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House of Representatives

MUSEUM AND LIBRARY SERVICES TECHNICAL AND CONFORMING AMENDMENTS OF 1997

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1505) to make technical and conforming amendments to the Museum and Library Services Act, and for other purposes.

The Clerk read as follows:

S. 1505

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Museum and Library Services Technical and Conforming Amendments of 1997".

SEC. 2. APPOINTMENT OF EMPLOYEES.

Section 206 of the Museum and Library Services Act (20 U.S.C. 9105 et seq.) is amended—

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

(2) by inserting after subsection (a) the following:

"(b) APPOINTMENT AND COMPENSATION OF TECHNICAL AND PROFESSIONAL EMPLOYEES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director may appoint without regard to the provisions of title 5, United States Code, governing the appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title (relating to the classification and General Schedule pay rates), such technical and professional employees as the Director determines

to be necessary to carry out the duties of the Institute.

"(2) NUMBER AND COMPENSATION.—The number of employees appointed and compensated under paragraph (1) shall not exceed 1/5 of the number of full-time regular or professional employees of the Institute. The rate of basic compensation for the employees appointed and compensated under paragraph (1) may not exceed the rate prescribed for level GS-15 of the General Schedule under section 5332 of title 5."

SEC. 3. SPECIAL LIBRARIES.

Section 213(2)(E) of the Museum and Library Services Act (20 U.S.C. 9122(2)(E)) is amended—

(1) by inserting "or other special library" after "a private library"; and

(2) by inserting "or special" after "such private".

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JOHN WARNER, *Chairman.*

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SEC. 4. RESERVATIONS.

Section 221(a)(1) of the Museum and Library Services Act (20 U.S.C. 9131(a)(1)) is amended—

(1) in subparagraph (A), by striking "1½ percent" and inserting "1.75 percent"; and

(2) in subparagraph (B), by striking "4 percent" and inserting "3.75 percent".

SEC. 5. MAINTENANCE OF EFFORT.

The second sentence of section 223(c)(1)(A)(i) of the Museum and Library Services Act (20 U.S.C. 9133(c)(1)(A)(i)) is amended to read as follows: "The amount of the reduction in the allotment for any fiscal year shall be equal to the allotment multiplied by a fraction—

"(I) the numerator of which is the result obtained by subtracting the level of such State expenditures for the fiscal year for which the determination is made, from the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made; and

"(II) the denominator of which is the average of the total level of such State expenditures for the 3 fiscal years preceding the fiscal year for which the determination is made."

SEC. 6. SERVICE TO INDIAN TRIBES.

Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended—

(1) in the section heading, by striking "**INDIAN TRIBES**" and inserting "**NATIVE AMERICANS**"; and

(2) by striking "to organizations" and all that follows through "such organizations" and inserting "to Indian tribes and to organizations that primarily serve and represent Native Hawaiians (as the term is defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) to enable such tribes and organizations".

SEC. 7. NATIONAL LEADERSHIP GRANTS OR CONTRACTS.

Section 262 of the Museum and Library Services Act (20 U.S.C. 9162) is amended—

(1) in the section heading, by striking "**NATIONAL LEADERSHIP GRANTS OR CONTRACTS**" and inserting "**NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS**";

(2) in subsection (a)—

(A) by striking "program awarding national leadership grants or contracts" and inserting "program of awarding grants or entering into contracts or cooperative agreements"; and

(B) by striking "Such grants or contracts" and inserting "Such grants, contracts, and cooperative agreements";

(3) in subsection (b)—

(A) in the section heading, by striking "(b) GRANTS OR CONTRACTS" and inserting "(b) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS"; and

(B) in paragraph (1), by inserting "or cooperative agreements," after "contracts"; and

(C) in paragraph (2), by striking "Grants and contracts" and inserting "Grants, contracts, and cooperative agreements".

SEC. 8. CORRECTION OF TYPOGRAPHICAL ERROR.

Section 262(a)(3) of the Museum and Library Services Act (20 U.S.C. 9162(a)(3)) is amended by striking "preservation of digitization" and inserting "preserving or digitization".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 1505, the Museum and Library Services Technical and Conforming Amendments of 1997, and ask for their approval.

