

MUSEUM AND LIBRARY SERVICES ACT OF 2002

APRIL 10, 2002.—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. 3784]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3784) to reauthorize the Museum and Library Services Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Museum and Library Services Act of 2002”.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

Section 202 of the Museum and Library Services Act (20 U.S.C. 9101) is amended—

- (1) by striking paragraphs (1) and (4);
- (2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and
- (3) by adding at the end the following:

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

SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

Section 203 of the Museum and Library Services Act (20 U.S.C. 9102) is amended—

- (1) in subsection (b), by striking the last sentence; and
- (2) by adding at the end the following:

“(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. 103. DIRECTOR OF THE INSTITUTE.

Section 204(e) of the Museum and Library Services Act (20 U.S.C. 9103(e)) is amended by adding at the end the following: “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 (as amended by the No Child Left Behind Act of 2001 (Public Law 107–110)).”.

SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended—

- (1) by redesignating section 207 as section 208; and
- (2) by inserting after section 206 the following:

“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 non-voting members of the Museum and Library Services Board.

“(c) TERMS.—

“(1) IN GENERAL.—Each member of the Museum and Library Services Board appointed under subparagraph (D) or (E) of paragraph (1) shall serve for a term of 5 years, except that—

“(A) of the members first appointed, 5 shall serve for terms of 5 years, 5 shall serve for terms of 4 years, 5 shall serve for terms of 3 years, and 5 shall serve for terms of 2 years, 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 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.

“(3) 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. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.

The Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended by inserting after section 208 (as redesignated by section 104 of this Act) the following:

“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 274(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).”.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

SEC. 201. PURPOSE.

Section 212 of the Library Services and Technology Act (20 U.S.C. 9121) is amended by striking paragraphs (2) through (5) and inserting the following:

“(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. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 214 of the Library Services and Technology Act (20 U.S.C. 9123) is amended—

(1) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle \$300,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008.”; and

(2) in subsection (c), by striking “3 percent” and inserting “3.5 percent”.

SEC. 203. RESERVATIONS AND ALLOTMENTS.

Section 221(b)(3) of the Library Services and Technology Act (20 U.S.C. 9131(b)(3)) is amended to read as follows:

“(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 2002—

“(I) the minimum allotment for each State otherwise receiving a minimum allotment of \$340,000 under subparagraph (A) shall be increased to \$500,000; 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 2002 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. 204. STATE PLANS.

Section 224 of the Library Services and Technology Act (20 U.S.C. 9134) is amended—

(1) in subsection (a)(1), by striking “not later than April 1, 1997.” and inserting “once every 5 years, as determined by the Director.”; and

(2) in subsection (f)—

(A) by striking “this Act” each place such term appears and inserting “this subtitle”;

(B) in paragraph (1), by striking “1934,” and all that follows through “Act, may” and inserting “1934 (47 U.S.C. 254(h)(6)) may”; and

(C) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking “section:” and inserting “subsection.”; and

(ii) in subparagraph (D), by striking “given” and inserting “applicable to”.

SEC. 205. GRANTS TO STATES.

Section 231 of the Library Services and Technology Act (20 U.S.C. 9141) is amended—

(1) in subsection (a), by striking paragraphs (1) and (2) and inserting the following:

“(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.”; and

(2) in subsection (b), by striking “between the two purposes described in paragraphs (1) and (2) of such subsection,” and inserting “among such purposes”.

SEC. 206. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

Section 262(a)(1) of the Library Services and Technology Act (20 U.S.C. 9162(a)(1)) is amended by striking “education and training” and inserting “education, recruitment, and training”.

TITLE III—MUSEUM SERVICES

SEC. 301. PURPOSE.

Section 271 of the Museum and Library Services Act (20 U.S.C. 9171) is amended to read as follows:

“SEC. 271. 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 cultural, 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. 302. DEFINITIONS.

Section 272(1) of the Museum and Library Services Act (20 U.S.C. 9172(1)) is amended by adding at the end the following: “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. 303. MUSEUM SERVICES ACTIVITIES.

