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Museum and Library Services Act (1996)

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Museum and Library Services Act (1996): Memorandum 01

Pamela Walker

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MEMORANDUM

September 16, 1996

To: Mark Sigurski
From: Pamela Walker *PW*
Re: Museum and Library Services Act of 1996

The Library and Museum Services Act is still struggling to be introduced. As it has now separated from the workforce development/career act, there is one small change that has to be made:

Subtitle B, Sec. 212. Purpose. **Please strike (4)**, "to provide linkages among and between libraries and one-stop career center systems". [p.6, lines 18-19]

In addition, we have a concern which you might be able to advise us on. In Subtitle B, Sec. 214 (2) Transfer, the money made available for 1997 will have to be turned around quickly. The involvement of the Department of Education staff might be desirable during this period when the new Institute of Museum and Library Services is being set up. Does anything in the current language prohibit the distribution of the money in a timely fashion? Do we need some reference to the transition period to enable DOE staff to assist in getting the FY'97 money out?

Alas, I need the corrected draft by early tomorrow morning, if at all possible. If I hear of a delay when I go to the floor at 2pm., I will let you know. Many, many thanks.

Phone: 4-7666

104TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Sponsored by Leffers & Bell

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for museum and library services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Museum and Library
5 Services Act of 1996".

6 **SEC. 2. MUSEUM AND LIBRARY SERVICES.**

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

1 **“TITLE II—MUSEUM AND**
2 **LIBRARY SERVICES**
3 **“Subtitle A—General Provisions**

4 **“SEC. 201. SHORT TITLE.**

5 “‘This title may be cited as the ‘Museum and Library
6 Services Act’.

7 **“SEC. 202. GENERAL DEFINITIONS.**

8 “As used in this title:

9 “(1) COMMISSION.—The term ‘Commission’
10 means the National Commission on Libraries and
11 Information Science established under section 3 of
12 the National Commission on Libraries and Informa-
13 tion Sciences Act (20 U.S.C. 1502).

14 “(2) DIRECTOR.—The term ‘Director’ means
15 the Director of the Institute appointed under section
16 204.

17 “(3) INSTITUTE.—The term ‘Institute’ means
18 the Institute of Museum and Library Services estab-
19 lished under section 203.

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

1 **“SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.**

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

5 “(b) OFFICES.—The Institute shall consist of an Of-
6 fice of Museum Services and an Office of Library Services.
7 There shall be a National Museum Services Board in the
8 Office of Museum Services.

9 **“SEC. 204. DIRECTOR OF THE INSTITUTE.**

10 “(a) APPOINTMENT.—

11 “(1) IN GENERAL.—The Institute shall be
12 headed by a Director, appointed by the President, by
13 and with the advice and consent of the Senate.

14 “(2) TERM.—The Director shall serve for a
15 term of 4 years.

16 “(3) QUALIFICATIONS.—Beginning with the
17 first individual appointed to the position of Director
18 after the date of enactment of the Museum and Li-
19 brary Services Act of 1996, every second individual
20 so appointed shall be appointed from among individ-
21 uals who have special competence with regard to li-
22 brary and information services. Beginning with the
23 second individual appointed to the position of Direc-
24 tor after the date of enactment of the Museum and
25 Library Services Act of 1996, every second individ-
26 ual so appointed shall be appointed from among in-

1 individuals who have special competence with regard
2 to museum services.

3 “(b) COMPENSATION.—The Director shall be com-
4 pensated at the rate provided for level III of the Executive
5 Schedule under section 5314 of title 5, United States
6 Code.

7 “(c) DUTIES AND POWERS.—The Director shall per-
8 form such duties and exercise such powers as may be pre-
9 scribed by law, including awarding financial assistance for
10 activities described in this title.

11 “(d) NONDELEGATION.—The Director shall not dele-
12 gate any of the functions of the Director to any person
13 who is not an officer or employee of the Institute.

14 “(e) COORDINATION.—The Director shall ensure co-
15 ordination of the policies and activities of the Institute
16 with the policies and activities of other agencies and of-
17 fices of the Federal Government having interest in and
18 responsibilities for the improvement of museums and li-
19 braries and information services.

20 **“SEC. 205. DEPUTY DIRECTORS.**

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

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1 by a Deputy Director, who shall be appointed by the Di-
2 rector from among individuals who have expertise in mu-
3 seum services.

4 **“SEC. 206. PERSONNEL.**

5 “(a) IN GENERAL.—The Director may, in accordance
6 with applicable provisions of title 5, United States Code,
7 appoint and determine the compensation of such employ-
8 ees as the Director determines to be necessary to carry
9 out the duties of the Institute.

10 “(b) VOLUNTARY SERVICES.—The Director may ac-
11 cept and utilize the voluntary services of individuals and
12 reimburse the individuals for travel expenses, including
13 per diem in lieu of subsistence, in the same amounts and
14 to the same extent as authorized under section 5703 of
15 title 5, United States Code, for persons employed intermit-
16 tently in Federal Government service.

17 **“SEC. 207. CONTRIBUTIONS.**

18 “The Institute is authorized to solicit, accept, receive,
19 and invest in the name of the United States, gifts, be-
20 quests, or devises of money and other property or services
21 and to use such property or services in furtherance of the
22 functions of the Institute. Any proceeds from such gifts,
23 bequests, or devises, after acceptance by the Institute,
24 shall be paid by the donor or the representative of the
25 donor to the Director. The Director shall enter the pro-

1 ceeds in a special-interest bearing account to the credit
2 of the Institute for the purposes specified in each case.

3 **“Subtitle B—Library Services and**
4 **Technology**

5 **“SEC. 211. SHORT TITLE.**

6 “This subtitle may be cited as the ‘Library Services
7 and Technology Act’.

8 **“SEC. 212. PURPOSE.**

9 “It is the purpose of this subtitle—

10 “(1) to consolidate Federal library service pro-
11 grams;

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

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

18 (5) “(4) to promote targeted library services to peo-
19 ple of diverse geographic, cultural, and socio-
20 economic backgrounds, to individuals with disabil-
21 ities, and to people with limited functional literacy
22 or information skills.

