

**Calendar No. 178**108TH CONGRESS  
1ST SESSION**S. 888****[Report No. 108–83]**

To reauthorize the Museum and Library Services Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2003

Mr. GREGG (for himself, Mr. REED, Mr. FRIST, Mr. KENNEDY, Mr. ENZI, Mr. JEFFORDS, Mr. ALEXANDER, Mr. EDWARDS, Mr. DEWINE, Mrs. CLINTON, Ms. COLLINS, Mr. COCHRAN, Mr. SMITH, Mr. DODD, Mr. SCHUMER, Mr. LEVIN, Mr. LAUTENBERG, Mr. GRAHAM of South Carolina, Mr. CHAFEE, Mrs. FEINSTEIN, Mr. ROCKEFELLER, Mr. HOLLINGS, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. CORZINE, Mr. INOUE, Mr. CARPER, Mr. LEAHY, Ms. MIKULSKI, Mr. JOHNSON, Mr. NELSON of Nebraska, Mr. DURBIN, Ms. SNOWE, Ms. STABENOW, Mr. DAYTON, Mr. AKAKA, Mr. HARKIN, Mr. ALLEN, Mr. GRAHAM of Florida, Mr. SUNUNU, Mr. PRYOR, Mr. REID, Mr. SANTORUM, Mr. DASCHLE, Mr. CHAMBLISS, Mr. NELSON of Florida, Mr. GRASSLEY, Mr. MILLER, Ms. MURKOWSKI, Mr. BAYH, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JUNE 26, 2003

Reported by Mr. GREGG, without amendment

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**A BILL**

To reauthorize the Museum and Library Services Act, 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 “Museum and Library  
 5 Services Act of 2003”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

- Sec. 101. General definitions.
- Sec. 102. Institute of Museum and Library Services.
- Sec. 103. Director of the Institute.
- Sec. 104. National Museum and Library Services Board.
- Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

- Sec. 201. Purpose.
- Sec. 202. Definitions.
- Sec. 203. Authorization of appropriations.
- Sec. 204. Reservations and allotments.
- Sec. 205. State plans.
- Sec. 206. Grants to States.
- Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

- Sec. 301. Purpose.
- Sec. 302. Definitions.
- Sec. 303. Museum services activities.
- Sec. 304. Repeals.
- Sec. 305. Authorization of appropriations.
- Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND  
 INFORMATION SCIENCE ACT

- Sec. 401. Amendment to contributions.
- Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Amendments to Arts and Artifacts Indemnity Act.
- Sec. 502. National children’s museum.
- Sec. 503. Conforming amendment.
- Sec. 504. Technical corrections.

Sec. 505. Repeals.

Sec. 506. Effective date.

# 1 **TITLE I—GENERAL PROVISIONS**

## 2 **SEC. 101. GENERAL DEFINITIONS.**

3 Section 202 of the Museum and Library Services Act  
4 (20 U.S.C. 9101) is amended—

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

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

11 (2) by striking paragraph (4);

12 (3) by redesignating paragraph (3) as para-  
13 graph (5);

14 (4) by inserting after paragraph (2) the fol-  
15 lowing:

16 “(3) FINAL JUDGMENT.—The term ‘final judg-  
17 ment’ means a judgment that is—

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

20 “(B) not reviewable by any other court.

21 “(4) INDIAN TRIBE.—The term ‘Indian tribe’  
22 means any tribe, band, nation, or other organized  
23 group or community, including any Alaska native  
24 village, regional corporation, or village corporation

1 (as defined in, or established pursuant to, the Alas-  
 2 ka Native Claims Settlement Act (43 U.S.C. 1601 et  
 3 seq.)), which is recognized by the Secretary of the  
 4 Interior as eligible for the special programs and  
 5 services provided by the United States to Indians be-  
 6 cause of their status as Indians.”; and

7 (5) by adding at the end the following:

8 “(6) MUSEUM AND LIBRARY SERVICES  
 9 BOARD.—The term ‘Museum and Library Services  
 10 Board’ means the National Museum and Library  
 11 Services Board established under section 207.

12 “(7) OBSCENE.—The term ‘obscene’ means,  
 13 with respect to a project, that—

14 “(A) the average person, applying contem-  
 15 porary community standards, would find that  
 16 such project, when taken as a whole, appeals to  
 17 the prurient interest;

18 “(B) such project depicts or describes sex-  
 19 ual conduct in a patently offensive way; and

20 “(C) such project, when taken as a whole,  
 21 lacks serious literary, artistic, political, or sci-  
 22 entific value.”.

