

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3926

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3926, a bill to amend the National Trails System Act to provide for the study of the Pike National Historic Trail.

S. 3935

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3935, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3960

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 3960, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 3965

At the request of Ms. STABENOW, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3965, a bill to amend title XVIII of the Social Security Act to ensure continued access to Medicare for seniors and people with disabilities and to TRICARE for America's military families.

AMENDMENT NO. 4697

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of amendment No. 4697 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4702

At the request of Mr. JOHANNIS, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 4702 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4713

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of amendment No. 4713 intended to be proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

AMENDMENT NO. 4715

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 4715 proposed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 3982. A bill to amend the limitation on liability for certain passenger rail accidents or incidents under section 28103 of title 49, United States Code, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise to introduce a bill to raise the cap on rail liability in cases of gross negligence. This bill was originally introduced in the House of Representatives by Congressman Elton Gallegly of the 24th District of California, and I thank him for all of his hard work on it.

When Congress passed the Amtrak Reform and Accountability Act in 1997, it included a small provision imposing a strict cap on liability in railroad crashes. The cap is now contained in 49 U.S.C. § 28103 and states that the "aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed \$200,000,000."

What this means is that regardless of the circumstances no matter how many people are killed or injured in a train crash, and no matter what caused the crash total liability for all of the passengers hurt or killed in the crash cannot exceed \$200 million.

The problem is that when a real catastrophe occurs, this number is just not sufficient and there is no way around it.

Let me tell you what happened 2 years ago in California.

On September 12, 2008, a commuter train in Chatsworth, California carrying more than 200 people crashed head-on into a freight train.

The carnage from this crash was unspeakable. Twenty-five people were killed. Their bodies, many torn to pieces, had to be extracted from heaps of steel and wreckage.

Another 101 people were injured. Volunteers and rescue crews worked that day to help pull them from the wreckage. Emergency response agencies transported over 100 people to hospitals. Their injuries ranged from blood in the brain and collapsed lungs to bone fractures, gashes, and scratches.

For some people, the crash was a horrible, harrowing experience, but they have been able to return to the lives they had before.

For others, the families of the 25 people who died and for those who suffered the most serious of injuries, life will never be the same.

According to the final report of the National Transportation Safety Board, NTSB, no unexpected equipment malfunction or weather problem was responsible for this crash.

The National Transportation Safety Board report states: "the probable cause of the September 12, 2008, collision was the failure of the Metrolink engineer to observe and appropriately respond to the red signal because he was engaged in text messaging that distracted him from his duties."

The NTSB found, in other words, that the engineer wasn't paying attention, and he sailed through a red signal, crashing head-on into the freight train. In fact, the report finds that he was so busy texting that he never even hit the brakes.

According to the report, on the day of the crash, the engineer sent 21 text messages, received 20 text messages, and made four outgoing telephone calls while he was driving the train.

NTSB wrote,

the investigation further revealed that this amount of activity was not unusual for this engineer. Wireless records for the 7 days preceding the accident showed that on each workday, the engineer had sent or received text messages or made voice calls during the time he was responsible for operating a train. Two days before the accident, he sent or received about 125 messages during the time he was responsible for operating a train. He had also made phone calls during these periods.

ASTOUNDINGLY, the NTSB found that "the content of all of the engineer's text messages over the previous 7 days, including those during and outside the times the engineer was responsible for operating a train, indicated that the engineer and, a teenage boy, had been coordinating to allow, the teenage boy, to operate, Metrolink, train 111 on the evening of the accident."

Although texting while driving the train was clearly prohibited under the operating rules of Veolia Transportation, who employed and oversaw the engineer under contract with Metrolink, this engineer had been violating these rules habitually and had not been stopped.

The conductor who worked with the engineer on Metrolink train 111 observed him using his cell phone while driving the train a month before the accident. According to NTSB, "He said he spoke to the engineer about it and he later brought the incident to the attention of a supervisor." But the behavior obviously continued.