23 **“SEC. 213. DEFINITIONS.**

24 “As used in this subtitle:

*add back portion of
to provide linkages
among and between
libraries; and*

and 

1 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
2 means any tribe, band, nation, or other organized
3 group or community, including any Alaska native
4 village, regional corporation, or village corporation,
5 as defined in or established pursuant to the Alaska
6 Native Claims Settlement Act (43 U.S.C. 1601 et
7 seq.), which is recognized by the Secretary of the In-
8 terior as eligible for the special programs and serv-
9 ices provided by the United States to Indians be-
10 cause of their status as Indians.

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

12 “(A) a public library;

13 “(B) a public elementary school or second-
14 ary school library;

15 “(C) an academic library;

16 “(D) a research library, which for the pur-
17 poses of this subtitle means a library that—

18 “(i) makes publicly available library
19 services and materials suitable for schol-
20 arly research and not otherwise available
21 to the public; and

22 “(ii) is not an integral part of an in-
23 stitution of higher education; and

24 “(E) a private library, but only if the State
25 in which such private library is located deter-

1 mines that the library should be considered a li-
2 brary for purposes of this subtitle.

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

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

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

24 “(6) STATE PLAN.—The term ‘State plan’
25 means the document which gives assurances that the

1 officially designated State library administrative
2 agency has the fiscal and legal authority and capa-
3 bility to administer all aspects of this subtitle, pro-
4 vides assurances for establishing the State's policies,
5 priorities, criteria, and procedures necessary to the
6 implementation of all programs under this subtitle,
7 submits copies for approval as required by regula-
8 tions promulgated by the Director, identifies a
9 State's library needs, and sets forth the activities to
10 be taken toward meeting the identified needs sup-
11 ported with the assistance of Federal funds made
12 available under this subtitle.

13 **“SEC. 214. AUTHORIZATION OF APPROPRIATIONS.**

14 “(a) AUTHORIZATION OF APPROPRIATIONS.—

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

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

21 “(A) transfer promptly to the Director any
22 funds appropriated under the authority of para-
23 graph (1), to enable the Director to carry out
24 this subtitle; and

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

4 “(b) FORWARD FUNDING.—

5 “(1) IN GENERAL.—To the end of affording the
6 responsible Federal, State, and local officers ade-
7 quate notice of available Federal financial assistance
8 for carrying out ongoing library activities and
9 projects, appropriations for grants, contracts, or
10 other payments under any program under this sub-
11 title are authorized to be included in the appropria-
12 tions Act for the fiscal year preceding the fiscal year
13 during which such activities and projects shall be
14 carried out.

15 “(2) ADDITIONAL AUTHORIZATION OF APPRO-
16 PRIATIONS.—In order to effect a transition to the
17 timing of appropriation action authorized by sub-
18 section (a), the application of this section may result
19 in the enactment, in a fiscal year, of separate appro-
20 priations for a program under this subtitle (whether
21 in the same appropriations Act or otherwise) for two
22 consecutive fiscal years.

23 “(c) ADMINISTRATION.—Not more than 3 percent of
24 the funds appropriated under this section for a fiscal year

1 may be used to pay for the Federal administrative costs
2 of carrying out this subtitle.

3 **“CHAPTER 1—BASIC PROGRAM**
4 **REQUIREMENTS**

5 **“SEC. 221. RESERVATIONS AND ALLOTMENTS.**

6 “(a) RESERVATIONS.—

7 “(1) IN GENERAL.—From the amount appro-
8 priated under the authority of section 214 for any
9 fiscal year, the Director—

10 “(A) shall reserve 1½ percent to award
11 grants in accordance with section 261; and

12 “(B) shall reserve 4 percent to award na-
13 tional leadership grants or contracts in accord-
14 ance with section 262.

15 “(2) SPECIAL RULE.—If the funds reserved
16 pursuant to paragraph (1)(B) for a fiscal year have
17 not been obligated by the end of such fiscal year,
18 then such funds shall be allotted in accordance with
19 subsection (b) for the fiscal year succeeding the fis-
20 cal year for which the funds were so reserved.

21 “(b) ALLOTMENTS.—

22 “(1) IN GENERAL.—From the sums appro-
23 priated under the authority of section 214 and not
24 reserved under subsection (a) for any fiscal year, the
25 Director shall award grants from minimum allot-

1 ments, as determined under paragraph (3), to each
2 State. Any sums remaining after minimum allot-
3 ments are made for such year shall be allotted in the
4 manner set forth in paragraph (2).

5 “(2) REMAINDER.—From the remainder of any
6 sums appropriated under the authority of section
7 214 that are not reserved under subsection (a) and
8 not allotted under paragraph (1) for any fiscal year,
9 the Director shall award grants to each State in an
10 amount that bears the same relation to such remain-
11 der as the population of the State bears to the popu-
12 lation of all States.

13 “(3) MINIMUM ALLOTMENT.—

14 “(A) IN GENERAL.—For the purposes of
15 this subsection, the minimum allotment for each
16 State shall be \$340,000, except that the mini-
17 mum allotment shall be \$40,000 in the case of
18 the United States Virgin Islands, Guam, Amer-
19 ican Samoa, the Commonwealth of the North-
20 ern Mariana Islands, the Republic of the Mar-
21 shall Islands, the Federated States of Microne-
22 sia, and the Republic of Palau.

23 “(B) RATABLE REDUCTIONS.—If the sum
24 appropriated under the authority of section 214
25 and not reserved under subsection (a) for any

1 fiscal year is insufficient to fully satisfy the ag-
2 gregate of the minimum allotments for all
3 States for that purpose for such year, each of
4 such minimum allotments shall be reduced rat-
5 ably.

6 “(C) SPECIAL RULE.—

7 “(i) IN GENERAL.—Notwithstanding
8 any other provision of this subsection and
9 using funds allotted for the Republic of the
10 Marshall Islands, the Federated States of
11 Micronesia, and the Republic of Palau
12 under this subsection, the Director shall
13 award grants to Guam, American Samoa,
14 the Commonwealth of the Northern Mari-
15 ana Islands, the Republic of the Marshall
16 Islands, the Federated States of Microne-
17 sia, or the Republic of Palau to carry out
18 activities described in this subtitle in ac-
19 cordance with the provisions of this sub-
20 title that the Director determines are not
21 inconsistent with this subparagraph.