Section 273 of the Museum and Library Services Act (20 U.S.C. 9173) is amended to read as follows:

“SEC. 273. 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.—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle. Procedures for reviewing such arrangements shall not be subject to any review outside of the Institute.”.

SEC. 304. REPEALS.

Sections 274 and 275 of the Museum and Library Services Act (20 U.S.C. 9174 and 9175) are repealed.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 276 of the Museum and Library Services Act (20 U.S.C. 9176)—

(1) is redesignated as section 274 of such Act; and

(2) is amended, in subsection (a), by striking “\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.” and inserting “\$50,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008.”.

TITLE IV—TECHNICAL CORRECTIONS; REPEALS; EFFECTIVE DATE

SEC. 401. TECHNICAL CORRECTIONS.

(a) TITLE HEADING.—The title heading for the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

“TITLE II—MUSEUM AND LIBRARY SERVICES”.

(b) SUBTITLE A HEADING.—The subtitle heading for subtitle A of the Museum and Library Services Act (20 U.S.C. 9101 et seq.) is amended to read as follows:

“Subtitle A—General Provisions”.

(c) SUBTITLE B HEADING.—The subtitle heading for subtitle B of the Museum and Library Services Act (20 U.S.C. 9121 et seq.) is amended to read as follows:

“Subtitle B—Library Services and Technology”.

(d) SUBTITLE C HEADING.—The subtitle heading for subtitle C of the Museum and Library Services Act (20 U.S.C. 9171 et seq.) is amended to read as follows:

“Subtitle C—Museum Services”.

(e) CONTRIBUTIONS.—Section 208 of the Museum and Library Services Act (20 U.S.C. 9106) (as redesignated by section 104 of this Act) is amended by striking “property of services” and inserting “property or services”.

(f) STATE PLAN CONTENTS.—Section 224(b)(5) of the Library Services and Technology Act (20 U.S.C. 9134(b)(5)) is amended by striking “and” at the end.

(g) NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of the Library Services and Technology Act (20 U.S.C. 9162(b)(1)) is amended by striking “cooperative agreements, with,” and inserting “cooperative agreements with,”.

SEC. 402. REPEALS.

(a) NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT.—Section 5 of the National Commission on Libraries and Information Science Act (20 U.S.C. 1504) is amended by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) MUSEUM AND LIBRARY SERVICES ACT OF 1996.—Sections 704 through 707 of the Museum and Library Services Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105 note) are repealed.

SEC. 403. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 2002.

PURPOSE

H.R. 3784, the Museum and Library Services Act of 2002, authorizes federal assistance to museums and libraries through fiscal year 2008. H.R. 3784 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.

COMMITTEE ACTION

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, 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 In-

formation Science advise the Institute of Museum and Library Services Director on library programs.

SUMMARY

TITLE I—GENERAL PROVISIONS

H.R. 3784, the Museum and Library Services Act of 2002, authorizes the federal library and museums program under the Institute of Museum and Library Services. H.R. 3784 ensures that library activities are coordinated with activities under 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 award 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 to identify needs and trends of services provided under funded programs.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Purpose.—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.

Reservation of Funds.—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.

Minimum State Allotment.—H.R. 3784 sets the minimum State allotment at \$500,000 and ensures that no State's allotment falls below its fiscal year 2002 level. In the event that funding is insufficient to raise the minimum State allotment to \$500,000 and, at the same time, ensure that each State's allotment is equal to their fiscal year 2002 level, then funding above the fiscal year 2002 level would be distributed equally among the States until the new minimum amount of \$500,000 per State is reached. Any funding above the new State minimum of \$500,000 would be awarded to States by a formula based on population as under current law. H.R. 3784 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 \$500,000.

State Grants.—State grants 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.

National Leadership Grants.—3.75 percent of funds are reserved for national leadership grants 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.

Authorization.—The library services and technology title is authorized at \$300 million for fiscal year 2003 and such sums as may be necessary for fiscal years 2004–2008.

TITLE III—MUSEUM SERVICES

Purpose.—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.

Museum Services Activities.—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 nation'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) en-

courage, support, and disseminate model programs of museum and library collaboration.

Authorization.—The museum services title is authorized at \$50 million for fiscal year 2003 and such sums as may be necessary for fiscal years 2004–2008.

