. Counsel re: section references]

557a. The House bill limits the amount of each States allotment used for administrative expenses by the State library administrative agency to no more than 3%. The Senate amendment limits this amount to 5%. (See Note 554.)

The House recesses.

558. The Senate amendment, but not the House bill, creates a separate program to provide library services for special populations. However, the House bill does make the improvement of library services for special populations an allowable use of funds at the discretion of the State library administrative agency.

The Senate recesses.

559. The Senate amendment, but not the House bill, requires State library administrative agencies to reserve up to 15% of their Federal funds to serve children in poverty. In determining this amount, the State agency shall set aside up to \$1.50 per preschool child from families below the poverty level, and up to \$1.00 per school aged child from families living below the poverty levels.

The Senate recesses.

559a. Of the amount reserved for children in poverty, the Senate amendment, but not the House bill, requires that each library in the State receive a share equal to its share of such children.

The Senate recesses.

559b. The Senate amendment, but not the House bill, allows for the aggregation of funds set aside to serve children in poverty, should an individual library's grant be too small to be effective. The Senate amendment further prescribes conditions under which such funds can be aggregated.

The Senate recesses.

559c. The Senate amendment, but not the House bill, requires that public libraries seeking grants to serve children in poverty submit a plan for how those children will be served.

The Senate recesses.

560. The Senate amendment, but not the House bill, sets forth specific criteria under which States must evaluate activities undertaken in accordance with the library technology and library services provisions of the Senate amendment.

The Senate recesses with an amendment moving evaluations to State plan. (See Note 556)

561. The Senate amendment, but not the House bill, requires that States receiving assistance under this subtitle establish a State advisory council. The Senate amendment further sets forth guidelines for the composition and duties of these councils.

The House recesses with an amendment inserting

SEC. ___ 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 libraries, and libraries serving individuals with disabilities.

562. The Senate amendment, but not the House bill, provides for grants for library services for Indian Tribes. The Senate amendment further specifies the purposes for which these grants can be used, requirements as to who may administer these funds, and maintenance of effort requirements.

The Senate recesses with an amendment: (have Indians conform w/the purposes of the Act - need assistance w/Leg. Counsel)

562a. The Senate amendment, but not the House bill, prescribes the procedure for applying for grants under this section.

The Senate recesses.

563. The Senate amendment, but not the House bill, establishes a national leadership program for library services, and sets forth activities for which such funds may be used.

The House recesses with an amendment changing to "national leadership grants".

563a. The Senate amendment, but not the House bill, sets forth criteria under which the director may award leadership grants, including that awards be made on a competitive basis.

The House recesses with an amendment inserting

SEC. ___ NATIONAL LEADERSHIP GRANTS. -

(a) IN GENERAL. - From the amounts reserved under section 221(a)(2) for any fiscal year the Director shall establish and carry out a program providing national leadership grants to enhance the quality of library services nationwide and to provide coordination with museums.

(1) keep Senate language

(2) keep Senate language

(3) keep Senate language

(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) keep Senate language

(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."

564. The Senate amendment, but not the House bill, specifies that nothing in this subtitle shall be construed to interfere with State or local initiatives.

The House recesses.

565. The House bill repeals the Library Services and Construction Act, Title II of the Higher Education Act, and Part F of the Technology for Education Act.

The Senate recesses.

565a. The Senate amendment repeals the Library Services and Construction Act and Title II of the Higher Education Act, but not Part F of the Technology for Education Act.

The Senate recesses.

565b. Both the House bill and the Senate amendment make technical and conforming amendments to reflect these repeals.

Legislative counsel.

[Note to Leg. Counsel to include transition language under the section entitled "Repeals and Technical and Conforming Amendments", such language could state -

"Sec. ____ .TRANSITION. -- The Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Department of Education, Library Program to the activities administered by the Institute for Museum and Library Services under this title. Such measurements may include the transfer of appropriated funds.

Sec. ____ .AMENDMENTS RELATING TO CERTAIN AUTHORIZATION OF APPROPRIATIONS. -- The Secretary shall expend or transfer such funds as appropriated pursuant to this 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 be less than \$200,000."