22 “(ii) AWARD BASIS.—The Director
23 shall award grants pursuant to clause (i)
24 on a competitive basis and pursuant to rec-
25 ommendations from the Pacific Region

1 Educational Laboratory in Honolulu, Ha-
2 waii.

3 “(iii) TERMINATION OF ELIGI-
4 BILITY.—Notwithstanding any other provi-
5 sion of law, the Republic of the Marshall
6 Islands, the Federated States of Microne-
7 sia, and the Republic of Palau shall not re-
8 ceive any funds under this subtitle for any
9 fiscal year that begins after September 30,
10 2001.

11 “(iv) ADMINISTRATIVE COSTS.—The
12 Director may provide not more than 5 per-
13 cent of the funds made available for grants
14 under this subparagraph to pay the admin-
15 istrative costs of the Pacific Region Edu-
16 cational Laboratory regarding activities as-
17 sisted under this subparagraph.

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

22 **“SEC. 222. ADMINISTRATION.**

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

1 “(b) CONSTRUCTION.—Nothing in this section shall
2 be construed to limit spending for evaluation costs under
3 section 224(c) from sources other than this subtitle.

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

5
6 “(a) PAYMENTS.—The Director shall pay to each
7 State library administrative agency having a State plan
8 approved under section 224 the Federal share of the cost
9 of the activities described in the State plan.

10 “(b) FEDERAL SHARE.—

11 “(1) IN GENERAL.—The Federal share shall be
12 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

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sec 223

Does this put the Direct in a position of having to pay out \$ above and beyond what the state should be allotted according to the formula.

Does the ratable direct section need to be X-referenced??

1 for the 3 fiscal years preceding that pre-
2 vious fiscal year. The amount of the reduc-
3 tion in allotment for any fiscal year shall
4 be equal to the amount by which the level
5 of such State expenditures for the fiscal
6 year for which the determination is made
7 is less than the average of the total of such
8 expenditures for the 3 fiscal years preced-
9 ing the fiscal year for which the determina-
10 tion is made.

11 “(ii) CALCULATION.—Any decrease in
12 State expenditures resulting from the ap-
13 plication of subparagraph (B) shall be ex-
14 cluded from the calculation of the average
15 level of State expenditures for any 3-year
16 period described in clause (i).

17 “(B) DECREASE IN FEDERAL SUPPORT.—
18 If the amount made available under this sub-
19 title for a fiscal year is less than the amount
20 made available under this subtitle for the pre-
21 ceding fiscal year, then the expenditures re-
22 quired by subparagraph (A) for such preceding
23 fiscal year shall be decreased by the same per-
24 centage as the percentage decrease in the
25 amount so made available.

*Does it
answer House
concern?*

1 “(2) LEVEL OF STATE EXPENDITURES.—The
2 level of State expenditures for the purposes of para-
3 graph (1) shall include all State dollars expended by
4 the State library administrative agency for library
5 programs that are consistent with the purposes of
6 this subtitle. All funds included in the maintenance
7 of effort calculation under this subsection shall be
8 expended during the fiscal year for which the deter-
9 mination is made, and shall not include capital ex-
10 penditures, special one-time project costs, or similar
11 windfalls.

12 “(3) WAIVER.—The Director may waive the re-
13 quirements of paragraph (1) if the Director deter-
14 mines that such a waiver would be equitable due to
15 exceptional or uncontrollable circumstances such as
16 a natural disaster or a precipitous and unforeseen
17 decline in the financial resources of the State.

18 **“SEC. 224. STATE PLANS.**

19 “(a) STATE PLAN REQUIRED.—

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

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

1 “(3) REVISIONS.—If a State library administra-
2 tive agency makes a substantive revision to its State
3 plan, then the State library administrative agency
4 shall submit to the Director an amendment to the
5 State plan containing such revision not later than
6 April 1 of the fiscal year preceding the fiscal year
7 for which the amendment will be effective.

8 “(b) CONTENTS.—The State plan shall—

9 “(1) establish goals, and specify priorities, for
10 the State consistent with the purposes of this sub-
11 title;

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

17 “(3) describe the procedures that such agency
18 will use to carry out the activities described in para-
19 graph (2);

20 “(4) describe the methodology that such agency
21 will use to evaluate the success of the activities es-
22 tablished under paragraph (2) in achieving the goals
23 and meeting the priorities described in paragraph
24 (1);

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

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

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

17 “(d) INFORMATION.—Each library receiving assist-
18 ance under this subtitle shall submit to the State library
19 administrative agency such information as such agency
20 may require to meet the requirements of subsection (c).

21 “(e) APPROVAL.—

22 “(1) IN GENERAL.—The Director shall approve
23 any State plan under this subtitle that meets the re-
24 quirements of this subtitle and provides satisfactory

1 assurances that the provisions of such plan will be
2 carried out.

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

7 “(3) ADMINISTRATION.—If the Director deter-
8 mines that the State plan does not meet the require-
9 ments of this section, the Director shall—

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

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

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

18 “(D) provide the State library administra-
19 tive agency the opportunity for a hearing.

20 **“CHAPTER 2—LIBRARY PROGRAMS**

21 **“SEC. 231. GRANTS TO STATES.**

22 “(a) IN GENERAL.—Of the funds provided to a State
23 library administrative agency under section 214, such
24 agency shall expend, either directly or through subgrants

1 or cooperative agreements, at least 96 percent of such
2 funds for—

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

5 “(B) electronically linking libraries with edu-
6 cational, social, or information services;

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

9 “(D) encouraging libraries in different areas,
10 and encouraging different types of libraries, to es-
11 tablish consortia and share resources; or

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

15 “(2) targeting library and information services
16 to persons having difficulty using a library and to
17 underserved urban and rural communities, including
18 children (from birth through age 17) from families
19 with incomes below the poverty line (as defined by
20 the Office of Management and Budget and revised
21 annually in accordance with section 673(2) of the
22 Community Services Block Grant Act (42 U.S.C.
23 9902(2)) applicable to a family of the size involved.

24 “(b) SPECIAL RULE.—Each State library administra-
25 tive agency receiving funds under this chapter may appor-

1 tion the funds available for the purposes described in sub-
2 section (a) between the two purposes described in para-
3 graphs (1) and (2) of such subsection, as appropriate, to
4 meet the needs of the individual State.

