

MUSEUM AND LIBRARY SERVICES ACT OF 2003

FEBRUARY 25, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BOEHNER, from the Committee on Education and the Workforce, submitted the following

R E P O R T

[To accompany H.R. 13]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 13) to reauthorize the Museum and Library Services Act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

H.R. 13, the Museum and Library Services Act of 2003, authorizes federal assistance to museums and libraries through fiscal year 2009. H.R. 13 maintains the modest but essential federal support for museums and libraries across the country; authorizes funds for the one federal agency—the Institute of Museum and Library Services—devoted exclusively to museums and libraries, which are natural partners with our nation’s schools; and encourages model cooperation between museums and libraries. The Institute of Museum and Library Services and the Committee on Education and the Workforce note that funds allocated under the Museum and Library Services Act are not authorized for construction of facilities. Instead, the intent of authorized funds is to increase access to—and cooperation among—our nation’s museums and libraries. Last Congress, the Committee on Education and the Workforce reported H.R. 3784, the Museum and Library Services Act of 2002. However, H.R. 3784 was not scheduled for Floor consideration. H.R. 13 is a similar bill and a bipartisan attempt to reauthorize the Museum and Library Services Act.

COMMITTEE ACTION

107TH CONGRESS

Subcommittee hearing

On Thursday, February 14, 2002, the Subcommittee on Select Education held a hearing in Washington, D.C. on "Equipping Museums and Libraries for the 21st Century." The purpose of the hearing was to learn about activities and initiatives currently funded under the Museum and Library Services Act and to discuss issues related to its reauthorization.

Legislative action

On February 26, 2002, Representatives Peter Hoekstra (R-MI) and Tim Roemer (D-IN) introduced H.R. 3784, the Museum and Library Services Act of 2002, a bipartisan bill to reauthorize the Museum and Library Services Act through fiscal year 2008.

On March 6, 2002, the Subcommittee on Select Education considered H.R. 3784 in legislative session and reported it favorably, without amendment, to the Committee on Education and the Workforce by voice vote.

On March 20, 2002, the Committee on Education and the Workforce considered H.R. 3784 in legislative session and reported it favorably, as amended, to the House of Representatives by voice vote. The Committee considered two amendments:

- The Committee adopted, by voice vote, a bipartisan substitute amendment offered by Representatives Peter Hoekstra (R-MI) and Tim Roemer (D-IN). The substitute amendment was drafted with input from the Institute of Museum and Library Services, the American Library Association, the Chief Officers of State Library Agencies, and the American Association of Museums. Specifically, the amendment: (1) authorizes a total of \$350 million for the Museum and Library Services Act, with \$300 million for library services and \$50 million for museum services; (2) increases the minimum allotment for the United States Virgin Islands, Guam, and 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 to \$60,000 as long as each State receives its new minimum allotment of \$500,000; and (3) makes technical and typographical changes to the legislation.

- The Committee rejected, by voice vote, an amendment offered by Representative Major Owens (D-NY) to add language to H.R. 3784 to require that the National Commission on Libraries and Information Science advise the Institute of Museum and Library Services Director on library programs.

108TH CONGRESS

The Committee on Education and the Workforce did not hold hearings on the Museum and Library Services Act during the 108th Congress.

Legislative action

On January 7, 2003, Representative Peter Hoekstra (R-MI) introduced H.R. 13, the Museum and Library Services Act of 2003,

a bipartisan bill to reauthorize the Museum and Library Services Act through fiscal year 2009.

On February 13, 2003, the Committee on Education and the Workforce considered H.R. 13 in legislative session and reported it favorably, without amendment, to the House of Representatives by voice vote.

SUMMARY

TITLE I—GENERAL PROVISIONS

H.R. 13, the Museum and Library Services Act of 2003 authorizes the federal library and museums programs under the Institute of Museum and Library Services. Specifically, this title: requires the Institute of Museum and Library Services Director to establish procedural standards for making grants available to museums and libraries (ensuring that the criteria are consistent with the statutory purposes of the Act); prohibits projects that are determined to be obscene from receiving funding; ensures that library activities are coordinated with activities under P.L. 107–110, the No Child Left Behind Act of 2001; consolidates museum and library advisory board activities under a single statute; authorizes the Institute of Museum and Library Services Director to issue National Awards for Library Service and National Awards for Museum Service; and ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

The purposes of this title are to: (1) consolidate federal library service programs; (2) promote improvement in library services in all types of libraries to better serve the people of the United States; (3) facilitate access to resources in all types of libraries toward an educated and informed citizenry; and (4) encourage resource sharing among all types of libraries toward economic and efficient delivery of library services to the public.

Under this title, 3.75 percent of funds are reserved for national leadership competitive grants; 1.75 percent of funds are reserved for library services for Native Americans; up to 3.5 percent of funds for federal administration; and the remainder of funds are allotted by formula to States via State Library Agencies.

H.R. 13 increases the minimum State allotment for library programs to \$680,000 and also ensures that no State's allotment falls below its FY 2003 level. If funding were insufficient to raise the minimum State allotment to \$680,000, and, at the same time, hold all States harmless so they do not lose funds from their FY 2003 level, then the minimum State allotment is set at \$340,000 (current law minimum State allotment). Additional funding would be distributed equally among the States until the minimum amount of \$680,000 per State is reached and any funding above the State minimum of \$680,000 would be awarded to States based on population (as under current law). H.R. 13 also increases the minimum allotment for the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to \$60,000 as long as each State receives its new minimum allotment of \$680,000.