COMMITTEE VIEWS

As members of the Subcommittee on Select Education learned at the hearing on “Equipping Museums and Libraries for the 21st Century,” museums and libraries have become a vital 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.

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 those persons of limited financial resources or who live in remote areas, libraries provide access to books and reference materials, computer services, and community-based social services.

The Library Services and Technology Act, the library program part of the Museum and Library Services Act, is the only federal program exclusively for libraries and it is administered by the Institute of Museum and Library Services. The definition of “library” includes institutions of all types and sizes, such as public, academic, research, school, and State libraries. Library programs under the Museum and Library Services Act are flexible, and built around the idea of local control and support for library services. Federal aid for libraries is concentrated on two key objectives: (1) encouraging outreach to those for whom library service requires extra effort or special materials (such as individuals with disabilities); and (2) creating mechanisms to identify, preserve, and share library and information resources across institutional or governmental boundaries through technology. H.R. 3784 includes grants for Native American and Native Hawaiian library services, as well as national leadership grants aimed at education and training; research and demonstration projects; preservation of library materials; and model projects between libraries and museums. H.R. 3784 also ensures that scarce federal dollars are spent wisely and includes a requirement for a State match, which helps federal dollars leverage approximately \$3 to \$4 for every federal dollar of investment.

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.

Witnesses before the Subcommittee on Select Education testified that the mission of every museum is public service, and that education is at the forefront of that public service mission. For America's children, museums provide a unique opportunity for hands-on "object-based learning" that reinforces their in-school learning. Organized as public trusts, America's museums ensure that their collections and information are available for the education of future generations. According to the American Association of Museums, a recent national survey indicated that:

Americans view museums as one of the most important resources for educating our children and as one of the most trustworthy sources of objective information. With 88 percent of America's museums offering K-12 programming, and those museums spending \$193 million of their own funding on K-12 programming such as field trips, teacher training, and traveling exhibits to schools, museums and schools are working together to design programs for students and teachers based on State and local curriculum standards.

H.R. 3784, the Museum and Library Services Act of 2002, 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. 3784 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.

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.

H.R. 3784 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. 3784 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 2002. 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. 3784 as reported by the Subcommittee on Select Education, which contained provisions regarding the expanded Museum and Library Services Board. In addition, the Institute of Museum and Library Services supports this change to the law as described in a letter sent to all members of 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 authorization 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. 3784 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 an analysis of the impact of museum and library services. H.R. 3784 ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services. H.R. 3784 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 analyses of services being provided under the Act to identify needs for, and trends of, public museum and library services. Specifically, 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 museums 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 being 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.

H.R. 3784 allows not more than 3.5 percent of funds for federal administrative costs. The Committee intends that the increase in

funds for federal administration 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, and 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 each receive \$40,000 as a minimum allotment. The remainder of funds above the minimum allotment are awarded to States by a formula based on population.

H.R. 3784 sets the minimum State allotment at \$500,000. This amount represents an approximate increase of 47 percent over the initial amount sent to each State under current law. H.R. 3784 also contains language to ensure that no State's allotment falls below its fiscal year 2002 level. In the event that funding is insufficient to raise the minimum State allotment to \$500,000 and, at the same time, ensure that each State's allotment is equal to their fiscal year 2002 level, then funding above the fiscal year 2002 level would be distributed equally among the States until the new minimum amount of \$500,000 per State is reached. Any funding above the new State minimum of \$500,000 would be awarded to States by a formula based on population as under current law. H.R. 3784 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 \$500,000. H.R. 3784 maintains the provisions in current law that specify that funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau are awarded on a competitive basis 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. These competitive grants are awarded pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

The Institute of Museum and Library Services supports these changes as described in a letter sent to all members of the Committee on Education and the Workforce on March 19, 2002. Specifically, the letter noted:

The Institute notes that the 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 change. 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. 3784 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 museum services program should support resource sharing and partnerships among 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.

H.R. 3784 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 services.

H.R. 3784 eliminates the 15 percent limit for contracts and cooperative agreements under current law and 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 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 cooperative agreements to museums and other entities to strengthen museum services.