Bottom line: The report says the engineer wasn't paying attention to the passengers' safety, he was sending text messages on his cell phone, and no one else took action to stop this dangerous behavior. As a result, 25 people died.

This is unbelievable. And it is unacceptable.

Since the Chatsworth Crash, I have worked to improve rail safety. In October 2008, Congress passed and the President signed the "Rail Safety Improvement Act," which included a key provision that I strongly pushed requiring

mandatory collision-avoidance systems on America's major passenger, commuter, and freight lines.

But this \$200 million liability cap remains in place.

That means that under current law, the train operator, Metrolink, and the company that hired and oversaw the engineer, Veolia, believe they only have to pay \$200 million total to all of the victims of the Chatsworth crash and their families.

It doesn't matter how tragic the families' losses were. Or how high the survivors' medical bills are. Or how much has been lost in their ability to work and care for their families. The cap is \$200 million total, regardless of the circumstances.

This is terrible public policy, should never have been adopted, and needs to be changed.

In a large crash involving hundreds of people and very serious injuries, a court needs to be able to award the damages that it finds are necessary to care for the victims and their families—to pay their medical bills and to compensate for wages they will never again be able to earn.

The bill I am introducing is straightforward. It would raise the liability cap in any case where a court finds gross negligence or willful misconduct to \$500 million. And it would do so retroactively to ensure that those who were injured or whose family members were killed are not unfairly deprived of the benefits of what was really the right policy in the first place.

I understand that the rail industry believes that the cap on damages keeps their insurance costs and risk exposure down, and I appreciate all the feedback that has been provided by California's passenger rail systems.

I look forward to working with them to make sure this legislation will not have any unintended consequences. I do not expect this bill to be considered and enacted this week. Facing that reality, I will work with the interested parties, including California High Speed Rail Authority and CalTrain, to further refine this legislation. There will be an opportunity to introduce an improved product as a "first day bill" in the next Congress.

But I believe we must do everything we can first to improve safety on our rail lines and second to ensure that when the very worst occurs and people are injured or lose their lives in these accidents, they and their families are fairly compensated.

I urge my colleagues to work with me to amend this law and raise the cap in cases of gross negligence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3982

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ACCIDENT LIABILITY.

(a) AMENDMENTS.—Section 28103 of title 49, United States Code, is amended—

(1) in subsection (a)(2), by striking "The aggregate" and inserting "Except as provided in paragraph (3), the aggregate";

(2) by adding at the end of subsection (a) the following:

"(3) The liability cap under paragraph (2) shall be \$500,000,000 if the accident or incident was proximately caused by gross negligence or willful misconduct of the defendant. Such amount shall be adjusted annually by the Secretary of Transportation to reflect changes in the Consumer Price Index—All Urban Consumers."; and

(3) in subsection (c), by striking "\$200,000,000" and inserting "\$500,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for any passenger rail accident or incident occurring on or after September 12, 2008.

By Mr. REED (for himself, Mr. ENZI, Mr. HARKIN, and Mr. BURR):

S. 3984. A bill to amend and extend the Museum and Library Services Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am pleased to be joined by my colleagues on the Health, Education, Labor, and Pensions Committee—Chairman HARKIN, Ranking Member ENZI, and Senator BURR in introducing the Museum and Library Services Act of 2010.

Together our offices worked to craft a bipartisan bill that updates museum and library services funded through the Institute for Museum and Library Services, IMLS, to better meet the needs of Americans of all ages and in all types of locations.

The Museum and Library Services Act was first enacted in 1996, and my predecessor, the late Senator Claiborne Pell, was instrumental in its development and enactment. This law established IMLS, an independent Federal agency, to oversee funding and programs authorized under the law's two main subtitles, the Library Services and Technology Act, LSTA, and the Museum Services Act.