State grants under this title can be used for: (1) expanding services for learning and access to information and educational resources in a variety of formats in all types of libraries for individuals of all ages; (2) developing library services that provide all users access to information through electronic networks; (3) providing electronic and other linkages among and between all types of libraries; (4) developing public and private partnerships with other agencies and community-based organizations; (5) targeting 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; and (6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children from families with incomes below the poverty level.

This title authorizes 3.75 percent of funds for national leadership grant to enhance the quality of library services nationwide and to provide coordination between libraries and museums. These competitive grants are used for activities that include: (1) education, recruitment, and training of persons in library and information science; (2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects; (3) preservation or digitization of library materials and resources; and (4) model programs demonstrating cooperative efforts between libraries and museums.

The Library Services and Technology title is authorized at \$210 million for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

TITLE III—MUSEUM SERVICES

The purposes of this title are to: (1) encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage; (2) encourage and support museums in carrying out their educational role; (3) encourage leadership, innovation and applications of the most current technologies and practices to enhance museum services; (4) assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States; (5) assist, encourage, and support museums in achieving the highest standards of management and service to the public; and (6) support resource sharing and partnerships among museums, libraries, schools, and other community organizations.

H.R. 13 authorizes the Institute of Museum and Library Services Director, subject to the policy direction of the expanded Museum and Library Services Board, to enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance to museums and to other entities to pay for the federal share of the cost to support activities, that among other things: (1) support museums in providing learning and access to collections, information, and educational resources in a variety of formats; (2) support museums in building learning partnerships with the na-

tion's schools; (3) support museums in assessing, conserving, researching, maintaining, and exhibiting their collections; (4) stimulate greater collaboration among museums, libraries, schools, and other community organizations; and (5) encourage, support, and disseminate model programs of museum and library collaboration.

The Museum Services title is authorized at \$35 million for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

TITLE IV—TECHNICAL CORRECTIONS; REPEALS; AND EFFECTIVE DATE

This title makes technical corrections to the Museum and Library Services Act; consolidates museum and library advisory board activities within the Institute of Museum and Library Services; and states that the amendments made by this Act shall take effect on the date of enactment except that sections 203, 204, and 305 shall take effect on October 1, 2003.

COMMITTEE VIEWS

Museums and libraries have become a fundamental part of our society. Attendance at American museums is now at more than 865 million visits per year and today's 21st century library is not just a provider of books; instead, the typical American library coordinates a complete and comprehensive approach to community development and services.

Museums play a vital role in the education of people of all ages and most American museums provide K–12 educational programming. Museums are an important source of cultural and historical knowledge for people, as they learn about the history and traditions of our country and our shared identity as Americans. Museums also serve as places where people of different backgrounds, economic levels, and home locations come together and not only share the experience of viewing their community's artifacts and natural objects, but also discuss community issues.

Throughout our nation, libraries are at the forefront of reading and family literacy programs. Libraries serve as essential links to the business community, assisting with job creation, training programs, and business development initiatives. They are also critical to many people with disabilities, providing them with specialized materials and resources that are obtainable in a single location. For older Americans, libraries provide a place to interact with others, use the Internet, and receive services. For economically disadvantaged persons, or persons living in underserved and rural communities, libraries are the greater equalizer, providing access to books and reference materials, computer services, and community-based services that might not otherwise be available.

H.R. 13, the Museum and Library Services Act of 2003 has the support of the Institute of Museum and Library Services, the American Library Association, the Chief Officers of State Library Agencies, and the American Association of Museums. In particular, the American Association of Museums sent a letter to the Committee on Education and the Workforce on February 6, 2003 to offer its strong support of the bill. In the letter, Edward H. Able, Jr., the President and Chief Executive Officer of the Association, wrote:

I commend the members of the committee for their bipartisan efforts to craft a bill that reaffirms federal support for the public service responsibilities of America's museums, particularly with regard to K through 12 [education] * * * This legislation also provides great flexibility to address current and future challenges, such as the use of new technologies and broadcast media to enhance public access to museum collections, programs and services.

In addition, the American Library Association noted in a letter sent to the Committee on Education and the Workforce on February 13, 2003 that it "applauds the Committee's efforts over the past 2 years to craft a forward thinking, bi-partisan bill that unites the entire library community."

H.R. 13 continues the main objectives of the Museum and Library Services Act of 1996 and makes several modifications to current law to streamline and strengthen museum and library services across the country.

TITLE I—GENERAL PROVISIONS

Coordination

Under current law, the Institute of Museum and Library Services Director must ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the federal government having interest in and responsibilities for the improvement of museums and libraries.

H.R. 13 requires the Institute of Museum and Library Services Director, where appropriate, to ensure that library activities are also coordinated with activities under section 1251 (Improving Literacy Through School Libraries) of P.L. 107-110, the No Child Left Behind Act of 2001. School libraries are eligible for support under the Museum and Library Services Act and through the Department of Education's Improving Literacy Through School Libraries. The Committee believes this requirement for coordination will help ensure a consistent approach to federal support for school library services.

Review and evaluation of applications

Under current law, there are no provisions regarding the review and evaluation of applications for assistance under the Museum and Library Services Act.

H.R. 13 amends the Museum and Library Services Act by incorporating procedural standards for making grants available to museums and libraries. Under the new provisions, an application must be submitted in accordance with regulations or procedures established by the Director of the Institute of Museum and Library Services. In establishing these rules, the Director must ensure that the criteria by which the applications are considered are consistent with the purposes of the Museum and Library Services Act and take into consideration general standards of decency and respect for the diverse beliefs and values of the American public. In addition, H.R. 13 prohibits projects that are determined to be obscene from receiving funding from the Institute of Museum and Library Services. The Committee notes that awards made by the National

Endowment for the Arts are subject to similar standards (20 U.S.C. § 954(d)).