SECTION-BY-SECTION ANALYSIS

Section 1.—Sets forth the short title of this Act as the “Museum and Library Services Act of 2002.”

TITLE I—GENERAL PROVISIONS

Section 101.—Amends section 202 of the Museum and Library Services Act by striking paragraphs (1) and (4), redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and adding at the end the general definition of the Museum and Library Services Board as meaning the National Museum and Library Services Board established under section 207.

Section 102.—Amends section 203 of the Museum and Library Services Act in subsection (b) by striking the last sentence and adding at the end the requirement that there be a National Museum and Library Services Board within the Institute of Museum and Library Services, as provided under section 207.

Section 103.—Amends section 204(e) of the Museum and Library Services Act by adding at the end the requirement that 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 (as amended by the No Child Left Behind Act of 2001 (Public Law 107–110)).

Section 104.—Amends the Museum and Library Services Act by redesignating section 207 as section 208 and inserting after section 206 the following:

Section 207, which establishes the ‘National Museum and Library Services Board’ within the Institute and sets forth provisions regarding the Board’s composition, procedures, duties, and powers.

Section 105.—Amends the Museum and Library Services Act by inserting after section 208 (as redesignated by section 104 of this Act) the following:

Section 209, which allows the Director, with the advice of the Museum and Library Services Board, to annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and museums that have made significant contributions in service to their communities.

Section 210, which requires the Director, from amounts described in sections 214(c) and 274(b), to carry out and publish analyses of the impact of museum and library services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Section 201.—Amends section 212 of the Library Services and Technology Act by striking paragraphs (2) through (5) and inserting various purposes of the “Library Services and Technology Act.”

Section 202.—Amends section 214 of the Library Services and Technology Act by amending subsection (a) to authorize that there

be appropriated to carry out this subtitle \$300,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008, and by striking “3 percent” and inserting “3.5 percent” in subsection (c).

Section 203.—Amends section 221(b)(3) of the Library Services and Technology Act pertaining to reservations and allotments of funds.

Section 204.—Amends section 224 of the Library Services and Technology Act regarding State plans.

Section 205.—Amends section 231 of the Library Services and Technology Act in subsections (a) and (b) pertaining to grants to States.

Section 206.—Amends section 262(a)(1) of the Library Services and Technology Act by striking “education and training” and inserting “education, recruitment, and training.”

TITLE III—MUSEUM SERVICES

Section 301.—Amends section 271 of the Museum and Library Services Act as follows:

Section 271, which sets forth provisions describing the purpose of this subtitle.

Section 302.—Amends section 272(1) of the Museum and Library Services Act by modifying the term ‘museum’.

Section 303.—Amends section 273 of the Museum and Library Services Act as follows:

Section 273, which sets forth provisions regarding museum services activities.

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

Section 305.—Redesignates section 276 of the Museum and Library Services Act as section 274 of such Act and amends subsection (a) to authorize that there be appropriated to carry out this subtitle \$50,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008.

TITLE IV—TECHNICAL CORRECTIONS; REPEALS; EFFECTIVE DATE

Section 401.—Makes technical corrections to the Museum and Library Services Act of 2002.

Section 402.—Amends section 5 of the National Commission on Libraries and Information Science Act by striking subsections (b) and (c) and redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively. In addition, sections 704 through 707 of the Museum and Library Services Act of 1996 are repealed.

Section 403.—States that the amendments made by this Act shall take effect on October 1, 2002.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

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. 3784, 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, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 3784 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. 3784 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 2, 2002.

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. 3784, the Museum and Library Services Act of 2002.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3784—Museum and Library Services Act of 2002

Summary: H.R. 3784 would reauthorize programs under the Museum and Library Services Act of 1996 that currently are author-

ized through 2002. H.R. 3784 would reauthorize these programs through 2008.

CBO estimates that authorizations under the bill would total \$350 million in 2003 and about \$2.2 billion over the 2003–2008 period, assuming that annual levels are adjusted to keep pace with inflation when specific annual authorizations are not provided. (Without such inflation adjustments, the authorizations would total about \$2.1 billion over the 2003–2008 period.) CBO estimates that appropriations of the authorized levels would result in additional outlays of \$1.8 billion over the 2003–2008 period, if inflation adjustments are included (and about \$1.7 billion without inflation adjustments).

Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3784 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 significantly increasing grant funding for streamlining and 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. 3784, with inflation adjustments for the various components of each title of the bill, 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 2003 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—						
	2002	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION							
Spending under current law:							
Budget authority ¹	225	0	0	0	0	0	0
Estimated Outlays	218	179	65	0	0	0	0
Proposed changes:							
Library services:							
Estimated authorization level	0	300	306	312	319	325	332
Estimated outlays	0	63	202	305	312	318	324
Museum services:							
Estimated authorization level	0	50	51	52	53	54	55
Estimated outlays	0	15	50	51	52	53	54
Total proposed changes:							
Estimated authorization level	0	350	357	364	372	379	387
Estimated outlays	0	78	253	357	364	371	379
Total spending under H.R. 3784:							
Budget authority/authorization level ¹	225	350	357	364	372	379	387
Estimated outlays	218	256	318	357	364	371	379

¹ The 2002 level is the amount appropriated for that year for the library and museum services programs.

Note.—Components may not sum to totals because of rounding.

H.R. 3784 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 2003 and for such sums as may be necessary for 2004 through 2008.

H.R. 3784 would authorize the appropriation of \$350 million in 2003. CBO estimates that the bill would authorize total funding of

\$2.2 billion over the 2003–2008 period assuming that “such sums” amounts provided after 2003 are adjusted for inflation. If the authorized amounts are appropriated, outlays would increase by \$78 million in the first year and by \$1.8 billion over the six-year period. (Without inflation adjustments, the increased authorizations would result in outlays of \$1.7 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 \$300 million in 2003 and such sums as may be necessary for the 2004–2008 period. CBO estimates the total funding for the 2003–2008 period would be about \$1.9 billion, assuming adjustments for inflation, with resulting outlays of \$1.5 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 \$50 million in 2003 and such sums as may be necessary for each of the following five years. For this program, CBO estimates the total funding for the 2003–2008 period would be \$316 million, assuming adjustments for inflation, with resulting outlays of \$276 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, allowing the director to grant national awards to libraries and museums that have made significant contributions in service to their communities, and would instruct the director to report on the impact of the Museum 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.

Pay as you go considerations: None.

Intergovernmental and private-sector impact: H.R. 3784 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 significantly increasing 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, tribal governments: Elyse Goldman; 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. 3784 is to authorize federal assistance to museums and libraries. The Committee expects the Department of Education to comply with H.R. 3784 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. 3784. 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. 3784. 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 italics, 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 estab-

lished under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502).】

【(2)】 (1) DIRECTOR.—The term “Director” means the Director of the Institute appointed under section 204.

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

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

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

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 (as amended by the No Child Left Behind Act of 2001 (Public Law 107–110)).*

* * * * *

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 spe-*

cially 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.—*Each member of the Museum and Library Services Board appointed under subparagraph (D) or (E) of paragraph (1) shall serve for a term of 5 years, except that—*

(A) of the members first appointed, 5 shall serve for terms of 5 years, 5 shall serve for terms of 4 years, 5 shall serve for terms of 3 years, and 5 shall serve for terms of 2 years,

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 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.

(3) 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 274(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. 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 cultural, 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. 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 edu-

cational 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. 273. 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.**—The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle. Procedures for reviewing such arrangements shall not be subject to any review outside of the Institute.

SEC. [276.] 274. 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.】 *\$50,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008.*

* * * * *

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. 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 \$300,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2008.

* * * * *

(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 2002—

(I) the minimum allotment for each State otherwise receiving a minimum allotment of \$340,000 under subparagraph (A) shall be increased to \$500,000; 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 2002 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 paragraph (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.

(E) SEXUAL ACT; SEXUAL CONTACT.—The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2246 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 an-

nually 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

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[(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 enactment 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 pro-

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

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

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

[(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Institute of Museum Services relating to a function transferred under this section may be continued by the Institute of 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 appropriate 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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