23 **SEC. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.**

24 Section 203 of the Museum and Library Services Act  
 25 (20 U.S.C. 9102) is amended—

1           (1) in subsection (b), by striking the last sen-  
2           tence; and

3           (2) by adding at the end the following:

4           “(c) MUSEUM AND LIBRARY SERVICES BOARD.—  
5           There shall be a National Museum and Library Services  
6           Board within the Institute, as provided under section  
7           207.”.

8           **SEC. 103. DIRECTOR OF THE INSTITUTE.**

9           Section 204 of the Museum and Library Services Act  
10          (20 U.S.C. 9103) is amended—

11           (1) in subsection (e), by adding at the end the  
12           following: “Where appropriate, the Director shall en-  
13           sure that activities under subtitle B are coordinated  
14           with activities under section 1251 of the Elementary  
15           and Secondary Education Act of 1965 (20 U.S.C.  
16           6383).”; and

17           (2) by adding at the end the following:

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

21           “(g) APPLICATION PROCEDURES.—

22           “(1) IN GENERAL.—In order to be eligible to  
23           receive financial assistance under this title, a person  
24           or agency shall submit an application in accordance

1 with procedures established by the Director by regu-  
2 lation.

3 “(2) REVIEW AND EVALUATION.—The Director  
4 shall establish procedures for reviewing and evalu-  
5 ating applications submitted under this title. Actions  
6 of the Institute and the Director in the establish-  
7 ment, modification, and revocation of such proce-  
8 dures under this Act are vested in the discretion of  
9 the Institute and the Director. In establishing such  
10 procedures, the Director shall ensure that the cri-  
11 teria by which applications are evaluated are con-  
12 sistent with the purposes of this title, taking into  
13 consideration general standards of decency and re-  
14 spect for the diverse beliefs and values of the Amer-  
15 ican public.

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

18 “(A) IN GENERAL.—The procedures de-  
19 scribed in paragraph (2) shall include provisions  
20 that clearly specify that obscenity is without se-  
21 rious literary, artistic, political, or scientific  
22 merit, and is not protected speech.

23 “(B) PROHIBITION.—No financial assist-  
24 ance may be provided under this title with re-

1 spect to any project that is determined to be  
2 obscene.

3 “(C) TREATMENT OF APPLICATION DIS-  
4 APPROVAL.—The disapproval of an application  
5 by the Director shall not be construed to mean,  
6 and shall not be considered as evidence that,  
7 the project for which the applicant requested fi-  
8 nancial assistance is or is not obscene.”.

9 **SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES**  
10 **BOARD.**

11 The Museum and Library Services Act (20 U.S.C.  
12 9101 et seq.) is amended—

13 (1) by redesignating section 207 as section 208;  
14 and

15 (2) by inserting after section 206 the following:

16 **“SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES**  
17 **BOARD.**

18 “(a) ESTABLISHMENT.—There is established within  
19 the Institute a board to be known as the ‘National Mu-  
20 seum and Library Services Board’.

21 “(b) MEMBERSHIP.—

22 “(1) NUMBER AND APPOINTMENT.—The Mu-  
23 seum and Library Services Board shall be composed  
24 of the following:

25 “(A) The Director.

1           “(B) The Deputy Director for the Office of  
2 Library Services.

3           “(C) The Deputy Director for the Office of  
4 Museum Services.

5           “(D) The Chairman of the National Com-  
6 mission on Libraries and Information Science.

7           “(E) 10 members appointed by the Presi-  
8 dent, by and with the advice and consent of the  
9 Senate, from among individuals who are citi-  
10 zens of the United States and who are specially  
11 qualified by virtue of their education, training,  
12 or experience in the area of library services, or  
13 their commitment to libraries.

14           “(F) 10 members appointed by the Presi-  
15 dent, by and with the advice and consent of the  
16 Senate, from among individuals who are citi-  
17 zens of the United States and who are specially  
18 qualified by virtue of their education, training,  
19 or experience in the area of museum services, or  
20 their commitment to museums.

21           “(2) SPECIAL QUALIFICATIONS.—

22           “(A) LIBRARY MEMBERS.—Of the mem-  
23 bers of the Museum and Library Services  
24 Board appointed under paragraph (1)(E)—

1           “(i) 5 shall be professional librarians  
2 or information specialists, of whom—

3           “(I) not less than 1 shall be  
4 knowledgeable about electronic infor-  
5 mation and technical aspects of li-  
6 brary and information services and  
7 sciences; and

8           “(II) not less than 1 other shall  
9 be knowledgeable about the library  
10 and information service needs of un-  
11 derserved communities; and

12           “(ii) the remainder shall have special  
13 competence in, or knowledge of, the needs  
14 for library and information services in the  
15 United States.