Museum and Library Services Board

Advice on museum services is provided by the National Museum Services Board, an advisory board authorized within the Museum and Library Services Act. In 1996, the Museum and Library Services Act continued the National Museum Services Board and also put in place an advisory role for library services outside the agency. The National Commission on Libraries and Information Science was established under a separate statute in 1970 (P.L. 91-345). In 1996, the National Commission on Libraries and Information Sciences Act was amended to add authority for the National Commission to advise the Institute of Museum and Library Services Director on library programs.

The Museum and Library Services Act of 2003 eliminates additional advisory duties assigned to the National Commission on Libraries and Information Science found in current law of the Museum and Library Services Act and consolidates those “advisory board responsibilities” under the existing Museum Services Board that will expand to include library services. H.R. 13 does not repeal, nor does the Committee intend to eliminate the National Commission on Libraries and Information Science because it has been established under a separate statute and is not within the scope of the Museum and Library Services Act of 2003. The purpose of this change is to consolidate museum and library board activities under a single statute. The Museum and Library Services Board would include the Institute of Museum and Library Services Director, the two Institute of Museum and Library Services Deputy Directors, and twenty members (ten from the museum community and ten from the library community) appointed by the President, by and with the advice and consent of the Senate.

The Committee notes that the American Library Association and the Chief Officers of State Library Agencies support H.R. 13 as reported by the Committee on Education and the Workforce. In addition, the Institute of Museum and Library Services supports this change to the law—which was also included in H.R. 3784, the Museum and Library Services Act of 2002—as described in a letter sent to the Committee on Education and the Workforce on March 19, 2002. Specifically, the letter noted:

IMLS needs an advisory board that can focus on the entirety of the activities of the agency. Federal grantmaking is complex and IMLS strives to develop board expertise so that the board can provide advice that best serves the American taxpayer and the interests of the library and museum communities. Developing board expertise for two separate entities is redundant and time consuming. A board that exists for the sole purpose of advising the agency is needed to develop an advisory process that is most useful and effective.

It is inordinately complex and awkward to have one federal agency advising another on federal grantmaking. Prior to the establishment of the IMLS in 1996, the National Commission on Libraries and Information Science had existed for 25 years with its own freestanding author-

ization and mission. The National Museum Services Board existed within the Museum Services Act for the sole purpose of advising the agency. The Museum and Library Services Act of 1996 maintained the National Museum Services Board and amended the NCLIS statute to add advising IMLS to its existing responsibilities. The board envisioned by H.R. 3784 would consolidate advisory functions under one statute, the Museum and Library Services Act. It would not change NCLIS' authority and responsibility as they existed for 25 years prior to 1996.

National Awards for Museum and Library Service

Under current law, the Institute of Museum and Library Services Director is authorized to annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

H.R. 13 broadens the language in current law that allows the Institute of Museum and Library Services Director to award National Awards for Museum Service to also allow the Director to make similar awards for library service. This change makes the treatment of the award consistent for both libraries and museums. The awards program is an important way to highlight the vital roles that libraries and museums play in communities across the country.

Analyses of impact of Museum and Library Services

Under current law, there are no provisions regarding any analysis of the impact of museum and library services.

H.R. 13 ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services. Specifically, it authorizes the Institute of Museum and Library Services, in consultation with State, regional and national museum and library service agencies and service organizations, to conduct ongoing analysis of services being provided under the Act to identify needs for, and trends of, public museum and library services. These analyses will:

- Be conducted in ongoing consultation with State library administrative agencies, State, regional, and national museums, and other relevant agencies and organizations;
- Identify national needs and trends of services provided under museum and library programs;
- Report on the impact and effectiveness of the Institute funded programs in addressing those national needs; and
- Identify and disseminate best practices of funded programs to State library administrative agencies, State, regional, and national museum organizations, and other relevant agencies and organizations.

The Committee believes that regular analyses of the impact and effectiveness of Institute of Museum and Library Services programs are necessary to ensure good management and to share best practices. The Committee also understands that it has a responsibility to ensure that taxpayer money is best spent appropriately on effective programs that support and enhance the public service missions of America's museums and libraries. Analyses of the impact of museum and library programs will help the Institute of Museum and

Library Services make informed and responsible program decisions based on concrete, current, and reliable data.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Administration

Under current law, not more than 3 percent of funds may be used to pay for federal administrative costs for carrying out programs authorized under this title.

The Museum and Library Services Act of 2003 allows not more than 3.5 percent of funds for federal administrative costs. The Committee intends that the increase in funds of federal administrative be used to conduct the annual analyses of the impact of museum and library services.

Minimum state allotment

Under current law, the minimum allotment for each State (which includes the District of Columbia and the Commonwealth of Puerto Rico) is \$340,000, with the exception of outlying areas (Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau), which receives \$40,000 as a minimum allotment. The remainder of funds above the minimum State allotment is awarded to States based on population.

H.R. 13 increases the minimum State allotment to \$680,000 and also ensures that no State's allotment falls below its FY 2003 level. If funding were insufficient to raise the minimum State allotment to \$680,000, and, at the same time, hold all States harmless so they do not lose funds from their FY 2003 level, then the minimum State allotment is set at \$340,000 (current law minimum State allotment). Additional funding would be distributed equally among the States until the minimum amount of \$680,000 per State is reached and any funding above the State minimum of \$680,000 would be awarded to States based on population (as under current law). H.R. 13 also increase the minimum allotment for outlying areas to \$60,000 as long as each State receives its new minimum allotment of \$680,000.

