

106TH CONGRESS
2D SESSION

S. 2286

To establish the Library of Congress Financial Management Act of 1999,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2000

Mr. COCHRAN introduced the following bill; which was read twice and referred
to the Committee on Rules and Administration

A BILL

To establish the Library of Congress Financial Management
Act of 1999, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Library of Congress
5 Financial Management Act of 1999”.

6 **TITLE I—LIBRARY OF CONGRESS**
7 **REVOLVING FUND**

8 **SEC. 101. AVAILABILITY OF FUND FOR SERVICE ACTIVI-**
9 **TIES.**

10 The Librarian of Congress is authorized—

1 (1) to establish Fund service units to carry out
2 Fund service activities; and

3 (2) to make the library products and services
4 constituting Fund service activities available for pur-
5 chase through Fund service units at rates estimated
6 by the Librarian to be adequate to recover the direct
7 and indirect costs of the activities, with respect to
8 each Fund service unit, over a reasonable period of
9 time.

10 **SEC. 102. FUND SERVICE ACTIVITIES.**

11 The Fund service activities that may be conducted
12 by Fund service units are—

13 (1) preparation of research reports, trans-
14 lations, analytical studies, and related services for
15 departments and other entities of the Federal Gov-
16 ernment;

17 (2) centralized acquisition of publications and
18 library materials in any format, information, re-
19 search, and library support services; training in li-
20 brary and information services; and related services
21 for departments and other entities of the Federal
22 Government;

23 (3) decimal classification development;

1 (4) gift shop and other sales of items associated
2 with collections, exhibits, performances, and special
3 events of the Library of Congress;

4 (5) location, copying, storage, preservation and
5 delivery services for library document and audio-vis-
6 ual materials, not including basic domestic inter-
7 library loan services; and international interlibrary
8 lending;

9 (6) special events and programs; performances,
10 exhibits, workshops, and training; and

11 (7) cooperative acquisitions of foreign publica-
12 tions and research materials and related services on
13 behalf of participating institutions.

14 **SEC. 103. LIBRARY OF CONGRESS REVOLVING FUND.**

15 (a) ESTABLISHMENT.—There is established in the
16 Treasury of the United States a fund to be known as the
17 Library of Congress Revolving Fund. The Fund shall be
18 available to the Librarian of Congress without fiscal year
19 limitation, for the conduct of Fund service activities oper-
20 ated by the Library on a cost-recovery basis. Obligations
21 for Fund service activities are limited to the total amounts
22 specified in the appropriations act for any fiscal year. The
23 Fund shall consist of amounts deposited under subsection
24 (b) and credits under subsection (c).

1 (b) CAPITAL; AMOUNTS DEPOSITED.—The Fund
2 shall consist of—

3 (1) amounts from funds appropriated to the Li-
4 brary of Congress that the Librarian may tempo-
5 rarily transfer to the Fund for capitalization of the
6 Fund, in which case the Fund shall reimburse the
7 Library for amounts so transferred before the period
8 of availability of the Library appropriation expires;

9 (2) any amounts transferred as capital from the
10 fund authorized under section 207(b)(2) of Legisla-
11 tive Branch Appropriation Act, 1998 (Public Law
12 105–55) (as such section was in effect on the day
13 before the date of enactment of this Act);

14 (3) any obligated, unexpended balances existing
15 as of September 30, 2000, or the date of enactment
16 of this Act, whichever is later, attributable to the ac-
17 tivities specified in section 102 that the Library con-
18 ducts, which balances the Librarian may transfer to
19 the Fund notwithstanding the requirements of sec-
20 tion 1535(d) of title 31, United States Code;

21 (4) upon the transfer of an activity of the Li-
22 brary of Congress to a Fund service unit, the dif-
23 ference between—

1 (A) the total value of the supplies, inven-
2 tories, equipment, gift fund balances, and other
3 assets of the activity; and

4 (B) the total value of the liabilities (includ-
5 ing the value of accrued annual leave of employ-
6 ees) of the activity; and

7 (5) any amounts appropriated by law for the
8 purposes of the Fund.

9 (c) CREDITS.—The Fund shall be credited with all
10 amounts received by Fund service units with respect to
11 Fund service activities, including—

12 (1) fees, advances, and reimbursements;

13 (2) gifts or bequests of money or property for
14 credit to the Fund;

15 (3) receipts from sales and exchanges of prop-
16 erty;

17 (4) payments for loss or damage to property;

18 (5) receivables, inventories, and other assets;

19 and

20 (6) amounts appropriated by law.

21 (d) ADVANCES OF FUNDS.—Participants in Fund
22 services activities shall pay by advance of funds in all cases
23 where it is determined by the Librarian that there is insuf-
24 ficient capital otherwise available in the Fund. Advances

1 of funds also may be made by agreement between the par-
2 ticipants and the Librarian.

3 (e) INDIVIDUAL ACCOUNTING REQUIREMENT FOR
4 FUND SERVICE UNITS.—Separate accounts of the Fund
5 shall be maintained with respect to individual Fund serv-
6 ice units.