Libraries and museums are rich centers of learning, woven into the fabric of our communities, big and small, urban and rural.

Libraries are not just places to read and borrow books or for parents to bring their children for story time. During the economic recession, even as libraries are being forced to do more with less, more and more people are also turning to their public libraries for access to information and the Internet, job search and training programs, and business development help.

As noted in the new report, "Opportunity for All: How the American Public Benefits from Internet Access at U.S. Libraries," nearly half of the 169 million visitors to public libraries over the past year used a library computer to connect to the Internet during their visit. Accessing information on education, employment, and health were most commonly cited for this computer and Internet usage.

Museums also provide 21st century learning opportunities, while connecting communities to the culture, science, art, and events that make up humankind's history. The estimated 17,500 museums in the United States reflect the great diversity of our nation. They are large and small; urban and rural; local, national, and international; and include aquariums, arboreta, historical societies, nature centers, zoos, planetariums, art museums, and many other types of museums.

Museums contribute to the quality of life and the economic development of their home communities. They are key partners in offering hands-on, self directed learning for students of all ages. They draw tourism, which contributes to local economies.

The Museum and Library Services Act represents our national commitment to these institutions that are essential to building strong and vibrant communities. Through a relatively modest federal investment, this law helps build capacity to support and expand access to library and museum services at the state and local level.

In Rhode Island, library funding has supported improved online resources; literacy initiatives, including a summer reading program; and the provision of talking books to residents with visual impairments and disabilities. Through museum funding, the Museum of Art at the Rhode Island School of Design, the Preservation Society of Newport, and the Blithewold Mansion, Gardens, and Arboretum have all received support this past year.

The legislation we are introducing updates the law to reflect the education and workforce development role libraries have been playing, including helping the out-of-work look for jobs, equipping business owners with data to make informed business decisions, and helping young and old alike gain critical digital literacy skills—the skills that help to discern fact from fiction when using the Internet.

Our bill will also help enhance training and professional development for librarians and ensure the development of a diverse library workforce, including by authorizing the Laura Bush 21st Century Librarian program, which has been previously funded through annual appropriations.

It will help build state capacity to support museums by authorizing IMLS to support state assessments of museum services and the development and implementation of state plans to improve and enhance those services. Our bill will also strengthen conservation and preservation efforts.

Additionally, it seeks to fully leverage the role of libraries and museums in supporting the learning, educational, and workforce development needs of Americans by requiring IMLS to improve coordination and collaboration with other federal agencies that

also have an interest in and responsibilities for the improvement of museum and libraries and information services.

I thank my colleagues for joining me in this endeavor and urge the Senate to take quick action to adopt this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3984

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Museum and Library Services Act of 2010”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

#### TITLE I—GENERAL PROVISIONS

- Sec. 101. General definitions.
- Sec. 102. Responsibilities of Director.
- Sec. 103. Personnel.
- Sec. 104. Board.
- Sec. 105. Awards and medals.
- Sec. 106. Research and analysis.
- Sec. 107. Hearings.
- Sec. 108. Administrative funds.

#### TITLE II—LIBRARY SERVICES AND TECHNOLOGY

- Sec. 201. Purposes.
- Sec. 202. Authorization of appropriations.
- Sec. 203. Reservations and allotments.
- Sec. 204. State plans.
- Sec. 205. Grants.
- Sec. 206. Grants, contracts, or cooperative agreements.
- Sec. 207. Laura Bush 21st Century Librarian Program.
- Sec. 208. Conforming amendments.

#### TITLE III—MUSEUM SERVICES

- Sec. 301. Purpose.
- Sec. 302. Definitions.
- Sec. 303. Museum services activities.
- Sec. 304. Authorization of appropriations.

#### TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

- Sec. 401. Repeal.

#### SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Museum and Library Services Act (20 U.S.C. 9101 et seq.).

#### TITLE I—GENERAL PROVISIONS

##### SEC. 101. GENERAL DEFINITIONS.

Section 202 (20 U.S.C. 9101) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) **DIGITAL LITERACY SKILLS.**—The term ‘digital literacy skills’ means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.”

##### SEC. 102. RESPONSIBILITIES OF DIRECTOR.

Section 204 (20 U.S.C. 9103) is amended—

(1) by striking subsection (c) and inserting the following:

“(c) **DUTIES AND POWERS.**—

“(1) **PRIMARY RESPONSIBILITY.**—The Director shall have primary responsibility for the development and implementation of policy to ensure the availability of museum, library, and information services adequate to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States.

“(2) **DUTIES.**—In carrying out the responsibility described in paragraph (1), the Director shall—

“(A) advise the President, Congress, and other Federal agencies and offices on museum, library, and information services in order to ensure the creation, preservation, organization, and dissemination of knowledge;

“(B) engage Federal, State, and local governmental agencies and private entities in assessing the museum, library, and information services needs of the people of the United States, and coordinate the development of plans, policies, and activities to meet such needs effectively;

“(C) carry out programs of research and development, data collection, and financial assistance to extend and improve the museum, library, and information services of the people of the United States; and

“(D) ensure that museum, library, and information services are fully integrated into the information and education infrastructures of the United States.”;

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(3) by striking subsection (e) and inserting the following:

“(e) **INTERAGENCY AGREEMENTS.**—The Director may—

“(1) enter into interagency agreements to promote or assist with the museum, library, and information services-related activities of other Federal agencies, on either a reimbursable or non-reimbursable basis; and

“(2) use funds appropriated under this Act for the costs of such activities.

“(f) **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 such policies and activities are coordinated with—

“(1) activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

“(2) programs and activities under the Head Start Act (42 U.S.C. 9831 et seq.) (including programs and activities under subparagraphs (H)(vii) and (J)(iii) of section 641(d)(2) of such Act) (42 U.S.C. 9836(d)(2));

“(3) activities under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.) (including activities under section 134(c) of such Act) (29 U.S.C. 2864(c)); and

“(4) Federal programs and activities that increase the capacity of libraries and museums to act as partners in economic and community development, education and research, improving digital literacy skills, and disseminating health information.

“(g) **INTERAGENCY COLLABORATION.**—The Director shall work jointly with the individuals heading relevant Federal departments and agencies, including the Secretary of Labor, the Secretary of Education, the Administrator of the Small Business Administration, the Chairman of the Federal Communications Commission, the Director of the National Science Foundation, the Secretary of Health and Human Services, the Secretary of State, the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Housing and

Urban Development, the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment of the Humanities, and the Director of the Office of Management and Budget, or the designees of such individuals, on—

“(1) initiatives, materials, or technology to support workforce development activities undertaken by libraries;

“(2) resource and policy approaches to eliminate barriers to fully leveraging the role of libraries and museums in supporting the early learning, literacy, lifelong learning, digital literacy, workforce development, and education needs of the people of the United States; and

“(3) initiatives, materials, or technology to support educational, cultural, historical, scientific, environmental, and other activities undertaken by museums.”.

##### SEC. 103. PERSONNEL.

Section 206 (20 U.S.C. 9105) is amended—

(1) by striking paragraph (2) of subsection (b) and inserting the following:

“(2) **NUMBER AND COMPENSATION.**—

“(A) **IN GENERAL.**—The number of employees appointed and compensated under paragraph (1) shall not exceed ¼ of the number of full-time regular or professional employees of the Institute.

“(B) **RATE OF COMPENSATION.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5, United States Code.

“(ii) **EXCEPTION.**—The Director may appoint not more than 3 employees under paragraph (1) at a rate of basic compensation that exceeds the rate described in clause (i) but does not exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.”; and

(2) by adding at the end the following:

“(d) **EXPERTS AND CONSULTANTS.**—The Director may use experts and consultants, including panels of experts, who may be employed as authorized under section 3109 of title 5, United States Code.”.