The Institute of Museum and Library Services supports these changes—which were also included in H.R. 3784, the Museum and Library Services Act of 2002—as described in a letter sent to the Committee on Education and the Workforce on March 19, 2002. Specifically, the letter noted:

The Institute notes that minimum allotment for the States has not increased since 1971. The change required by H.R. 3784 includes “hold harmless” language that assures that no State would experience a reduction in the allocation below the fiscal year 2002 level to accommodate this changes. The Institute also notes that this change is based on a recommendation from the library community carefully developed through a consensus endorsed by the Chief Officers of State Library Agencies.

TITLE III—MUSEUM SERVICES

Purpose

H.R. 13 ensures that the Institute of Museum and Library Services will continue its role in promoting public service by museums in the 21st century by updating the purpose of the museum services program to, among other things, encourage and support museums in carrying out their public service and educational role as providers of learning in conjunction with schools, families, and communities. The Committee also believes that the museums, libraries, schools, and other community organizations.

Definition of museum

Under current law, the term “museum” means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis.

The Museum and Library Services Act of 2003 expands the definition of “museum” to include aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks. The Committee expands this definition in recognition of the wide variety of museum organizations. The Committee understands however, that this definition does not anticipate museum organizations that may arise in the future. Accordingly, the Committee intends that no organization that meets the requirements of the definition should be precluded from applying for a grant under the Act based solely on an absence from this list.

Museum service activities

Under current law, the Institute of Museum and Library Services Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the federal share of the cost of increasing and improving museum services through various activities. In addition, the Director, subject to the policy direction of the Museum board, is authorized to use up to 15 percent of museum services funds to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director, to pay for the federal share of enabling the entities to undertake projects designed to strengthen museum service.

H.R. 13 eliminates the 15 percent limit for contracts and cooperative agreements under current law and authorizes the Director of the Institute of Museum and Library Services, subject to the policy direction of the expanded Museum and Library Services Board, to enter into arrangements, including grants, contracts cooperative agreements, and other forms of assistance to museums to pay for the federal share of the cost to support projects designed to strengthen museum services. The Committee believes this change is needed to allow the Institute of Museum and Library Services Director greater flexibility in awarding grants, contracts, and coop-

erative agreements to museums and other entities to strengthen museum services.

SECTION-BY-SECTION ANALYSIS

Section 1.—Designates the short title of this Act as the “Museum and Library Services Act of 2003.”

TITLE I—GENERAL PROVISIONS

Section 101.—Amends definitions.

Section 102.—Adds authority for a National Museum and Library Services board within the Institute of Museum and Library Services.

Section 103.—Ensures that library activities are coordinated with activities under P.L. 107–110, the No Child Left Behind Act of 2001; authorizes the director to promulgate rules and regulations; and defines application procedures (including review and evaluation of applications).

Section 104.—Sets forth provisions regarding composition, procedures, duties, and powers of the National Museum and Library Services Board

Section 105.—Authorizes the director to annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and museums and requires the director to carry out and publish analyses of the impact of museum and library services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Section 201.—Updates the purpose of the Library Services and Technology Act.

Section 202.—Amends definitions.

Section 203.—Authorizes \$210 million for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009 for the Library Services and Technology Act and increases the reservation of funds for administration.

Section 204.—Increases minimum State allotments to \$680,000 (if sufficient funds are available).

Section 205.—Updates provisions pertaining to State plans.

Section 206.—Updates State grants uses of funds.

Section 207.—Updates provisions pertaining to National Leadership Grants to clarify that funds can also be used to recruit librarians.

TITLE III—MUSEUM SERVICES

Section 301.—Updates the purpose of the Museum Services Act.

Section 302.—Amends definitions.

Section 303.—Updates and amends provisions pertaining to uses of funds; federal share of funds; review and evaluation of assistance; applications for technical assistance; and services for native Americans with regard to museum services activities.

Section 304.—Repeals sections 274 and 275 of the Museum and Library Services Act.

Section 305.—Authorizes \$35 million for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009 for the Museum Services Act.

Section 306.—Designates the short title of subtitle C as the “Museum Services Act.”

TITLE IV—TECHNICAL CORRECTIONS; REPEALS; EFFECTIVE DATE

Section 401.—Makes technical corrections to the Museum and Library Services Act.

Section 402.—Repeals sections of the National Commission on Libraries and Information Science Act and the Museum and Library Services Act of 1996 to consolidate museum and library advisory board activities within the Institute of Museum and Library Services.

Section 403.—States that the amendments made by this Act shall take effect on the date of enactment except that sections 203, 204, and 305 shall take effect on October 1, 2003.

EXPLANATION OF AMENDMENTS

The bill was ordered favorably reported without amendment.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill, H.R. 13, the “Museum and Library Services Act of 2002,” authorizes federal assistance to museums and libraries through fiscal year 2008. The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, Public Law 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 13 authorizes federal assistance to museums and libraries. As such, the bill does not contain any unfunded mandates.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 13 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
 Washington, DC, February 24, 2003.

Hon. JOHN A. BOEHNER,
 Chairman, Committee on Education and the Workforce, House of
 Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 13, the Museum and Library Services Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Donna Wong.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
 Director.

Enclosure.

H.R. 13—Museum and Library Services Act of 2003

Summary: H.R. 13 would reauthorize programs under the Museum and Library Services Act of 1996 that were authorized through 2002. Programs were authorized in 2003 by the Consolidated Appropriations Resolution, 2003 (Public Law 108–10). H.R. 13 would reauthorize these programs through 2009.