5 **“CHAPTER 3—ADMINISTRATIVE**

6 **PROVISIONS**

7 **“Subchapter A—State Requirements**

8 **“SEC. 251. STATE ADVISORY COUNCILS.**

9 “Each State desiring assistance under this subtitle
10 may establish a State advisory council which is broadly
11 representative of the library entities in the State, including
12 public, school, academic, special, and institutional librar-
13 ies, and libraries serving individuals with disabilities.

14 **“Subchapter B—Federal Requirements**

15 **“SEC. 261. SERVICES FOR INDIAN TRIBES.**

16 “From amounts reserved under section 221(a)(1)(A)
17 for any fiscal year the Director shall award grants to orga-
18 nizations primarily serving and representing Indian tribes
19 to enable such organizations to carry out the activities de-
20 scribed in section 231.

21 **“SEC. 262. NATIONAL LEADERSHIP GRANTS OR CON-**
22 **TRACTS.**

23 “(a) IN GENERAL.—From the amounts reserved
24 under section 221(a)(1)(B) for any fiscal year the Direc-
25 tor shall establish and carry out a program awarding na-

1 tional leadership grants or contracts to enhance the qual-
2 ity of library services nationwide and to provide coordina-
3 tion between libraries and museums. Such grants or con-
4 tracts shall be used for activities that may include—

5 “(1) education and training of persons in li-
6 brary and information science, particularly in areas
7 of new technology and other critical needs, including
8 graduate fellowships, traineeships, institutes, or
9 other programs;

10 “(2) research and demonstration projects relat-
11 ed to the improvement of libraries, education in li-
12 brary and information science, enhancement of li-
13 brary services through effective and efficient use of
14 new technologies, and dissemination of information
15 derived from such projects;

16 “(3) preservation or digitization of library ma-
17 terials and resources, giving priority to projects em-
18 phasizing coordination, avoidance of duplication, and
19 access by researchers beyond the institution or li-
20 brary entity undertaking the project; and

21 “(4) model programs demonstrating cooperative
22 efforts between libraries and museums.

23 “(b) GRANTS OR CONTRACTS.—

24 “(1) IN GENERAL.—The Director may carry
25 out the activities described in subsection (a) by

1 awarding grants to, or entering into contracts with,
2 libraries, agencies, institutions of higher education,
3 or museums, where appropriate.

4 “(2) COMPETITIVE BASIS.—Grants and con-
5 tracts under this section shall be awarded on a com-
6 petitive basis.

7 “(c) SPECIAL RULE.—The Director shall make every
8 effort to ensure that activities assisted under this section
9 are administered by appropriate library and museum pro-
10 fessionals or experts.

11 **“SEC. 263. STATE AND LOCAL INITIATIVES.**

12 “Nothing in this subtitle shall be construed to inter-
13 fere with State and local initiatives and responsibility in
14 the conduct of library services. The administration of li-
15 braries, the selection of personnel and library books and
16 materials, and insofar as consistent with the purposes of
17 this subtitle, the determination of the best uses of the
18 funds provided under this subtitle, shall be reserved for
19 the States and their local subdivisions.

20 **“Subtitle C—Museum Services**

21 **“SEC. 271. PURPOSE.**

22 “‘It is the purpose of this subtitle—

23 “(1) to encourage and assist museums in their
24 educational role, in conjunction with formal systems
25 of elementary, secondary, and postsecondary edu-

1 cation and with programs of nonformal education for
2 all age groups;

3 “(2) to assist museums in modernizing their
4 methods and facilities so that the museums are bet-
5 ter able to conserve the cultural, historic, and sci-
6 entific heritage of the United States; and

7 “(3) to ease the financial burden borne by mu-
8 seums as a result of their increasing use by the pub-
9 lic.

10 **“SEC. 272. DEFINITIONS.**

11 “As used in this subtitle:

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

19 “(2) STATE.—The term ‘State’ means each of
20 the 50 States of the United States, the District of
21 Columbia, the Commonwealth of Puerto Rico, the
22 United States Virgin Islands, Guam, American
23 Samoa, the Commonwealth of the Northern Mariana
24 Islands, the Republic of the Marshall Islands, the

1 Federated States of Micronesia, and the Republic of
2 Palau.

3 **“SEC. 273. MUSEUM SERVICES ACTIVITIES.**

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

9 “(1) programs that enable museums to con-
10 struct or install displays, interpretations, and exhibi-
11 tions in order to improve museum services provided
12 to the public;

13 “(2) assisting museums in developing and
14 maintaining professionally trained or otherwise expe-
15 rienced staff to meet the needs of the museums;

16 “(3) assisting museums in meeting the adminis-
17 trative costs of preserving and maintaining the col-
18 lections of the museums, exhibiting the collections to
19 the public, and providing educational programs to
20 the public through the use of the collections;

21 “(4) assisting museums in cooperating with
22 each other in developing traveling exhibitions, meet-
23 ing transportation costs, and identifying and locat-
24 ing collections available for loan;

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

3 “(6) developing and carrying out specialized
4 programs for specific segments of the public, such as
5 programs for urban neighborhoods, rural areas, In-
6 dian reservations, and penal and other State institu-
7 tions; and

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

10 “(b) CONTRACTS AND COOPERATIVE AGREE-
11 MENTS.—

12 “(1) PROJECTS TO STRENGTHEN MUSEUM
13 SERVICES.—The Director, subject to the policy di-
14 rection of the Museum Board, is authorized to enter
15 into contracts and cooperative agreements with ap-
16 propriate entities, as determined by the Director, to
17 pay for the Federal share of enabling the entities to
18 undertake projects designed to strengthen museum
19 services, except that any contracts or cooperative
20 agreements entered into pursuant to this subsection
21 shall be effective only to such extent or in such
22 amounts as are provided in appropriations Acts.

23 “(2) LIMITATION ON AMOUNT.—The aggregate
24 amount of financial assistance made available under
25 this subsection for a fiscal year shall not exceed 15

1 percent of the amount appropriated under this sub-
2 title for such fiscal year.

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

6 “(c) FEDERAL SHARE.—

7 “(1) 50 PERCENT.—Except as provided in para-
8 graph (2), the Federal share described in sub-
9 sections (a) and (b) shall be not more than 50 per-
10 cent.

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

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

1 **“SEC. 274. AWARD.**

2 “The Director, with the advice of the Museum Board,
3 may annually award a National Award for Museum Serv-
4 ice to outstanding museums that have made significant
5 contributions in service to their communities.