##### SEC. 104. BOARD.

Section 207 (20 U.S.C. 9105a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively;

(B) in paragraph (2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking “(1)(E)” and inserting “(1)(D)”;

(ii) in the matter preceding clause (i) of subparagraph (B), by striking “(1)(F)” and inserting “(1)(E)”;

(C) in paragraph (4)—

(i) by inserting “and” after “Library Services.”; and

(ii) by striking “, and the Chairman of the National Commission on Library and Information Science”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking “Except as otherwise provided in this subsection, each” and inserting “Each”; and

(ii) by striking “(E) or (F)” and inserting “(D) or (E)”;

(B) in paragraph (2), by striking “INITIAL BOARD APPOINTMENTS.—” and all that follows through “The terms of the first members” and inserting the following: “AUTHORITY TO ADJUST TERMS.—The terms of the members”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “relating to museum and library services, including financial assistance awarded under this title” and inserting “relating to museum, library, and information services”; and

(B) by striking paragraph (2) and inserting the following:

“(2) NATIONAL AWARDS AND MEDALS.—The Museum and Library Services Board shall advise the Director in awarding national awards and medals under section 209.”; and

(4) in subsection (i), by striking “take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government” and inserting “coordinate the development and implementation of policies and activities as described in subsections (f) and (g) of section 204”.

**SEC. 105. AWARDS AND MEDALS.**

Section 209 (20 U.S.C. 9107) is amended to read as follows:

**“SEC. 209. AWARDS AND MEDALS.**

“The Director, with the advice of the Museum and Library Services Board, may annually award national awards and medals for library and museum services to outstanding libraries and museums that have made significant contributions in service to their communities.”.

**SEC. 106. RESEARCH AND ANALYSIS.**

Section 210 (20 U.S.C. 9108) is amended to read as follows:

**“SEC. 210. POLICY RESEARCH, ANALYSIS, DATA COLLECTION, AND DISSEMINATION.**

“(a) IN GENERAL.—The Director shall annually conduct policy research, analysis, and data collection to extend and improve the Nation’s museum, library, and information services.

“(b) REQUIREMENTS.—The policy research, analysis, and data collection shall be conducted in ongoing collaboration (as determined appropriate by the Director), and in consultation, with—

“(1) State library administrative agencies;

“(2) national, State, and regional library and museum organizations; and

“(3) other relevant agencies and organizations.

“(c) OBJECTIVES.—The policy research, analysis, and data collection shall be used to—

“(1) identify national needs for and trends in museum, library, and information services;

“(2) measure and report on the impact and effectiveness of museum, library, and information services throughout the United States, including the impact of Federal programs authorized under this Act;

“(3) identify best practices; and

“(4) develop plans to improve museum, library, and information services of the United States and to strengthen national, State, local, regional, and international communications and cooperative networks.

“(d) DISSEMINATION.—Each year, the Director shall widely disseminate, as appropriate to accomplish the objectives under subsection (c), the results of the policy research, analysis, and data collection carried out under this section.

“(e) AUTHORITY TO CONTRACT.—The Director is authorized—

“(1) to enter into contracts, grants, cooperative agreements, and other arrangements with Federal agencies and other public and private organizations to carry out the objectives under subsection (c); and

“(2) to publish and disseminate, in a form determined appropriate by the Director, the reports, findings, studies, and other materials prepared under paragraph (1).

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

\$3,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.

“(2) AVAILABILITY OF FUNDS.—Sums appropriated under paragraph (1) for any fiscal year shall remain available for obligation until expended.”.

**SEC. 107. HEARINGS.**

Subtitle A (20 U.S.C. 9101 et seq.) is amended by adding at the end the following:

**“SEC. 210B. HEARINGS.**

“The Director is authorized to conduct hearings at such times and places as the Director determines appropriate for carrying out the purposes of this subtitle.”.