CBO estimates that authorizations under the bill would total \$245 million in 2004 and about \$1.5 billion over the 2004–2009 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorizations are not provided. CBO estimates that appropriations of the authorized levels would result in additional outlays of \$1.3 billion over the 2004–2009 period, if inflation adjustments are included (and about \$1.2 billion without inflation adjustments). Enacting H.R. 13 would not affect direct spending or receipts.

H.R. 13 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. This bill would benefit states and other participating entities by authorizing grant funding for updating museum and library services. Any costs incurred by states to participate in this program would be voluntary.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 13 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services). CBO’s estimate of authorized levels is the authorized amount for 2004 with those amounts inflated in later years. The estimated outlays reflect CBO’s current assumptions about spending patterns in the authorized programs.

	By fiscal year, in millions of dollars—						
	2003	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION							
Spending Under Current Law:							
Budget Authority ¹	244	0	0	0	0	0	0
Estimated Outlays	231	185	71	0	0	0	0
Proposed Changes:							
Library Services:							
Estimated Authorization Level	0	210	214	219	223	228	233

	By fiscal year, in millions of dollars—						
	2003	2004	2005	2006	2007	2008	2009
Estimated Outlays	0	44	142	214	218	223	228
Museum Services:							
Estimated Authorization Level	0	35	36	36	37	38	39
Estimated Outlays	0	10	35	36	37	37	38
Total Proposed Changes:							
Estimated Authorization Level	0	245	250	255	260	266	272
Estimated Outlays	0	54	177	250	255	260	266
Total Spending Under H.R. 13:							
Estimated Authorization Level ¹	244	245	250	255	260	266	272
Estimated Outlays	231	239	248	250	255	260	266

¹The 2003 level is the amount appropriated for that year for the library and museum services programs.

H.R. 13 would reauthorize programs created under the Museum and Library Services Act. Both the library and museum services programs would be reauthorized at specific levels for 2004 and for such sums as may be necessary for 2005 through 2009.

H.R. 13 would authorize the appropriation of \$245 million in 2004. CBO estimates that the bill would authorize total funding of \$1.5 billion over the 2004–2009 period, assuming that “such sums” amounts provided after 2004 are adjusted for inflation. If the authorized amounts are appropriated, estimated outlays would total \$54 million in the first year and about \$1.3 billion over the six-year period. (Without inflation adjustments, outlays would total about \$1.2 billion over the six years.)

Office of Library Services

The Office of Library Services within the Institute of Museum and Library Services provides funding to public libraries through state formula grants so that libraries can promote wider access to learning and information. Competitive grants are also available for libraries that submit innovative ideas to improve information access. The program also supports collaborative activities between museums and libraries. The bill would authorize the library services program at \$210 million in 2004 and such sums as may be necessary for the 2005–2009 period. CBO estimates the total authorized funding for the 2004–2009 period would be about \$1.3 billion, assuming adjustments for inflation, with resulting outlays of about \$1.1 billion over those six years.

Office of Museum Services

The Office of Museum Services provides competitive grants to museums to improve museum programs and operations. The bill would reauthorize the current program at \$35 million in 2004 and such sums as may be necessary for each of the following five years. For this program, CBO estimates the total authorized funding for the 2004–2009 period would be \$221 million, assuming adjustments for inflation, with resulting outlays of \$194 million over those six years.

National Museum and Library Services Board

The bill would also add a National Museum and Library Services Board within the Institute of Museum and Library Services, allow the director to grant national awards to libraries and museums that have made significant contributions in service to their communities, and instruct the director to report on the impact of the mu-

seum and library services programs. Funding for the board's activities would come out of the amounts authorized for the Office of Library Services and the Office of Museum Services.

Intergovernmental and private-sector impact: H.R. 13 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. This bill would benefit states and other participating entities by authorizing grant funding for streamlining and updating museum and library services. Any costs incurred by states to participate in this program would be voluntary.

Estimate prepared by: Federal Costs: Donna Wong; Impact on State, Local, and Tribal Governments: Gregory Waring; and Impact on the Private Sector: Nabeel Alsalam.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 13 is to authorize federal assistance to museums and libraries. The Committee expects the Department of Education to comply with H.R. 13 and implement the changes to the law in accordance with the changes.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 13. The Committee believes that the amendments made by this bill to the Museum and Library Services Act are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 13. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in *roman*):

MUSEUM AND LIBRARY SERVICES ACT
[TITLE II—MUSEUM AND LIBRARY SERVICES
[Subtitle A—General Provisions]
TITLE II—MUSEUM AND LIBRARY
SERVICES
Subtitle A—General Provisions

SEC. 201. SHORT TITLE.

This title may be cited as the “Museum and Library Services Act”.

SEC. 202. GENERAL DEFINITIONS.

As used in this title:

【(1) COMMISSION.—The term “Commission” means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).】

(1) *DETERMINED TO BE OBSCENE.*—The term “determined to be obscene” means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

* * * * *

(3) *FINAL JUDGMENT.*—The term “final judgment” means a judgment that is—

(A) not reviewed by any other court that has authority to review such judgment; or

(B) is not reviewable by any other court.

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

【(4) MUSEUM BOARD.—The term “Museum Board” means the National Museum Services Board established under section 275.】

【(3)】 (5) *INSTITUTE.*—The term “Institute” means the Institute of Museum and Library Services established under section 203.

(6) *MUSEUM AND LIBRARY SERVICES BOARD.*—The term “Museum and Library Services Board” means the National Museum and Library Services Board established under section 207.

(7) *OBSCENE.*—The term “obscene” means, with respect to a project, that—

(A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;

- (B) *such project depicts or describes sexual conduct in a patently offensive way; and*
- (C) *such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.*

SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

(a) * * *

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

(c) MUSEUM AND LIBRARY SERVICES BOARD.—There shall be a National Museum and Library Services Board within the Institute, as provided under section 207.