The legislation before us today will make technical and conforming amendments to the Museum and Library Services Act in order to improve the ability of the Institute of Museum and Library Services to foster and expand our Nation's access to high quality museums and libraries. Specifically, S. 1505 will give the director of the IMLS the authority to waive certain civil service hiring and pay provisions to allow the institute more flexibility in hiring museum and library professionals to oversee the programs administered by the institute.

The director needs this authority now in order to hire qualified deputy directors for the institute. However, this authority is not open-ended. This legislation specifically limits the director's ability to waive these hiring and pay provisions for not more than 20 percent of the institute's employees. In addition, the legislation as drafted limits the pay of these individuals to not more than the equivalent of a GS-15, currently \$75,935 to \$98,714.

In addition, this legislation will allow special libraries to receive funding under the act if the State in which they are located deems them eligible. Special libraries are those owned by institutions such as hospitals or private corporations. It was never the intent of the authorizing legislation to exclude these libraries as eligible institutions, and this legislation simply clarifies that understanding.

These amendments will also provide for a modest increase of one-quarter of 1 percent of funds appropriated to serve native Americans, clarify that individual Indian tribes may receive library funds provided under the act, and clarify that organizations providing services to native Hawaiians qualify for funding as native Americans. To ensure that State library agencies do not receive any reduction in funding, the one-quarter of 1 percent increase in funding for native Americans is offset by a corresponding reduction in the amount available to the institute for national leadership grants.

Finally, this legislation will clarify the State maintenance of effort provisions contained in the Museum and Library Services Act so that State reductions and library funding result in proportional reductions in Federal library funds to the State. This change is in keeping with the original agreements made when the act was negotiated, and it is needed because some are interpreting the current maintenance of effort provisions as requiring a dollar-for-dollar reduction rather than a straight proportional reduction.

Madam Speaker, the Museum and Library Services Technical and Conform-

ing Amendments of 1997 are needed now in order to improve the ability of the Institute of Museum and Library Services to foster quality museum and library programs for all Americans. This legislation is budget-neutral. It has already been passed in identical form in the other body. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I join my colleagues in urging adoption of this legislation. In the last Congress we enacted landmark legislation that created the Institute of Museum and Library Services. That legislation consolidated the museum programs under the old Institute of Museum Services and the library programs within the Department of Education into an expanded independent agency.

The legislation before us is a series of technical amendments that officials at the institute believe important in order to clarify the provisions of the new law and to provide even more effective administration of our Federal museum and library services.

Madam Speaker, we are fortunate indeed to have Ms. Diane Frankel as the director of our Institute of Museum and Library Services. She is an exceptionally strong and talented leader, and enactment of these amendments will most certainly enable her and her able staff to build upon the superb record they have compiled at this small but very important agency.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, before I yield back, I would just like to make a couple of comments, and I yield myself such time as I may consume.

First, I would like to thank and congratulate the gentleman from Michigan [Mr. KILDEE], who has been a wonderful individual to work with on the Committee on Education and the Workforce. He is knowledgeable, he is reasonable, which we are not always here, and he is a positive force for education in this country, and that is so vitally needed in this Congress, and we do thank him for all he has done.

I also thank all of the staff people. This is a committee which does not get a lot of recognition, but in my judgment has as good staffing as any committee in the entire Congress. They work extraordinarily hard on both sides of the aisle to put together what I think is legislation in the best interests of the young people of our country, and for that we should be thankful. They are the ones who helped put together this legislation, which is technical but which is needed, and for that reason we hope that all will support it.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the Senate bill, S. 1505.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

HISPANIC CULTURAL CENTER ACT OF 1997

Mr. PETRI. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1417) to provide for the design, construction, furnishing, and equipping of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes.

The Clerk read as follows:

S. 1417

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hispanic Cultural Center Act of 1997".

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1528 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Onate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire United States, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture, including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will promote a better cross-cultural understanding of the Hispanic culture and the

contributions of individuals to the society in which we all live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term "Hispanic Cultural Division" means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the

complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center or any other architect subsequently named by the State;

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) \$16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) \$116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) \$226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) \$442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) \$551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of "Bosque" land adjacent to the New Mexico Hispanic Cultural Center