16           “(B) MUSEUM MEMBERS.—Of the mem-  
17 bers of the Museum and Library Services  
18 Board appointed under paragraph (1)(F)—

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

21           “(I) resources that, collectively,  
22 are broadly representative of the cura-  
23 torial, conservation, educational, and  
24 cultural resources of the United  
25 States; or

1                   “(II) museums that, collectively,  
2                   are broadly representative of various  
3                   types of museums, including museums  
4                   relating to science, history, tech-  
5                   nology, art, zoos, botanical gardens,  
6                   and museums designed for children;  
7                   and

8                   “(ii) the remainder shall be individ-  
9                   uals recognized for their broad knowledge,  
10                  expertise, or experience in museums or  
11                  commitment to museums.

12                  “(3) GEOGRAPHIC AND OTHER REPRESENTA-  
13                  TION.—Members of the Museum and Library Serv-  
14                  ices Board shall be appointed to reflect persons from  
15                  various geographic regions of the United States. The  
16                  Museum and Library Services Board may not in-  
17                  clude, at any time, more than 3 appointive members  
18                  from a single State. In making such appointments,  
19                  the President shall give due regard to equitable rep-  
20                  resentation of women, minorities, and persons with  
21                  disabilities who are involved with museums and li-  
22                  braries.

23                  “(4) VOTING.—The Director, the Deputy Direc-  
24                  tor of the Office of Library Services, the Deputy Di-  
25                  rector of the Office of Museum Services, and the

1 Chairman of the National Commission on Library  
2 and Information Science shall be nonvoting members  
3 of the Museum and Library Services Board.

4 “(c) TERMS.—

5 “(1) IN GENERAL.—Except as otherwise pro-  
6 vided in this subsection, each member of the Mu-  
7 seum and Library Services Board appointed under  
8 subparagraph (E) or (F) of subsection (b)(1) shall  
9 serve for a term of 5 years.

10 “(2) INITIAL BOARD APPOINTMENTS.—

11 “(A) TREATMENT OF MEMBERS SERVING  
12 ON EFFECTIVE DATE.—Notwithstanding sub-  
13 section (b), each individual who is a member of  
14 the National Museum Services Board on the  
15 date of enactment of the Museum and Library  
16 Services Act of 2003, may, at the individual’s  
17 election, complete the balance of the individual’s  
18 term as a member of the Museum and Library  
19 Services Board.

20 “(B) FIRST APPOINTMENTS.—Notwith-  
21 standing subsection (b), any appointive vacancy  
22 in the initial membership of the Museum and  
23 Library Services Board existing after the appli-  
24 cation of subparagraph (A), and any vacancy in  
25 such membership subsequently created by rea-

1 son of the expiration of the term of an indi-  
2 vidual described in subparagraph (A), shall be  
3 filled by the appointment of a member de-  
4 scribed in subsection (b)(1)(E). When the Mu-  
5 seum and Library Services Board consists of an  
6 equal number of individuals who are specially  
7 qualified in the area of library services and in-  
8 dividuals who are specially qualified in the area  
9 of museum services, this subparagraph shall  
10 cease to be effective and the board shall be ap-  
11 pointed in accordance with subsection (b).

12 “(C) AUTHORITY TO ADJUST TERMS.—The  
13 terms of the first members appointed to the  
14 Museum and Library Service Board shall be ad-  
15 justed by the President as necessary to ensure  
16 that the terms of not more than 4 members ex-  
17 pire in the same year. Such adjustments shall  
18 be carried out through designation of the ad-  
19 justed term at the time of appointment.

20 “(3) VACANCIES.—Any member appointed to  
21 fill a vacancy shall serve for the remainder of the  
22 term for which the predecessor of the member was  
23 appointed.

24 “(4) REAPPOINTMENT.—No appointive member  
25 of the Museum and Library Services Board who has

1       been a member for more than 7 consecutive years  
2       shall be eligible for reappointment.

3               “(5) SERVICE UNTIL SUCCESSOR TAKES OF-  
4       FICE.—Notwithstanding any other provision of this  
5       subsection, an appointive member of the Museum  
6       and Library Services Board shall serve after the ex-  
7       piration of the term of the member until the suc-  
8       cessor to the member takes office.

9               “(d) DUTIES AND POWERS.—

10              “(1) IN GENERAL.—The Museum and Library  
11       Services Board shall advise the Director on general  
12       policies with respect to the duties, powers, and au-  
13       thority of the Institute relating to museum and li-  
14       brary services, including financial assistance award-  
15       ed under this title.

16              “(2) NATIONAL AWARDS.—The Museum and  
17       Library Services Board shall advise the Director in  
18       making awards under section 209.