SEC. 204. DIRECTOR OF THE INSTITUTE.

(a) * * *

* * * * *

(e) COORDINATION.—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services. *Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383).*

(f) REGULATORY AUTHORITY.—*The Director may promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this title.*

(g) APPLICATION PROCEDURES.—

(1) IN GENERAL.—*In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.*

(2) REVIEW AND EVALUATION.—*The Director shall establish procedures for reviewing and evaluating such applications. Such procedures shall not be subject to any review outside of the Institute. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.*

(3) TREATMENT OF PROJECTS DETERMINED TO BE OBSCENE.—

(A) IN GENERAL.—*The procedures described in paragraph (2) shall include provisions that clearly specify that obscenity is without literary, artistic, political, or scientific merit, and is not protected speech.*

(B) PROHIBITION.—*No financial assistance may be provided under this title with respect to any project that is determined to be obscene.*

(C) TREATMENT OF APPLICATION DISAPPROVAL.—*The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.*

* * * * *

SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

(a) *ESTABLISHMENT.*—*There is established in the Institute a board to be known as the “National Museum and Library Services Board”.*

(b) *MEMBERSHIP.*—

(1) *NUMBER AND APPOINTMENT.*—*The Museum and Library Services Board shall be composed of the following:*

(A) *The Director.*

(B) *The Deputy Director for the Office of Library Services.*

(C) *The Deputy Director for the Office of Museum Services.*

(D) *10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of library services by virtue of their education, training, or experience.*

(E) *10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified in the area of museum services by virtue of their education, training, or experience.*

(2) *SPECIAL QUALIFICATIONS.*—

(A) *LIBRARY MEMBERS.*—*Of the members of the Museum and Library Services Board appointed under paragraph (1)(D)—*

(i) *5 shall be professional librarians or information specialists, of whom—*

(I) *at least 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and*

(II) *and at least 1 other shall be knowledgeable about the library and information service needs of underserved communities; and*

(ii) *the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.*

(B) *MUSEUM MEMBERS.*—*Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—*

(i) *5 shall be museum professionals who are or have been affiliated with—*

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

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

(ii) *the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.*

(3) *GEOGRAPHIC AND OTHER REPRESENTATION.*—*Members of the Museum and Library Services Board shall be appointed to*

reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

(4) *VOTING.*—The Director, the Deputy Director of the Office of Library Services, and the Deputy Director of the Office of Museum Services shall be nonvoting members of the Museum and Library Services Board.

(c) *TERMS.*—

(1) *IN GENERAL.*—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (D) or (E) of subsection (b)(1) shall serve for a term of 5 years.

(2) *INITIAL BOARD APPOINTMENTS.*—

(A) *TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.*—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of the enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

(B) *FIRST APPOINTMENTS.*—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(D). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

(C) *AUTHORITY TO ADJUST TERMS.*—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

(3) *VACANCIES.*—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

(4) *REAPPOINTMENT.*—No appointive member of the Museum and Library Services Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

(5) *SERVICE UNTIL SUCCESSOR TAKES OFFICE.*—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve

after the expiration of the term of the member until the successor to the member takes office.

(d) **DUTIES AND POWERS.**—

(1) **IN GENERAL.**—*The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.*

(2) **NATIONAL AWARDS.**—*The Museum and Library Services Board shall assist the Director in making awards under section 209.*

(e) **CHAIRPERSON.**—*The Director shall serve as Chairperson of the Museum and Library Services Board.*

(f) **MEETINGS.**—

(1) **IN GENERAL.**—*The Museum and Library Services Board shall meet not less than 2 times each year and at the call of the Director.*

(2) **VOTE.**—*All decisions by the Museum and Library Services Board with respect to the exercise of its duties and powers shall be made by a majority vote of the members of the Board who are present and authorized to vote.*

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

(h) **COMPENSATION AND TRAVEL EXPENSES.**—

(1) **COMPENSATION.**—*Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Libraries Services Board who are full-time officers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Board.*

(2) **TRAVEL EXPENSES.**—*Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.*

(i) **COORDINATION.**—*The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.*

SEC. [207.] 208. CONTRIBUTIONS.

The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such property [of] or services in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the

donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

SEC. 209. AWARDS.

The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.

SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.

From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—

(1) shall be conducted in ongoing consultation with—

(A) State library administrative agencies;

(B) State, regional, and national library and museum organizations; and

(C) other relevant agencies and organizations;

(2) shall identify national needs for, and trends of, museum and library services provided with funds made available under subtitles B and C;

(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and

(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).

* * * * *

[Subtitle C—Museum Services

[SEC. 271. PURPOSE.

[It is the purpose of this subtitle—

[(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

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

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

Subtitle C—Museum Services

SEC. 271. SHORT TITLE.

This subtitle may be cited as the “Museum Services Act”.

SEC. 272. PURPOSE.

It is the purpose of this subtitle—

(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cul-

tural, artistic, historical, natural, and scientific understandings that constitute our heritage;

(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;

(3) to encourage leadership, innovation, and applications of the most current technologies and practices to enhance museum services;

(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;

(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and

(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.

SEC. [272.] 273. DEFINITIONS.

As used in this subtitle:

(1) MUSEUM.—The term “museum” means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis. *Such term includes aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.*

* * * * *

[SEC. 273. MUSEUM SERVICES ACTIVITIES.

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

[(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

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

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

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

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

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

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

[(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—

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

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

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

[(c) FEDERAL SHARE.—

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

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

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

[SEC. 274. AWARD.