**SEC. 108. ADMINISTRATIVE FUNDS.**

Subtitle A (20 U.S.C. 9101 et seq.), as amended by section 107, is further amended by adding at the end the following:

**“SEC. 210C. ADMINISTRATIVE FUNDS.**

“Notwithstanding any other provision of this Act, the Director shall establish one account to be used to pay the Federal administrative costs of carrying out this Act, and not more than a total of 7 percent of the funds appropriated under sections 210(f), 214, and 275 shall be placed in such account.”.

**TITLE II—LIBRARY SERVICES AND TECHNOLOGY**

**SEC. 201. PURPOSES.**

Section 212 (20 U.S.C. 9121) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) to enhance coordination among Federal programs that relate to library and information services;”;

(2) in paragraph (2), by inserting “continuous” after “promote”;

(3) in paragraph (3), by striking “and” after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

“(5) to promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;

“(6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;

“(7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;

“(8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and

“(9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.”.

**SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

Section 214 (20 U.S.C. 9123) is amended—

(a) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—There are authorized to be appropriated—

“(1) to carry out chapters 1, 2, and 3, \$232,000,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016; and

“(2) to carry out chapter 4, \$24,500,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.”; and

(b) by striking subsection (c).

**SEC. 203. RESERVATIONS AND ALLOTMENTS.**

Section 221(b)(3) (20 U.S.C. 9131(b)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking “\$340,000” and inserting “\$680,000”; and

(B) by striking “\$40,000” and inserting “\$60,000”;

(2) by striking subparagraph (C); and

(3) by redesignating subparagraph (D) as subparagraph (C).

**SEC. 204. STATE PLANS.**

Section 224 (20 U.S.C. 9134) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(B) after paragraph (5), by inserting the following:

“(6) describe how the State library administrative agency will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace, the Federal and State investment in—

“(A) elementary and secondary education, including coordination with the activities within the State that are supported by a grant under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383);

“(B) early childhood education, including coordination with—

“(i) the State’s activities carried out under subsections (b)(4) and (e)(1) of section 642 of the Head Start Act (42 U.S.C. 9837); and

“(ii) the activities described in the State’s strategic plan in accordance with section 642B(a)(4)(B)(i) of such Act (42 U.S.C. 9837b(a)(4)(B)(i));

“(C) workforce development, including coordination with—

“(i) the activities carried out by the State workforce investment board under section 111(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(d)); and

“(ii) the State’s one-stop delivery system established under section 134(c) of such Act (29 U.S.C. 2864(c)); and

“(D) other Federal programs and activities that relate to library services, including economic and community development and health information;”;

(2) in subsection (e)(2), by inserting “, including through electronic means” before the period at the end.

**SEC. 205. GRANTS.**

Section 231 (20 U.S.C. 9141) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting before the semicolon the following: “in order to support such individuals’ needs for education, lifelong learning, workforce development, and digital literacy skills”;

(B) in paragraph (2), by striking “electronic networks;” and inserting “collaborations and networks; and”;

(C) by redesignating paragraph (2) (as amended by subparagraph (B)) as paragraph (7), and by moving such paragraph so as to appear after paragraph (6);

(D) by striking paragraph (3);

(E) by inserting after paragraph (1) the following:

“(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in section 224(b)(6), for the purpose of improving the quality of and access to library and information services;

“(3)(A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and

“(B) enhancing efforts to recruit future professionals to the field of library and information services;”;

(F) in paragraph (5), by striking “and” after the semicolon;

(G) in paragraph (6), by striking the period and inserting a semicolon; and

(H) by adding at the end the following:

“(8) carrying out other activities consistent with the purposes set forth in section 212, as described in the State library administrative agency’s plan.”; and

(2) by striking subsection (b) and inserting the following:

“(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the priorities described in subsection (a) as appropriate to meet the needs of the individual State.”.