6 **“SEC. 275. NATIONAL MUSEUM SERVICES BOARD.**

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

9 “(b) COMPOSITION AND QUALIFICATIONS.—

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

14 “(2) QUALIFICATIONS.—The appointive mem-
15 bers of the Museum Board shall be selected from
16 among citizens of the United States—

17 “(A) who are members of the general pub-
18 lic;

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

21 “(i) resources that, collectively, are
22 broadly representative of the curatorial,
23 conservation, educational, and cultural re-
24 sources of the United States; or

25 “(ii) museums that, collectively, are
26 broadly representative of various types of

1 museums, including museums relating to
2 science, history, technology, art, zoos, and
3 botanical gardens; and

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

7 “(3) GEOGRAPHIC AND OTHER REPRESENTA-
8 TION.—Members of the Museum Board shall be ap-
9 pointed to reflect persons from various geographic
10 regions of the United States. The Museum Board
11 may not include, at any time, more than 3 members
12 from a single State. In making such appointments,
13 the President shall give due regard to equitable rep-
14 resentation of women, minorities, and persons with
15 disabilities who are involved with museums.

16 “(c) TERMS.—

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

20 “(A) of the members first appointed, 3
21 shall serve for terms of 5 years, 3 shall serve
22 for terms of 4 years, 3 shall serve for terms of
23 3 years, 3 shall serve for terms of 2 years, and
24 2 shall serve for terms of 1 year, as designated

1 by the President at the time of nomination for
2 appointment; and

3 “(B) any member appointed to fill a va-
4 cancy shall serve for the remainder of the term
5 for which the predecessor of the member was
6 appointed.

7 “(2) REAPPOINTMENT.—No member of the
8 Museum Board who has been a member for more
9 than 7 consecutive years shall be eligible for re-
10 appointment.

11 “(3) SERVICE UNTIL SUCCESSOR TAKES OF-
12 FICE.—Notwithstanding any other provision of this
13 subsection, a member of the Museum Board shall
14 serve after the expiration of the term of the member
15 until the successor to the member takes office.

16 “(d) DUTIES AND POWERS.—The Museum Board
17 shall have the responsibility to advise the Director on gen-
18 eral policies with respect to the duties, powers, and au-
19 thority of the Institute relating to museum services, in-
20 cluding general policies with respect to—

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

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

1 “(e) CHAIRPERSON.—The President shall designate
2 1 of the appointive members of the Museum Board as
3 Chairperson of the Museum Board.

4 “(f) MEETINGS.—

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

7 “(A) not less than 3 times each year, in-
8 cluding—

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

11 “(ii) not less than 1 time each year in
12 a joint meeting with the Commission, con-
13 vened for purposes of making general poli-
14 cies with respect to financial assistance for
15 projects described in section 262(a)(4);
16 and

17 “(B) at the call of the Director.

18 “(2) VOTE.—All decisions by the Museum
19 Board with respect to the exercise of the duties and
20 powers of the Museum Board shall be made by a
21 majority vote of the members of the Museum Board
22 who are present. All decisions by the Commission
23 and the Museum Board with respect to the policies
24 described in paragraph (1)(A)(ii) shall be made by
25 a $\frac{2}{3}$ majority vote of the total number of the mem-

1 bers of the Commission and the Museum Board who
2 are present.

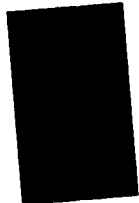
3 “(g) QUORUM.—A majority of the members of the
4 Museum Board shall constitute a quorum for the conduct
5 of business at official meetings of the Museum Board, but
6 a lesser number of members may hold hearings. A major-
7 ity of the members of the Commission and a majority of
8 the members of the Museum Board shall constitute a
9 quorum for the conduct of business at official joint meet-
10 ings of the Commission and the Museum Board.



11 “(h) COMPENSATION AND TRAVEL EXPENSES.—

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

may



1 received for their services as officers or employees of
2 the Federal Government.

3 “(2) TRAVEL EXPENSES.—The members of the
4 Museum Board shall be allowed travel expenses, in-
5 cluding per diem in lieu of subsistence, in the same
6 amounts and to the same extent, as authorized
7 under section 5703 of title 5, United States Code,
8 for persons employed intermittently in Federal Gov-
9 ernment service.

*c Bo
House wants
“may”*

10 “(i) COORDINATION.—The Museum Board, with the
11 advice of the Director, shall take steps to ensure that the
12 policies and activities of the Institute are coordinated with
13 other activities of the Federal Government.

14 **“SEC. 276. AUTHORIZATION OF APPROPRIATIONS.**

15 “(a) GRANTS.—For the purpose of carrying out this
16 subtitle, there are authorized to be appropriated to the Di-
17 rector \$28,700,000 for the fiscal year 1997, and such
18 sums as may be necessary for each of the fiscal years 1998
19 through 2002.

20 “(b) ADMINISTRATION.—Not more than 10 percent
21 of the funds appropriated under this section for a fiscal
22 year may be used to pay for the administrative costs of
23 carrying out this subtitle.

1 “(c) SUMS REMAINING AVAILABLE.—Sums appro-
2 priated pursuant to subsection (a) for any fiscal year shall
3 remain available for obligation until expended.”.

4 **SEC. 3. NATIONAL COMMISSION ON LIBRARIES AND INFOR-**
5 **MATION SCIENCE.**

6 (a) FUNCTIONS.—Section 5 of the National Commis-
7 sion on Libraries and Information Science Act (20 U.S.C.
8 1504) is amended—

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

11 (2) by inserting after subsection (a) the follow-
12 ing:

13 “(b) The Commission shall have the responsibility to
14 advise the Director of the Institute of Museum and Li-
15 brary Services on general policies with respect to the du-
16 ties, powers, and authority of the Institute of Museum and
17 Library Services relating to library services, including—

18 “(1) general policies with respect to—

19 “(A) financial assistance awarded under
20 the Museum and Library Services Act for li-
21 brary services; and

22 “(B) projects described in section
23 262(a)(4) of such Act; and

24 “(2) measures to ensure that the policies and
25 activities of the Institute of Museum and Library

1 Services are coordinated with other activities of the
2 Federal Government.

3 “(c)(1) The Commission shall meet not less than 1
4 time each year in a joint meeting with the National Mu-
5 seum Services Board, convened for purposes of providing
6 advice on general policy with respect to financial assist-
7 ance for projects described in section 262(a)(4) of such
8 Act.