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

[SEC. 275. NATIONAL MUSEUM SERVICES BOARD.

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

[(b) COMPOSITION AND QUALIFICATIONS.—

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

[(2) QUALIFICATIONS.—The appointive members of the Museum Board shall be selected from among citizens of the United States—

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

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

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

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

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

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

[(c) TERMS.—

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

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

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

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

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

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

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

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

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

[(f) MEETINGS.—

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

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

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

[(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of

making general policies with respect to financial assistance for projects described in section 262(a)(4); and [(B) at the call of the Director.

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

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

[(h) COMPENSATION AND TRAVEL EXPENSES.—

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

[(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

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

SEC. 274. MUSEUM SERVICES ACTIVITIES.

(a) *IN GENERAL.*—*The Director, subject to the policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance to museums and other entities as the Director considers appropriate, to pay for the Federal share of the cost—*

(1) *to support museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;*

(2) *to support museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;*

(3) to support museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

(4) to stimulate greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities;

(5) to encourage the use of new technologies and broadcast media to enhance access to museum collections, programs, and services;

(6) to support museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities;

(7) to support museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

(8) to support professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

(9) to support museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and

(10) to encourage, support, and disseminate model programs of museum and library collaboration.

(b) FEDERAL SHARE.—

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

(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to enter into arrangements under subsection (a) for which the Federal share may be greater than 50 percent.

(3) OPERATIONAL EXPENSES.—No funds for operational expenses may be provided under this section to any entity that is not a museum.

(c) REVIEW AND EVALUATION.—

(1) IN GENERAL.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.

(2) APPLICATIONS FOR TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Director may use up to 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.

(B) INDIVIDUAL MUSEUMS.—Individual museums may receive not more than 3 technical assistance awards under subparagraph (A), but subsequent awards for technical assistance shall be subject to review outside the Institute.

(d) SERVICES FOR NATIVE AMERICANS.—From amounts appropriated under section 275, the Director shall reserve 1.75 percent to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians (as defined in section 7207 of the Native

Hawaiian Education Act (20 U.S.C. 7517)), to enable such tribes and organizations to carry out the activities described in subsection (a).

SEC. [276.] 275. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director **【\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.】** *\$35,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.*

* * * * *

LIBRARY SERVICES AND TECHNOLOGY ACT

[Subtitle B—Library Services and Technology]

Subtitle B—Library Services and Technology

* * * * *

SEC. 212. PURPOSE.

It is the purpose of this subtitle—

- (1) to consolidate Federal library service programs;
- 【(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;**
- 【(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;**
- 【(4) to provide linkages among and between libraries; and**
- 【(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.】**
- (2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;*
- (3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and*
- (4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.*

SEC. 213. DEFINITIONS.

As used in this subtitle:

- 【(1) INDIAN TRIBE.—The term “Indian tribe” means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible**

for the special programs and services provided by the United States to Indians because of their status as Indians.】

【(2)】 (1) LIBRARY.—The term “library” includes—
 (A) * * *

* * * * *

【(3)】 (2) LIBRARY CONSORTIUM.—The term “library consortium” means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

【(4)】 (3) STATE.—The term “State”, unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

【(5)】 (4) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term “State library administrative agency” means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

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

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

【(a) AUTHORIZATION OF APPROPRIATIONS.—

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

【(2) TRANSFER.—The Secretary of Education shall—

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

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

(a) *IN GENERAL.—There are authorized to be appropriated to carry out this subtitle \$210,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.*

* * * * *

(c) ADMINISTRATION.—Not more than [3] 3.5 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

CHAPTER 1—BASIC PROGRAM REQUIREMENTS

SEC. 221. RESERVATIONS AND ALLOTMENTS.

(a) * * *

(b) ALLOTMENTS.—

(1) * * *

* * * * *

[(3) MINIMUM ALLOTMENT.—

[(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

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

[(C) SPECIAL RULE.—

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

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

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

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

(3) *MINIMUM ALLOTMENTS.*—

(A) *IN GENERAL.*—For purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) *RATABLE REDUCTIONS.*—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

(C) *EXCEPTION.*—

(i) *IN GENERAL.*—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003—

(I) the minimum allotment for each State otherwise receiving a minimum allotment of \$340,000 under subparagraph (A) shall be increased to \$680,000; and

(II) the minimum allotment for each State otherwise receiving a minimum allotment of \$40,000 under subparagraph (A) shall be increased to \$60,000.

(ii) *INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.*—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above \$340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above \$40,000.

(D) *SPECIAL RULE.*—

(i) *IN GENERAL.*—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance

with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

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

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

* * * * *

SEC. 224. STATE PLANS.

(a) STATE PLAN REQUIRED.—

(1) IN GENERAL.—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director [not later than April 1, 1997.] once every 5 years, as determined by the Director.

* * * * *

(b) CONTENTS.—The State plan shall—

(1) * * *

* * * * *

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

* * * * *

(f) INTERNET SAFETY.—

(1) IN GENERAL.—No funds made available under this [Act] subtitle for a library described in section 213(2)(A) or (B) that does not receive services at discount rates under section 254(h)(6) of the Communications Act of [1934, as added by section 1721 of this Children’s Internet Protection Act, may] 1934 (47 U.S.C. 254(h)(6)) may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

(A) * * *

* * * * *

(4) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

(A) IN GENERAL.—A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this [Act] subtitle following the effective date of this subsection, and for each subsequent program funding year thereafter.

(B) PROCESS.—

(i) LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with para-

graph (1) during each annual program application cycle under this [Act] subtitle.