**SEC. 206. GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.**

Section 262(a) (20 U.S.C. 9162(a)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

“(1) building workforce and institutional capacity for managing the national information infrastructure and serving the information and education needs of the public;

“(2)(A) research and demonstration projects related to the improvement of libraries or the enhancement of library and information services through effective and efficient use of new technologies, including projects that enable library users to acquire digital literacy skills and that make information resources more accessible and available; and

“(B) dissemination of information derived from such projects.”; and

(2) in paragraph (3)—

(A) by striking “digitization” and inserting “digitizing”; and

(B) by inserting “, including the development of national, regional, statewide, or local emergency plans that would ensure the preservation of knowledge and library collections in the event of a disaster” before “; and”.

**SEC. 207. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.**

Subtitle B (20 U.S.C. 9121 et seq.) is amended by adding at the end the following:

**“CHAPTER 4—LAURA BUSH 21ST CENTURY LIBRARIANS**

**“SEC. 264. LAURA BUSH 21ST CENTURY LIBRARIAN PROGRAM.**

“(a) PURPOSE.—It is the purpose of this chapter to develop a diverse workforce of librarians by—

“(1) recruiting and educating the next generation of librarians, including by encouraging middle or high school students and postsecondary students to pursue careers in library and information science;

“(2) developing faculty and library leaders, including by increasing the institutional capacity of graduate schools of library and information science; and

“(3) enhancing the training and professional development of librarians and the library workforce to meet the needs of their communities, including those needs relating to literacy and education, workforce development, lifelong learning, and digital literacy.

“(b) ACTIVITIES.—From the amounts provided under section 214(a)(2), the Director may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with libraries, library consortia and associations, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), and other entities that the Director determines appropriate, for projects that further the purpose of this chapter, such as projects that—

“(1) increase the number of students enrolled in nationally accredited graduate library and information science programs and preparing for careers of service in libraries;

“(2) recruit future professionals, including efforts to attract promising middle school,

high school, or postsecondary students to consider careers in library and information science;

“(3) develop or enhance professional development programs for librarians and the library workforce;

“(4) enhance curricula within nationally accredited graduate library and information science programs;

“(5) enhance doctoral education in order to develop faculty to educate the future generation of library professionals and develop the future generation of library leaders; and

“(6) conduct research, including research to support the successful recruitment and education of the next generation of librarians.

“(c) EVALUATION.—The Director shall establish procedures for reviewing and evaluating projects supported under this chapter.”.

**SEC. 208. CONFORMING AMENDMENTS.**

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended—

(1) in section 4(a) (20 U.S.C. 953(a)), by striking “Institute of Museum Services” and inserting “Institute of Museum and Library Services”; and

(2) in section 9 (20 U.S.C. 958), by striking “Institute of Museum Services” each place the term appears and inserting “Institute of Museum and Library Services”.

**TITLE III—MUSEUM SERVICES**

**SEC. 301. PURPOSE.**

Section 272 (20 U.S.C. 9171) is amended—

(1) in paragraph (3), by inserting “through international, national, regional, State, and local networks and partnerships” after “services”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(7) to encourage and support museums as a part of economic development and revitalization in communities;

“(8) to ensure museums of various types and sizes in diverse geographic regions of the United States are afforded attention and support; and

“(9) to support efforts at the State level to leverage museum resources and maximize museum services.”.

**SEC. 302. DEFINITIONS.**

Section 273(1) (20 U.S.C. 9172(1)) is amended by inserting “includes museums that have tangible and digital collections and” after “Such term”.