9 “(2) All decisions by the Commission and the Na-
10 tional Museum Services Board with respect to the advice
11 on general policy described in paragraph (1) shall be made
12 by a $\frac{2}{3}$ majority vote of the total number of the members
13 of the Commission and the National Museum Services
14 Board who are present.

15 “(3) A majority of the members of the Commission
16 and a majority of the members of the National Museum
17 Services Board shall constitute a quorum for the conduct
18 of business at official joint meetings of the Commission
19 and the National Museum Services Board.”.

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

23 (1) in subsection (a)—

24 (A) in the first sentence, by striking “Li-
25 brarian of Congress” and inserting “Librarian

1 of Congress, the Director of the Institute of
2 Museum and Library Services (who shall serve
3 as an ex officio, nonvoting member),”;

4 (B) in the second sentence—

5 (i) by striking “special competence or
6 interest in” and inserting “special com-
7 petence in or knowledge of; and

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

13 (C) in the third sentence, by inserting “ap-
14 pointive” before “members”; and

15 (D) in the last sentence, by striking “term
16 and at least” and all that follows and inserting
17 “term.”; and

18 (2) in subsection (b), by striking “the rate spec-
19 ified” and all that follows through “and while” and
20 inserting “the daily equivalent of the maximum rate
21 authorized for a position above grade GS-15 of the
22 General Schedule under section 5108 of title 5,
23 United States Code, for each day (including travel-
24 time) during which the members are engaged in the
25 business of the Commission. While”.

1 **SEC. 4. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MU-**
2 **SEUM SERVICES.**

3 (a) **DEFINITIONS.**—For purposes of this section, un-
4 less otherwise provided or indicated by the context—

5 (1) the term “Federal agency” has the meaning
6 given to the term “agency” by section 551(1) of title
7 5, United States Code;

8 (2) the term “function” means any duty, obli-
9 gation, power, authority, responsibility, right, privi-
10 lege, activity, or program; and

11 (3) the term “office” includes any office, ad-
12 ministration, agency, institute, unit, organizational
13 entity, or component thereof.

14 (b) **TRANSFER OF FUNCTIONS FROM THE INSTITUTE**
15 **OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OF-**
16 **FICE.**—There are transferred to the Director of the Insti-
17 tute of Museum and Library Services established under
18 section 203 of the Museum and Library Services Act—

19 (1) all functions that the Director of the Insti-
20 tute of Museum Services exercised before the date of
21 enactment of this section (including all related func-
22 tions of any officer or employee of the Institute of
23 Museum Services); and

24 (2) all functions that the Director of Library
25 Programs in the Office of Educational Research and
26 Improvement in the Department of Education exer-

1 cised before the date of enactment of this section
2 and any related function of any officer or employee
3 of the Department of Education.

4 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY
5 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
6 essary, the Office of Management and Budget shall make
7 any determination of the functions that are transferred
8 under subsection (b).

9 (d) DELEGATION AND ASSIGNMENT.—Except where
10 otherwise expressly prohibited by law or otherwise pro-
11 vided by this section, the Director of the Institute of Mu-
12 seum and Library Services may delegate any of the func-
13 tions transferred to the Director of the Institute of Mu-
14 seum and Library Services by this section and any func-
15 tion transferred or granted to such Director of the Insti-
16 tute of Museum and Library Services after the effective
17 date of this section to such officers and employees of the
18 Institute of Museum and Library Services as the Director
19 of the Institute of Museum and Library Services may des-
20 ignate, and may authorize successive redelegations of such
21 functions as may be necessary or appropriate, except that
22 any delegation of any such functions with respect to librar-
23 ies shall be made to the Deputy Director of the Office
24 of Library Services and with respect to museums shall be
25 made to the Deputy Director of the Office of Museum

1 Services. No delegation of functions by the Director of the
2 Institute of Museum and Library Services under this sec-
3 tion or under any other provision of this section shall re-
4 lieve such Director of the Institute of Museum and Li-
5 brary Services of responsibility for the administration of
6 such functions.

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

14 (f) RULES.—The Director of the Institute of Museum
15 and Library Services may prescribe, in accordance with
16 chapters 5 and 6 of title 5, United States Code, such rules
17 and regulations as the Director of the Institute of Museum
18 and Library Services determines to be necessary or appro-
19 priate to administer and manage the functions of the In-
20 stitute of Museum and Library Services.

21 (g) TRANSFER AND ALLOCATIONS OF APPROPRIA-
22 TIONS AND PERSONNEL.—Except as otherwise provided
23 in this section, the personnel employed in connection with,
24 and the assets, liabilities, contracts, property, records, and
25 unexpended balances of appropriations, authorizations, al-

1 locations, and other funds employed, used, held, arising
2 from, available to, or to be made available in connection
3 with the functions transferred by this section, subject to
4 section 1531 of title 31, United States Code, shall be
5 transferred to the Institute of Museum and Library Serv-
6 ices. Unexpended funds transferred pursuant to this sub-
7 section shall be used only for the purposes for which the
8 funds were originally authorized and appropriated.

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

25 (i) EFFECT ON PERSONNEL.—

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

9 (2) EXECUTIVE SCHEDULE POSITIONS.—Except
10 as otherwise provided in this section, any person
11 who, on the day preceding the effective date of this
12 section, held a position compensated in accordance
13 with the Executive Schedule prescribed in chapter
14 53 of title 5, United States Code, and who, without
15 a break in service, is appointed in the Institute of
16 Museum and Library Services to a position having
17 duties comparable to the duties performed imme-
18 diately preceding such appointment shall continue to
19 be compensated in such new position at not less
20 than the rate provided for such previous position, for
21 the duration of the service of such person in such
22 new position.

23 (j) SAVINGS PROVISIONS.—

24 (1) CONTINUING EFFECT OF LEGAL DOCU-
25 MENTS.—All orders, determinations, rules, regula-

1 tions, permits, agreements, grants, contracts, certifi-
2 cates, licenses, registrations, privileges, and other
3 - administrative actions—

4 (A) that have been issued, made, granted,
5 or allowed to become effective by the President,
6 any Federal agency or official of a Federal
7 agency, or by a court of competent jurisdiction,
8 in the performance of functions that are trans-
9 ferred under this section; and

10 (B) that were in effect before the effective
11 date of this section, or were final before the ef-
12 fective date of this section and are to become
13 effective on or after the effective date of this
14 section;

15 shall continue in effect according to their terms until
16 modified, terminated, superseded, set aside, or re-
17 voked in accordance with law by the President, the
18 Director of the Institute of Museum and Library
19 Services or other authorized official, a court of com-
20 petent jurisdiction, or by operation of law.