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

21              “(f) MEETINGS.—

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

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

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

10          “(h) COMPENSATION AND TRAVEL EXPENSES.—

11           “(1) COMPENSATION.—Each member of the  
12           Museum and Library Services Board who is not an  
13           officer or employee of the Federal Government may  
14           be compensated at a rate to be fixed by the Presi-  
15           dent, but not to exceed the daily equivalent of the  
16           maximum annual rate of pay authorized for a posi-  
17           tion above grade GS–15 of the General Schedule  
18           under section 5108 of title 5, United States Code,  
19           for each day (including travel time) during which  
20           such member is engaged in the performance of the  
21           duties of the Museum and Library Services Board.  
22           Members of the Museum and Libraries Services  
23           Board who are full-time officers or employees of the  
24           Federal Government may not receive additional pay,

1 allowances, or benefits by reason of their service on  
2 the Museum and Library Services Board.

3 “(2) TRAVEL EXPENSES.—Each member of the  
4 Museum and Library Services Board shall receive  
5 travel expenses, including per diem in lieu of subsist-  
6 ence, in accordance with applicable provisions under  
7 subchapter I of chapter 57 of title 5, United States  
8 Code.

9 “(i) COORDINATION.—The Director, with the advice  
10 of the Museum and Library Services Board, shall take  
11 steps to ensure that the policies and activities of the Insti-  
12 tute are coordinated with other activities of the Federal  
13 Government.”.

14 **SEC. 105. AWARDS; ANALYSIS OF IMPACT OF SERVICES.**

15 The Museum and Library Services Act (20 U.S.C.  
16 9101 et seq.) is amended by inserting after section 208  
17 (as redesignated by section 104 of this Act) the following:

18 **“SEC. 209. AWARDS.**

19 “The Director, with the advice of the Museum and  
20 Library Services Board, may annually award National  
21 Awards for Library Service and National Awards for Mu-  
22 seum Service to outstanding libraries and outstanding mu-  
23 seums, respectively, that have made significant contribu-  
24 tions in service to their communities.

1 **“SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY**  
2 **SERVICES.**

3 “From amounts described in sections 214(c) and  
4 275(b), the Director shall carry out and publish analyses  
5 of the impact of museum and library services. Such anal-  
6 yses—

7 “(1) shall be conducted in ongoing consultation  
8 with—

9 “(A) State library administrative agencies;

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

12 “(C) other relevant agencies and organiza-  
13 tions;

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

17 “(3) shall report on the impact and effective-  
18 ness of programs conducted with funds made avail-  
19 able by the Institute in addressing such needs; and

20 “(4) shall identify, and disseminate information  
21 on, the best practices of such programs to the agen-  
22 cies and entities described in paragraph (1).

23 **“SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CON-**  
24 **STRUCTION.**

25 “No funds appropriated to carry out the Museum and  
26 Library Services Act, the Library Services and Technology

1 Act, or the Museum Services Act may be used for con-  
2 struction expenses.”.

3 **TITLE II—LIBRARY SERVICES**  
4 **AND TECHNOLOGY**

5 **SEC. 201. PURPOSE.**

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

9 “(2) to promote improvement in library services  
10 in all types of libraries in order to better serve the  
11 people of the United States;

12 “(3) to facilitate access to resources in all types  
13 of libraries for the purpose of cultivating an edu-  
14 cated and informed citizenry; and

15 “(4) to encourage resource sharing among all  
16 types of libraries for the purpose of achieving eco-  
17 nomical and efficient delivery of library services to  
18 the public.”.

19 **SEC. 202. DEFINITIONS.**

20 Section 213 of the Library Services and Technology  
21 Act (20 U.S.C. 9122) is amended—

22 (1) by striking paragraph (1); and

23 (2) by redesignating paragraphs (2), (3), (4),  
24 (5), and (6) as paragraphs (1), (2), (3), (4), and  
25 (5), respectively.

1 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

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

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

6 “(a) IN GENERAL.—There are authorized to be ap-  
7 propriated to carry out this subtitle \$250,000,000 for fis-  
8 cal year 2004 and such sums as may be necessary for fis-  
9 cal years 2005 through 2009.”; and

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

12 **SEC. 204. RESERVATIONS AND ALLOTMENTS.**

13 Section 221(b)(3) of the Library Services and Tech-  
14 nology Act (20 U.S.C. 9131(b)(3)) is amended to read as  
15 follows:

16 “(3) MINIMUM ALLOTMENTS.—

17 “(A) IN GENERAL.—For purposes of this  
18 subsection, the minimum allotment for each  
19 State shall be \$340,000, except that the min-  
20 imum allotment shall be \$40,000 in the case of  
21 the United States Virgin Islands, Guam, Amer-  
22 ican Samoa, the Commonwealth of the North-  
23 ern Mariana Islands, the Republic of the Mar-  
24 shall Islands, the Federated States of Micro-  
25 nesia, and the Republic of Palau.