(ii) LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

(I) for the first program year after the effective date of this subsection in which the library applies for funds under this [Act] subtitle, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after the effective date of this subsection in which the library applies for funds under this [Act] subtitle, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this [Act] subtitle for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

(iii) WAIVERS.—Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this [Act] subtitle.

(5) NONCOMPLIANCE.—

(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this [Act] subtitle is failing to comply substantially with the requirements of this subsection, the Director may—

(i) withhold further payments to the recipient under this [Act] subtitle,

* * * * *

(7) DEFINITIONS.—In this [section:] subsection:

(A) * * *

* * * * *

(D) OBSCENE.—The term “obscene” has the meaning [given] applicable to such term in section 1460 of title 18, United States Code.

* * * * *

CHAPTER 2—LIBRARY PROGRAMS

SEC. 231. GRANTS TO STATES.

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

[(1)(A) establishing or enhancing electronic linkages among or between libraries;

[(B) electronically linking libraries with educational, social, or information services;

[(C) assisting libraries in accessing information through electronic networks;

[(D) encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

[(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

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

(1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages;

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

(3) providing electronic and other linkages among and between all types of libraries;

(4) developing public and private partnerships with other agencies and community-based organizations;

(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and

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

(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available

for the purposes described in subsection (a) [between the two purposes described in paragraphs (1) and (2) of such subsection,] among such purposes, as appropriate, to meet the needs of the individual State.

CHAPTER 3—ADMINISTRATIVE PROVISIONS

* * * * *

Subchapter B—Federal Requirements

* * * * *

SEC. 262. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

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

(1) [education and training] *education, recruitment, and training* of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

* * * * *

(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts or [cooperative agreements, with,] *cooperative agreements with*, libraries, agencies, institutions of higher education, or museums, where appropriate.

* * * * *

SECTION 5 OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

FUNCTIONS

SEC. 5. (a) * * *

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

[(1) general policies with respect to—
 [(A) financial assistance awarded under the Museum and Library Services Act for library services; and
 [(B) projects described in section 262(a)(4) of such Act; and

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

[(c)(1) The Commission shall meet not less than 1 time each year in a joint meeting with the National Museum Services Board, convened for purposes of providing advice on general policy with respect to financial assistance for projects described in section 262(a)(4) of such Act.

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

[(3) A majority of the members of the Commission and a majority of the members of the National Museum Services Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the National Museum Services Board.]

[(d)] (b) The Commission is authorized to contract with Federal agencies and other public and private agencies to carry out any of its functions under subsection (a) and to publish and disseminate such reports, findings, studies, and records as it deems appropriate.

[(e)] (c) The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this Act.

[(f)] (d) The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out the purposes of this Act.

MUSEUM AND LIBRARY SERVICES ACT OF 1996

TITLE VII—MUSEUM AND LIBRARY SERVICES ACT OF 1996

* * * * *

[SEC. 704. TRANSFER OF FUNCTIONS FROM INSTITUTE OF MUSEUM SERVICES.

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

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

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

[(3) the term “office” includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

[(b) TRANSFER OF FUNCTIONS FROM THE INSTITUTE OF MUSEUM SERVICES AND THE LIBRARY PROGRAM OFFICE.—There are transferred to the Director of the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act—

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

[(2) all functions that the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education exercised before the date of enact-

ment of this section and any related function of any officer or employee of the Department of Education.

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

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

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

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

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

[(h) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of

appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

[(i) EFFECT ON PERSONNEL.—

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

[(2) EXECUTIVE SCHEDULE POSITIONS.—Except as otherwise provided in this section, any person who, on the day preceding the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Institute of Museum and Library Services to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

[(j) SAVINGS PROVISIONS.—

[(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

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

[(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the Institute of Museum and Library Services or other authorized official, a court of competent jurisdiction, or by operation of law.

[(2) PROCEEDINGS NOT AFFECTED.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Institute of Museum Services on the effective date of this section, with respect to functions transferred by this section. Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such pro-

ceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

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

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

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

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

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

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

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

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

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

[(m) ADDITIONAL CONFORMING AMENDMENTS.—

[(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the director of the Office of Management and Budget, the Director of the Institute of Museum and Library Services shall prepare and submit to the appropriate committees of Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

[(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this section, the Director of the Institute of Museum and Library Services shall submit to the ap-

propriate committees of Congress the recommended legislation referred to under paragraph (1).

[SEC. 705. SERVICE OF INDIVIDUALS SERVING ON DATE OF ENACTMENT.]

【Notwithstanding section 204 of the Museum and Library Services Act, the individual who was appointed to the position of Director of the Institute of Museum Services under section 205 of the Museum Services Act (as such section was in effect on the day before the date of enactment of this Act) and who is serving in such position on the day before the date of enactment of this Act shall serve as the first Director of the Institute of Museum and Library Services under section 204 of the Museum and Library Services Act (as added by section 2 of this Act), and shall serve at the pleasure of the President.

[SEC. 706. CONSIDERATION.]

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

[SEC. 707. TRANSITION AND TRANSFER OF FUNDS.]

【(a) TRANSITION.—The Director of the Office of Management and Budget shall take appropriate measures to ensure an orderly transition from the activities previously administered by the Director of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services under this Act. Such measures may include the transfer of appropriated funds.

【(b) TRANSFER.—From any amounts available to the Secretary of Education for salaries and expenses at the Department of Education, the Secretary of Education shall transfer to the Director the amount of funds necessary to ensure the orderly transition from activities previously administered by the Director of the Office of Library Programs in the Office of Educational Research and Improvement in the Department of Education to the activities administered by the Institute for Museum and Library Services. In no event shall the amount of funds transferred pursuant to the preceding sentence be less than \$200,000.】

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