7 (f) EXCESS FUNDS.—Any unobligated and unex-
8 pended balances in the Fund that the Librarian deter-
9 mines to be in excess of amounts needed for activities fi-
10 nanced by the Fund shall be deposited in the Treasury
11 of the United States as a miscellaneous receipt. For the
12 purpose of the preceding sentence the term “amounts
13 needed for activities financed by the Fund” means the di-
14 rect and indirect costs of the activities, including the costs
15 of purchasing, shipping, and binding of books and other
16 library materials; supplies, materials, equipment and serv-
17 ice needed in support of the activities; salaries and bene-
18 fits; general overhead; and travel.

19 (g) MULTIYEAR CONTRACTING AUTHORITY.—In the
20 operation of Fund activities, the Librarian is authorized
21 to enter into contracts for the lease and acquisition of
22 goods and services (including severable services) for a pe-
23 riod that begins in one fiscal year and ends in the next
24 fiscal year, and to enter into multiyear contracts for the
25 acquisition of property and services, in the same manner

1 and to the same extent as the head of an executive agency
2 may enter into such contracts under sections 303L and
3 304B, respectively, of the Federal Property and Adminis-
4 trative Services Act (41 U.S.C. 253l and 254c).

5 (h) ANNUAL REPORT.—Not later than March 31 of
6 each year, the Librarian shall submit to Congress an au-
7 dited financial statement for the Fund for the preceding
8 fiscal year. The audit shall be conducted in accordance
9 with Government Auditing Standards for financial audits
10 issued by the Comptroller General of the United States.

11 **SEC. 104. DEFINITIONS.**

12 As used in this title—

13 (1) the term “departments and other entities of
14 the Federal Government” means any department,
15 agency or instrumentality of the United States Gov-
16 ernment, including executive departments, military
17 departments, independent establishments, wholly
18 owned Government corporations, and entities in the
19 legislative and judicial branches, and includes any
20 department, agency or instrumentality of the Dis-
21 trict of Columbia government;

22 (2) the term “Fund” means the Library of
23 Congress Revolving Fund established under section
24 103;

1 (3) the term “Fund service activities” means
2 the library information products and services de-
3 scribed in section 102;

4 (4) the term “Fund service unit” means an or-
5 ganizational entity of the Library of Congress that,
6 at the direction of the Librarian, is partially or fully
7 sustained through the Fund; and

8 (5) the term “Librarian” means the Librarian
9 of Congress.

10 **SEC. 105. REPEAL.**

11 Section 207 of the Legislative Branch Appropriations
12 Act, 1998 (Public Law 105–55) is repealed.

13 **SEC. 106. EFFECTIVE DATE.**

14 This title shall take effect on October 1, 2000.

15 **TITLE II—CATALOGING**
16 **PRODUCTS AND SERVICES**

17 **SEC. 201. AVAILABILITY OF CATALOGING PRODUCTS AND**
18 **SERVICES.**

19 (a) **IN GENERAL.**—The Librarian of Congress is au-
20 thorized to make cataloging products and services, created
21 by the Library of Congress, available for purchase at
22 prices that reflect as closely as practicable the cost of dis-
23 tribution over a reasonable period of time. The amounts
24 received for such products and services shall be deposited
25 in the Treasury of the United States to the credit of the

1 appropriation for salaries and expenses of the Library of
2 Congress, to remain available until expended for necessary
3 distribution of such products and services.

4 (b) DEFINITION.—As used in this section, the term
5 “cataloging products and services” means those biblio-
6 graphic products and services, in any format now known
7 or later developed, that are used by libraries and library
8 organizations, including other Library-created data bases,
9 and related technical publications.

10 **SEC. 202. REPEAL.**

11 The paragraph beginning “The Librarian of Con-
12 gress” under the heading “PUBLIC PRINTING AND BIND-
13 ING” in the first section of the Act entitled “An Act mak-
14 ing appropriations for sundry civil expenses of the Govern-
15 ment for the fiscal year ending June thirtieth, nineteen
16 hundred and three, and for other purposes”, approved
17 June 28, 1902 (2 U.S.C. 150), is repealed.

18 **SEC. 203. EFFECTIVE DATE.**

19 This title and the amendment made by this title shall
20 take effect on October 1, 2000.

1 **TITLE III—LIBRARY OF CON-**
2 **GRESS TRUST FUND BOARD**
3 **AMENDMENTS**

4 **SEC. 301. ADDITION OF BOARD MEMBER.**

5 The first sentence of the first paragraph of the first
6 section of the Act entitled “An Act to create a Library
7 of Congress Trust Fund Board, and for other purposes,”
8 approved March 3, 1925 (2 U.S.C. 154) is amended by
9 inserting “and vice chairman” after “chairman.”

10 **SEC. 302. TEMPORARY EXTENSION OF BOARD MEMBER**
11 **TERM.**

12 The first paragraph of the first section of such Act
13 (2 U.S.C. 154) is amended by inserting after the first sen-
14 tence the following: “Upon the request of the chairman
15 of the Joint Committee on the Library, any member whose
16 term has expired may continue to serve on the Library
17 of Congress Trust Fund Board until the earlier of (A) the
18 date on which such member’s successor is appointed, or
19 (B) the end of the two-year period beginning on the date
20 such member’s term expires.”.

21 **SEC. 303. TRUST FUND BOARD QUORUM.**

22 The third sentence of the first paragraph of the first
23 section of such Act (as amended by section 302) (2 U.S.C.

1 154) is amended by striking “Nine” and inserting
2 “Seven”.

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