1           “(B) RATABLE REDUCTIONS.—Notwith-  
2 standing subparagraph (A), if the sum appro-  
3 priated under the authority of section 214 and  
4 not reserved under subsection (a) for any fiscal  
5 year is insufficient to fully satisfy the require-  
6 ment of subparagraph (A), each of the min-  
7 imum allotments under such subparagraph shall  
8 be reduced ratably.

9           “(C) EXCEPTION.—

10           “(i) IN GENERAL.—Notwithstanding  
11 subparagraph (A), if the sum appropriated  
12 under the authority of section 214 and not  
13 reserved under subsection (a) for any fiscal  
14 year exceeds the aggregate of the allot-  
15 ments for all States under this subsection  
16 for fiscal year 2003—

17           “(I) the minimum allotment for  
18 each State otherwise receiving a min-  
19 imum allotment of \$340,000 under  
20 subparagraph (A) shall be increased  
21 to \$680,000; and

22           “(II) the minimum allotment for  
23 each State otherwise receiving a min-  
24 imum allotment of \$40,000 under

1           subparagraph (A) shall be increased  
2           to \$60,000.

3           “(ii) INSUFFICIENT FUNDS TO AWARD  
4           ALTERNATIVE MINIMUM.—If the sum ap-  
5           propriated under the authority of section  
6           214 and not reserved under subsection (a)  
7           for any fiscal year exceeds the aggregate of  
8           the allotments for all States under this  
9           subsection for fiscal year 2003 yet is insuf-  
10          ficient to fully satisfy the requirement of  
11          clause (i), such excess amount shall first  
12          be allotted among the States described in  
13          clause (i)(I) so as to increase equally the  
14          minimum allotment for each such State  
15          above \$340,000. After the requirement of  
16          clause (i)(I) is fully satisfied for any fiscal  
17          year, any remainder of such excess amount  
18          shall be allotted among the States de-  
19          scribed in clause (i)(II) so as to increase  
20          equally the minimum allotment for each  
21          such State above \$40,000.

22          “(D) SPECIAL RULE.—

23                 “(i) IN GENERAL.—Notwithstanding  
24                 any other provision of this subsection and  
25                 using funds allotted for the Republic of the

1 Marshall Islands, the Federated States of  
2 Micronesia, and the Republic of Palau  
3 under this subsection, the Director shall  
4 award grants to the United States Virgin  
5 Islands, Guam, American Samoa, the Com-  
6 monwealth of the Northern Mariana Is-  
7 lands, the Republic of the Marshall Is-  
8 lands, the Federated States of Micronesia,  
9 or the Republic of Palau to carry out ac-  
10 tivities described in this subtitle in accord-  
11 ance with the provisions of this subtitle  
12 that the Director determines are not incon-  
13 sistent with this subparagraph.

14 “(ii) AWARD BASIS.—The Director  
15 shall award grants pursuant to clause (i)  
16 on a competitive basis and after taking  
17 into consideration available recommenda-  
18 tions from the Pacific Region Educational  
19 Laboratory in Honolulu, Hawaii.

20 “(iii) ADMINISTRATIVE COSTS.—The  
21 Director may provide not more than 5 per-  
22 cent of the funds made available for grants  
23 under this subparagraph to pay the admin-  
24 istrative costs of the Pacific Region Edu-

1                   cational Laboratory regarding activities as-  
2                   sisted under this subparagraph.”.

3 **SEC. 205. STATE PLANS.**

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

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

9           (2) in subsection (f)—

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

12           (B) in paragraph (1)—

13           (i) by striking “section 213(2)(A) or  
14           (B)” and inserting “section 213(1)(A) or  
15           (B)”;

16           (ii) by striking “1934,” and all that  
17           follows through “Act, may” and inserting  
18           “1934 (47 U.S.C. 254(h)(6)) may”;

19           (C) in paragraph (7)—

20           (i) in the matter preceding subpara-  
21           graph (A), by striking “section:” and in-  
22           serting “subsection:”; and

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

1 **SEC. 206. GRANTS TO STATES.**

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

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

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

10 “(2) developing library services that provide all  
11 users access to information through local, State, re-  
12 gional, national, and international electronic net-  
13 works;

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

16 “(4) developing public and private partnerships  
17 with other agencies and community-based organiza-  
18 tions;

19 “(5) targeting library services to individuals of  
20 diverse geographic, cultural, and socioeconomic back-  
21 grounds, to individuals with disabilities, and to indi-  
22 viduals with limited functional literacy or informa-  
23 tion skills; and

24 “(6) targeting library and information services  
25 to persons having difficulty using a library and to  
26 underserved urban and rural communities, including

1 children (from birth through age 17) from families  
 2 with incomes below the poverty line (as defined by  
 3 the Office of Management and Budget and revised  
 4 annually in accordance with section 673(2) of the  
 5 Community Services Block Grant Act (42 U.S.C.  
 6 9902(2))) applicable to a family of the size in-  
 7 volved.”; and

8 (2) in subsection (b), by striking “between the  
 9 two purposes described in paragraphs (1) and (2) of  
 10 such subsection,” and inserting “among such pur-  
 11 poses,”.