21 (2) PROCEEDINGS NOT AFFECTED.—This sec-
22 tion shall not affect any proceedings, including no-
23 tices of proposed rulemaking, or any application for
24 any license, permit, certificate, or financial assist-
25 ance pending before the Institute of Museum Serv-

1 ices on the effective date of this section, with respect
2 to functions transferred by this section. Such pro-
3 ceedings and applications shall be continued. Orders
4 shall be issued in such proceedings, appeals shall be
5 taken from the orders, and payments shall be made
6 pursuant to the orders, as if this section had not
7 been enacted, and orders issued in any such proceed-
8 ings shall continue in effect until modified, termi-
9 nated, superseded, or revoked by a duly authorized
10 official, by a court of competent jurisdiction, or by
11 operation of law. Nothing in this paragraph shall be
12 construed to prohibit the discontinuance or modifica-
13 tion of any such proceeding under the same terms
14 and conditions and to the same extent that such pro-
15 ceeding could have been discontinued or modified if
16 this section had not been enacted.

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

23 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
24 tion, or other proceeding commenced by or against
25 the Institute of Museum Services, or by or against

1 any individual in the official capacity of such individ-
2 ual as an officer of the Institute of Museum Serv-
3 ices, shall abate by reason of the enactment of this
4 section.

5 (5) ADMINISTRATIVE ACTIONS RELATING TO
6 PROMULGATION OF REGULATIONS.—Any administra-
7 tive action relating to the preparation or promulga-
8 tion of a regulation by the Institute of Museum
9 Services relating to a function transferred under this
10 section may be continued by the Institute of Mu-
11 seum and Library Services with the same effect as
12 if this section had not been enacted.

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

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

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

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

1 (1) the Director of the Institute of Museum
2 Services with regard to functions transferred under
3 subsection (b), shall be deemed to refer to the Direc-
4 tor of the Institute of Museum and Library Services;
5 and

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

10 (m) ADDITIONAL CONFORMING AMENDMENTS.—

11 (1) RECOMMENDED LEGISLATION.—After con-
12 sultation with the appropriate committees of Con-
13 gress and the Director of the Office of Management
14 and Budget, the Director of the Institute of Museum
15 and Library Services shall prepare and submit to the
16 appropriate committees of Congress recommended
17 legislation containing technical and conforming
18 amendments to reflect the changes made by this sec-
19 tion.

20 (2) SUBMISSION TO CONGRESS.—Not later than
21 6 months after the effective date of this section, the
22 Director of the Institute of Museum and Library
23 Services shall submit to the appropriate committees
24 of Congress the recommended legislation referred to
25 under paragraph (1).

1 **SEC. 5. SERVICE OF INDIVIDUALS SERVING ON DATE OF**
2 **ENACTMENT.**

3 Notwithstanding section 204 of the Museum and Li-
4 brary Services Act, the individual who was appointed to
5 the position of Director of the Institute of Museum Serv-
6 ices under section 205 of the Museum Services Act (as
7 such section was in effect on the day before the date of
8 enactment of this Act) and who is serving in such position
9 on the day before the date of enactment of this Act shall
10 serve as the first Director of the Institute of Museum and
11 Library Services under section 204 of the Museum and
12 Library Services Act (as added by section 2 of this Act),
13 and shall serve at the pleasure of the President.

14 **SEC. 6. CONSIDERATION.**

15 Consistent with title 5, United States Code, in ap-
16 pointing employees of the Office of Library Services, the
17 Director of the Institute of Museum and Library Services
18 shall give strong consideration to individuals with experi-
19 ence in administering State-based and national library and
20 information services programs.

21 **SEC. 7. TRANSITION AND TRANSFER OF FUNDS.**

22 (a) **TRANSITION.**—The Director of the Office of Man-
23 agement and Budget shall take appropriate measures to
24 ensure an orderly transition from the activities previously
25 administered by the Director of Library Programs in the
26 Office of Educational Research and Improvement in the



1 Department of Education to the activities administered by
2 the Institute for Museum and Library Services under this
3 Act. Such measures may include the transfer of appro-
4 priated funds.

5 (b) TRANSFER.—The Secretary of Education shall
6 transfer to the Director the amount of funds necessary
7 to ensure the orderly transition from activities previously
8 administered by the Director of the Office of Library Pro-
9 grams in the Office of Educational Research and Improve-
10 ment in the Department of Education to the activities ad-
11 ministered by the Institute for Museum and Library Serv-
12 ices. In no event shall the amount of funds transferred
13 pursuant to the preceding sentence be less than \$200,000.

14 **SEC. 8. REPEALS.**

15 (a) LIBRARY SERVICES AND CONSTRUCTION ACT.—
16 The Library Services and Construction Act (20 U.S.C.
17 351 et seq.) is repealed.

18 (b) TITLE II OF THE HIGHER EDUCATION ACT OF
19 1965.—Title II of the Higher Education Act of 1965 (20
20 U.S.C. 1021 et seq.), relating to academic libraries and
21 information services, is repealed.

22 (c) PART D OF TITLE XIII OF THE HIGHER EDU-
23 CATION AMENDMENTS OF 1986.—Part D of title XIII of
24 the Higher Education Amendments of 1986 (20 U.S.C.
25 1029 note), relating to library resources, is repealed.

*Need language
to correct
S+E
is it clear that
this is DOE
admin. money
and not library
money. (new?)*

1 (d) SECTION 519 OF THE EDUCATION AMENDMENTS
2 OF 1974.—Section 519 of the Education Amendments of
3 1974 (20 U.S.C. 1221i) is repealed.

4 (e) PART F OF THE TECHNOLOGY FOR EDUCATION
5 ACT OF 1994.—Part F of the Technology for Education
6 Act of 1994 (20 U.S.C. 7001 et seq.), contained in title
7 III of the Elementary and Secondary Education Act of
8 1965, is repealed.