**SEC. 303. MUSEUM SERVICES ACTIVITIES.**

Section 274 (20 U.S.C. 9173) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, States, local governments,” after “with museums”;

(B) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) supporting the conservation and preservation of museum collections, including efforts to—

“(A) provide optimal conditions for storage, exhibition, and use;

“(B) prepare for and respond to disasters and emergency situations;

“(C) establish endowments for conservation; and

“(D) train museum staff in collections care;

“(4) supporting efforts at the State level to leverage museum resources, including statewide assessments of museum services and needs and development of State plans to im-

prove and maximize museum services through the State;

“(5) stimulating greater collaboration, in order to share resources and strengthen communities, among museums and—

“(A) libraries;

“(B) schools;

“(C) international, Federal, State, regional, and local agencies or organizations;

“(D) nongovernmental organizations; and

“(E) other community organizations.”;

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking “broadcast media” and inserting “media, including new ways to disseminate information.”; and

(E) in paragraph (9) (as redesignated by subparagraph (B)), by striking “at all levels,” and inserting “, and the skills of museum staff, at all levels, and to support the development of the next generation of museum leaders and professionals.”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following:

“(2) GRANT DISTRIBUTION.—In awarding grants, the Director shall take into consideration the equitable distribution of grants to museums of various types and sizes and to different geographic areas of the United States”; and

(C) in paragraph (2)—

(i) in subparagraph (A), by striking “awards”; and

(ii) in subparagraph (B), by striking “, but subsequent” and inserting “, Subsequent”.

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

Section 275 (20 U.S.C. 9176) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2011 and such sums as may be necessary for each of the fiscal years 2012 through 2016.”;

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

“(c) FUNDING RULES.—Notwithstanding any other provision of this subtitle, if the amount appropriated under subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than \$10,000,000, then an amount of not less than 30 percent but not more than 50 percent of the increase in appropriated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 274 to carry out the State assessments described in section 274(a)(4) and to assist States in the implementation of such plans.”.

**TITLE IV—REPEAL OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT**

**SEC. 401. REPEAL.**

(a) IN GENERAL.—The National Commission on Libraries and Information Science Act (20 U.S.C. 1501 et seq.) is repealed.

(b) TRANSFER OF FUNCTIONS.—The functions that the National Commission on Libraries and Information Science exercised before the date of enactment of this Act shall be transferred to the Institute of Museum and Library Services established under section 203 of the Museum and Library Services Act (20 U.S.C. 9102).

(c) TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.—The personnel and the assets, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available

to, or to be made available for the functions and activities vested by law in the National Commission on Libraries and Information Science shall be transferred to the Institute of Museum and Library Services upon the date of enactment of this Act.

(d) REFERENCES.—Any reference to the National Commission on Libraries and Information Science in any Federal law, Executive Order, rule, delegation of authority, or document shall be construed to refer to the Institute of Museum and Library Services when the reference regards functions transferred under subsection (b).

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during consideration of the food safety bill: James Baker, Mary Baker, Will Kellogg, Nicole Lemire, Deborah Ma, Brychan Manry, Nicole Marchman, Jack McGillis, Kane Ossorio, and Lisa Yen.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that Monica Anatalio, a detailee to the Committee on Homeland Security and Governmental Affairs, be granted floor privileges for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. Res. 676, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 676) supporting the goals and ideals of American Diabetes Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 676) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 676

Whereas according to the Centers for Disease Control (referred to in this preamble as the "CDC"), nearly 24,000,000 people of the

United States have diabetes and 57,000,000 people of the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, 3 people are diagnosed with diabetes every minute;

Whereas each day, approximately 4,384 people are diagnosed with diabetes;

Whereas in 2007, the CDC estimates that approximately 1,600,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of individuals with diabetes are undiagnosed, a decrease from 30 percent in 2005;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 10 percent of adults of the United States and 23.1 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates that 1 in 3 people of the United States born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas the CDC estimates that 1 in 2 Hispanic, African, Asian, and Native Americans born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy study found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2005;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease; (2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that

often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

#### COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration and the Senate now proceed to S. Res. 679.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 679) commemorating the 100th anniversary of the Weeks Law.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 679) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 679

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 552 et seq.), marks one of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and