12 **SEC. 207. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR**  
 13 **COOPERATIVE AGREEMENTS.**

14 Section 262(a)(1) of the Library Services and Tech-  
 15 nology Act (20 U.S.C. 9162(a)(1)) is amended by striking  
 16 “education and training” and inserting “education, re-  
 17 cruitment, and training”.

18 **TITLE III—MUSEUM SERVICES**

19 **SEC. 301. PURPOSE.**

20 Section 271 of the Museum and Library Services Act  
 21 (20 U.S.C. 9171) is amended to read as follows:

22 **“SEC. 271. PURPOSE.**

23 “It is the purpose of this subtitle—

24 “(1) to encourage and support museums in car-  
 25 rying out their public service role of connecting the

1 whole of society to the cultural, artistic, historical,  
2 natural, and scientific understandings that con-  
3 stitute our heritage;

4 “(2) to encourage and support museums in car-  
5 rying out their educational role, as core providers of  
6 learning and in conjunction with schools, families,  
7 and communities;

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

11 “(4) to assist, encourage, and support museums  
12 in carrying out their stewardship responsibilities to  
13 achieve the highest standards in conservation and  
14 care of the cultural, historic, natural, and scientific  
15 heritage of the United States to benefit future gen-  
16 erations;

17 “(5) to assist, encourage, and support museums  
18 in achieving the highest standards of management  
19 and service to the public, and to ease the financial  
20 burden borne by museums as a result of their in-  
21 creasing use by the public; and

22 “(6) to support resource sharing and partner-  
23 ships among museums, libraries, schools, and other  
24 community organizations.”.

1 **SEC. 302. DEFINITIONS.**

2 Section 272(1) of the Museum and Library Services  
3 Act (20 U.S.C. 9172(1)) is amended by adding at the end  
4 the following: “Such term includes aquariums, arbore-  
5 tums, botanical gardens, art museums, children’s muse-  
6 ums, general museums, historic houses and sites, history  
7 museums, nature centers, natural history and anthro-  
8 pology museums, planetariums, science and technology  
9 centers, specialized museums, and zoological parks.”.

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

11 Section 273 of the Museum and Library Services Act  
12 (20 U.S.C. 9173) is amended to read as follows:

13 **“SEC. 273. MUSEUM SERVICES ACTIVITIES.**

14 “(a) IN GENERAL.—The Director, after considering  
15 available policy advice of the Museum and Library Serv-  
16 ices Board, may enter into arrangements, including  
17 grants, contracts, cooperative agreements, and other  
18 forms of assistance, with museums and other entities as  
19 the Director considers appropriate, to pay the Federal  
20 share of the cost of—

21 “(1) supporting museums in providing learning  
22 and access to collections, information, and edu-  
23 cational resources in a variety of formats (including  
24 exhibitions, programs, publications, and websites)  
25 for individuals of all ages;

1           “(2) supporting museums in building learning  
2           partnerships with the Nation’s schools and devel-  
3           oping museum resources and programs in support of  
4           State and local school curricula;

5           “(3) supporting museums in assessing, con-  
6           serving, researching, maintaining, and exhibiting  
7           their collections, and in providing educational pro-  
8           grams to the public through the use of their collec-  
9           tions;

10          “(4) stimulating greater collaboration among  
11          museums, libraries, schools, and other community  
12          organizations in order to share resources and  
13          strengthen communities;

14          “(5) encouraging the use of new technologies  
15          and broadcast media to enhance access to museum  
16          collections, programs, and services;

17          “(6) supporting museums in providing services  
18          to people of diverse geographic, cultural, and socio-  
19          economic backgrounds and to individuals with dis-  
20          abilities;

21          “(7) supporting museums in developing and  
22          carrying out specialized programs for specific seg-  
23          ments of the public, such as programs for urban  
24          neighborhoods, rural areas, Indian reservations, and  
25          State institutions;

1           “(8) supporting professional development and  
2           technical assistance programs to enhance museum  
3           operations at all levels, in order to ensure the high-  
4           est standards in all aspects of museum operations;

5           “(9) supporting museums in research, program  
6           evaluation, and the collection and dissemination of  
7           information to museum professionals and the public;  
8           and

9           “(10) encouraging, supporting, and dissemi-  
10          nating model programs of museum and library col-  
11          laboration.