9 **SEC. 9. CONFORMING AMENDMENTS.**

10 (a) REFERENCES TO LIBRARY SERVICES AND CON-
11 STRUCTION ACT.—

12 (1) TECHNOLOGY FOR EDUCATION ACT OF
13 1994.—Section 3113(10) of the Technology for Edu-
14 cation Act of 1994 (20 U.S.C. 6813(10)) is amended
15 by striking “section 3 of the Library Services and
16 Construction Act;” and inserting “section 213 of the
17 Library Services and Technology Act;”.

18 (2) OMNIBUS EDUCATION RECONCILIATION ACT
19 OF 1981.—Section 528 of the Omnibus Education
20 Reconciliation Act of 1981 (20 U.S.C. 3489) is
21 amended—

22 (A) by striking paragraph (12); and

23 (B) by redesignating paragraphs (13)
24 through (15) as paragraphs (12) through (14),
25 respectively.

1 (3) ELEMENTARY AND SECONDARY EDUCATION
2 ACT OF 1965.—Section 3113(10) of the Elementary
3 and Secondary Education Act of 1965 (20 U.S.C.
4 6813(10)) is amended by striking “section 3 of the
5 Library Services and Construction Act” and insert-
6 ing “section 213 of the Library Services and Tech-
7 nology Act”.

8 (4) COMMUNITY IMPROVEMENT VOLUNTEER
9 ACT OF 1994.—Section 7305 of the Community Im-
10 provement Volunteer Act of 1994 (40 U.S.C. 276d-
11 3) is amended—

12 (A) by striking paragraph (1); and
13 (B) by redesignating paragraphs (2)
14 through (6) as paragraphs (1) through (5), re-
15 spectively.

16 (5) APPALACHIAN REGIONAL DEVELOPMENT
17 ACT OF 1965.—Section 214(c) of the Appalachian
18 Regional Development Act of 1965 (40 U.S.C. App.
19 214(c)) is amended by striking “Library Services
20 and Construction Act;”.

21 (6) DEMONSTRATION CITIES AND METROPOLI-
22 TAN DEVELOPMENT ACT OF 1966.—Section 208(2) of
23 the Demonstration Cities and Metropolitan Develop-
24 ment Act of 1966 (42 U.S.C. 3338(2)) is amended

1 by striking “title II of the Library Services and Con-
2 struction Act;”.

3 (7) PUBLIC LAW 87-688.—Subsection (c) of the
4 first section of the Act entitled “An Act to extend
5 the application of certain laws to American Samoa”,
6 approved September 25, 1962 (48 U.S.C. 1666(c))
7 is amended by striking “the Library Services Act
8 (70 Stat. 293; 20 U.S.C. 351 et seq.)”.

9 (8) COMMUNICATIONS ACT OF 1934.—Para-
10 graph (4) of section 254(h) of the Communications
11 Act of 1934 (47 U.S.C. 254(h)(4)) is amended by
12 striking “library not eligible for participation in
13 State-based plans for funds under title III of the Li-
14 brary Services and Construction Act (20 U.S.C.
15 335c et seq.)” and inserting “library or library con-
16 sortium not eligible for assistance from a State li-
17 brary administrative agency under the Library Serv-
18 ices and Technology Act”.

19 (b) REFERENCES TO INSTITUTE OF MUSEUM SERV-
20 ICES.—

21 (1) TITLE 5, UNITED STATES CODE.—Section
22 5315 of title 5, United States Code, is amended by
23 striking the following:

24 “Director of the Institute of Museum Services.”
25 and inserting the following:

1 “Director of the Institute of Museum and Li-
2 brary Services.”.

3 (2) DEPARTMENT OF EDUCATION ORGANIZA-
4 TION ACT.—Section 301 of the Department of Edu-
5 cation Organization Act (20 U.S.C. 3441) is amend-
6 ed—

7 (A) in subsection (a)—

8 (i) by striking paragraph (5); and

9 (ii) by redesignating paragraphs (6)
10 and (7) as paragraphs (5) and (6), respec-
11 tively; and

12 (B) in subsection (b)—

13 (i) by striking paragraph (4); and

14 (ii) by redesignating paragraphs (5)
15 through (7) as paragraphs (4) through (6),
16 respectively.

17 (3) ELEMENTARY AND SECONDARY EDUCATION
18 ACT OF 1965.—

19 (A) Sections 2101(b), 2205(e)(1)(D),
20 2208(d)(1)(H)(v), and 2209(b)(1)(C)(vi), and
21 subsections (d)(6) and (e)(2) of section 10401
22 of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 6621(b),
24 6645(c)(1)(D), 6648(d)(1)(H)(v),
25 6649(b)(1)(C)(vi), and 8091 (d)(6) and (e)(2))

1 are amended by striking “the Institute of Mu-
2 seum Services” and inserting “the Institute of
3 Museum and Library Services”.

4 (B) Section 10412(b) of such Act (20
5 U.S.C. 8102(b)) is amended—

6 (i) in paragraph (2), by striking “the
7 Director of the Institute of Museum Serv-
8 ices,” and inserting “the Director of the
9 Institute of Museum and Library Serv-
10 ices,”; and

11 (ii) in paragraph (7), by striking “the
12 Director of the Institute of Museum Serv-
13 ices,” and inserting “the Director of the
14 Institute of Museum and Library Serv-
15 ices,”.

16 (C) Section 10414(a)(2)(B) of such Act
17 (20 U.S.C. 8104(a)(2)(B)) is amended by strik-
18 ing clause (iii) and inserting the following new
19 clause:

20 “(iii) the Institute of Museum and Li-
21 brary Services.”.

22 (c) REFERENCES TO OFFICE OF LIBRARIES AND
23 LEARNING RESOURCES.—Section 413(b)(1) of the De-
24 partment of Education Organization Act (20 U.S.C.
25 3473(b)(1)) is amended—

1 (1) by striking subparagraph (H); and
2 (2) by redesignating subparagraphs (I) through
3 (M) as subparagraphs (H) through (L), respectively.
4 (d) REFERENCES TO STATE POSTSECONDARY RE-
5 VIEW ENTITY PROGRAMS.—Section 356(b)(2) of the
6 Higher Education Act of 1965 (20 U.S.C. 10696(b)) is
7 amended by striking “II,”.