12          “(b) FEDERAL SHARE.—

13           “(1) 50 PERCENT.—Except as provided in para-  
14          graph (2), the Federal share described in subsection  
15          (a) shall be not more than 50 percent.

16           “(2) GREATER THAN 50 PERCENT.—The Direc-  
17          tor may use not more than 20 percent of the funds  
18          made available under this subtitle for a fiscal year  
19          to enter into arrangements under subsection (a) for  
20          which the Federal share may be greater than 50  
21          percent.

22           “(3) OPERATIONAL EXPENSES.—No funds for  
23          operational expenses may be provided under this sec-  
24          tion to any entity that is not a museum.

25          “(c) REVIEW AND EVALUATION.—

1           “(1) IN GENERAL.—The Director shall establish  
2           procedures for reviewing and evaluating arrange-  
3           ments described in subsection (a) entered into under  
4           this subtitle.

5           “(2) APPLICATIONS FOR TECHNICAL ASSIST-  
6           ANCE.—

7           “(A) IN GENERAL.—The Director may use  
8           not more than 10 percent of the funds appro-  
9           priated to carry out this subtitle for technical  
10          assistance awards.

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

16          “(d) SERVICES FOR NATIVE AMERICANS.—From  
17          amounts appropriated under section 275, the Director  
18          shall reserve 1.75 percent to award grants to, or enter into  
19          contracts or cooperative agreements with, Indian tribes  
20          and organizations that primarily serve and represent Na-  
21          tive Hawaiians (as defined in section 7207 of the Native  
22          Hawaiian Education Act (20 U.S.C. 7517)), to enable  
23          such tribes and organizations to carry out the activities  
24          described in subsection (a).”.

1 **SEC. 304. REPEALS.**

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

4 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 276 of the Museum and Library Services Act  
6 (20 U.S.C. 9176) is amended—

7 (1) in subsection (a), by striking “\$28,700,000  
8 for the fiscal year 1997, and such sums as may be  
9 necessary for each of the fiscal years 1998 through  
10 2002.” and inserting “\$41,500,000 for fiscal year  
11 2004 and such sums as may be necessary for fiscal  
12 years 2005 through 2009.”; and

13 (2) by redesignating such section as section 275  
14 of such Act.

15 **SEC. 306. SHORT TITLE.**

16 Subtitle C of the Museum and Library Services Act  
17 (20 U.S.C. 9171 et seq.) is amended—

18 (1) by redesignating sections 271, 272, and 273  
19 as sections 272, 273, and 274, respectively; and

20 (2) by inserting after the subtitle heading the  
21 following:

22 **“SEC. 271. SHORT TITLE.**

23 “This subtitle may be cited as the ‘Museum Services  
24 Act’.”.

1 **TITLE IV—NATIONAL COMMIS-**  
2 **SION ON LIBRARIES AND IN-**  
3 **FORMATION SCIENCE ACT**

4 **SEC. 401. AMENDMENT TO CONTRIBUTIONS.**

5 Section 4 of the National Commission on Libraries  
6 and Information Science Act (20 U.S.C. 1503) is amended  
7 by striking “accept, hold, administer, and utilize gifts, be-  
8 quests, and devises of property,” and inserting “solicit, ac-  
9 cept, hold, administer, invest in the name of the United  
10 States, and utilize gifts, bequests, and devises of services  
11 or property,”.

12 **SEC. 402. AMENDMENT TO MEMBERSHIP.**

13 Section 6(a) of the National Commission on Libraries  
14 and Information Science Act (20 U.S.C. 1505(a)) is  
15 amended—

16 (1) in the second sentence, by striking “and at  
17 least one other of whom shall be knowledgeable with  
18 respect to the library and information service and  
19 science needs of the elderly”;

20 (2) by striking the fourth sentence and insert-  
21 ing the following: “A majority of members of the  
22 Commission who have taken office and are serving  
23 on the Commission shall constitute a quorum for  
24 conduct of business at official meetings of the Com-  
25 mission”; and

1           (3) in the fifth sentence, by striking “five years,  
2           except that” and all that follows through the period  
3           and inserting “five years, except that—

4           “(1) a member of the Commission appointed to  
5           fill a vacancy occurring prior to the expiration of the  
6           term for which the member’s predecessor was ap-  
7           pointed, shall be appointed only for the remainder of  
8           such term; and

9           “(2) any member of the Commission may con-  
10          tinue to serve after an expiration of the member’s  
11          term of office until such member’s successor is ap-  
12          pointed, has taken office, and is serving on the Com-  
13          mission.”.

14           **TITLE V—MISCELLANEOUS**  
15           **PROVISIONS**

16   **SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEM-**  
17           **NITY ACT.**

18          Section 5 of the Arts and Artifacts Indemnity Act  
19   (20 U.S.C. 974) is amended—

20           (1) in subsection (b), by striking  
21           “\$5,000,000,000” and inserting “\$8,000,000,000”;

22           (2) in subsection (c), by striking  
23           “\$500,000,000” and inserting “\$600,000,000”; and

24           (3) in subsection (d)—

1 (A) in paragraph (6), by striking “or”  
2 after the semicolon;

3 (B) by striking paragraph (7) and insert-  
4 ing the following:

5 “(7) not less than \$400,000,000 but less than  
6 \$500,000,000, then coverage under this chapter  
7 shall extend only to loss or damage in excess of the  
8 first \$400,000 of loss or damage to items covered;  
9 or

10 “(8) \$500,000,000 or more, then coverage  
11 under this chapter shall extend only to loss or dam-  
12 age in excess of the first \$500,000 of loss or damage  
13 to items covered.”.

14 **SEC. 502. NATIONAL CHILDREN’S MUSEUM.**

15 (a) DESIGNATION.—The Capital Children’s Museum  
16 located at 800 Third Street, NE, Washington, D.C. (or  
17 any successor location), organized under the laws of the  
18 District of Columbia, is designated as the “National Chil-  
19 dren’s Museum”.

20 (b) REFERENCES.—Any reference in a law, map, reg-  
21 ulation, document, paper, or other record of the United  
22 States to the Capital Children’s Museum referred to in  
23 subsection (a) shall be deemed to be a reference to the  
24 National Children’s Museum.

1 **SEC. 503. CONFORMING AMENDMENT.**

2 Section 170(e)(6)(B)(i)(III) of the Internal Revenue  
 3 Code of 1986 (relating to the special rule for contributions  
 4 of computer technology and equipment for educational  
 5 purposes) is amended by striking “section 213(2)(A) of  
 6 the Library Services and Technology Act (20 U.S.C.  
 7 9122(2)(A))” and inserting “section 213(1)(A) of the Li-  
 8 brary Services and Technology Act (20 U.S.C.  
 9 9122(1)(A))”.

10 **SEC. 504. TECHNICAL CORRECTIONS.**

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

14 **“TITLE II—MUSEUM AND**  
 15 **LIBRARY SERVICES”.**

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

19 **“Subtitle A—General Provisions”.**

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

1    **“Subtitle B—Library Services and**  
 2                                   **Technology”.**

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

6           **“Subtitle C—Museum Services”.**

7           (e) CONTRIBUTIONS.—Section 208 of the Museum  
 8 and Library Services Act (20 U.S.C. 9106) (as redesign-  
 9 nated by section 104 of this Act) is amended by striking  
 10 “property of services” and inserting “property or serv-  
 11 ices”.

12          (f) STATE PLAN CONTENTS.—Section 224(b)(5) of  
 13 the Library Services and Technology Act (20 U.S.C.  
 14 9134(b)(5)) is amended by striking “and” at the end.

15          (g) NATIONAL LEADERSHIP GRANTS, CONTRACTS,  
 16 OR COOPERATIVE AGREEMENTS.—Section 262(b)(1) of  
 17 the Library Services and Technology Act (20 U.S.C.  
 18 9162(b)(1)) is amended by striking “cooperative agree-  
 19 ments, with,” and inserting “cooperative agreements  
 20 with,”.

21    **SEC. 505. REPEALS.**

22          (a) NATIONAL COMMISSION ON LIBRARIES AND IN-  
 23 FORMATION SCIENCE ACT.—Section 5 of the National  
 24 Commission on Libraries and Information Science Act (20  
 25 U.S.C. 1504) is amended—

1           (1) by striking subsections (b) and (c); and  
2           (2) by redesignating subsections (d), (e), and  
3           (f) as subsections (b), (c), and (d), respectively.

4           (b) MUSEUM AND LIBRARY SERVICES ACT OF  
5 1996.—Sections 704 through 707 of the Museum and Li-  
6 brary Services Act of 1996 (20 U.S.C. 9102 note, 9103  
7 note, and 9105 note) are repealed.

8 **SEC. 506. EFFECTIVE DATE.**

9           The amendments made by this Act shall take effect  
10 on the date of enactment of this Act, except that the  
11 amendments made by sections 203, 204, and 305 of this  
12 Act shall take effect on October 1, 2003.



**Calendar No. 178**

108TH CONGRESS  
1ST SESSION

**S. 888**

**[Report No. 108-83]**

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**A BILL**

To reauthorize the Museum and Library Services  
Act, and for other purposes.

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JUNE 26, 2003

Reported without amendment