

In the Senate of the United States,

August 1 (legislative day, July 21), 2003.

Resolved, That the bill from the House of Representatives (H.R. 13) entitled “An Act to reauthorize the Museum and Library Services Act, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Museum and Library*

3 *Services Act of 2003”.*

1 **SEC. 2. TABLE OF CONTENTS.**

2 *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.

3 **TITLE I—GENERAL PROVISIONS**

4 **SEC. 101. GENERAL DEFINITIONS.**

5 *Section 202 of the Museum and Library Services Act*

6 *(20 U.S.C. 9101) is amended—*

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

3 “(1) *DETERMINED TO BE OBSCENE.*—*The term*
4 *‘determined to be obscene’ means determined, in a*
5 *final judgment of a court of record and of competent*
6 *jurisdiction in the United States, to be obscene.”;*

7 (2) *by striking paragraph (4);*

8 (3) *by redesignating paragraph (3) as para-*
9 *graph (5);*

10 (4) *by inserting after paragraph (2) the fol-*
11 *lowing:*

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

14 “(A) *not reviewed by any other court that*
15 *has authority to review such judgment; or*

16 “(B) *not reviewable by any other court.*

17 “(4) *INDIAN TRIBE.*—*The term ‘Indian tribe’*
18 *means any tribe, band, nation, or other organized*
19 *group or community, including any Alaska native*
20 *village, regional corporation, or village corporation*
21 *(as defined in, or established pursuant to, the Alaska*
22 *Native Claims Settlement Act (43 U.S.C. 1601 et*
23 *seq.)), which is recognized by the Secretary of the In-*
24 *terior as eligible for the special programs and services*

1 *provided by the United States to Indians because of*
 2 *their status as Indians.”; and*

3 *(5) by adding at the end the following:*

4 “(6) *MUSEUM AND LIBRARY SERVICES BOARD.—*
 5 *The term ‘Museum and Library Services Board’*
 6 *means the National Museum and Library Services*
 7 *Board established under section 207.*

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

10 “(A) *the average person, applying contem-*
 11 *porary community standards, would find that*
 12 *such project, when taken as a whole, appeals to*
 13 *the prurient interest;*

14 “(B) *such project depicts or describes sexual*
 15 *conduct in a patently offensive way; and*

16 “(C) *such project, when taken as a whole,*
 17 *lacks serious literary, artistic, political, or sci-*
 18 *entific value.”.*

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

20 *Section 203 of the Museum and Library Services Act*
 21 *(20 U.S.C. 9102) is amended—*

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

24 (2) *by adding at the end the following:*

1 “(c) *MUSEUM AND LIBRARY SERVICES BOARD.*—*There*
2 *shall be a National Museum and Library Services Board*
3 *within the Institute, as provided under section 207.*”.

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

5 *Section 204 of the Museum and Library Services Act*
6 *(20 U.S.C. 9103) is amended—*

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

13 (2) *by adding at the end the following:*

14 “(f) *REGULATORY AUTHORITY.*—*The Director may*
15 *promulgate such rules and regulations as are necessary and*
16 *appropriate to implement the provisions of this title.*

17 “(g) *APPLICATION PROCEDURES.*—

18 “(1) *IN GENERAL.*—*In order to be eligible to re-*
19 *ceive financial assistance under this title, a person or*
20 *agency shall submit an application in accordance*
21 *with procedures established by the Director by regula-*
22 *tion.*

23 “(2) *REVIEW AND EVALUATION.*—*The Director*
24 *shall establish procedures for reviewing and evalu-*
25 *ating applications submitted under this title. Actions*

1 of the Institute and the Director in the establishment,
2 modification, and revocation of such procedures under
3 this Act are vested in the discretion of the Institute
4 and the Director. In establishing such procedures, the
5 Director shall ensure that the criteria by which appli-
6 cations are evaluated are consistent with the purposes
7 of this title, taking into consideration general stand-
8 ards of decency and respect for the diverse beliefs and
9 values of the American public.

10 “(3) *TREATMENT OF PROJECTS DETERMINED TO*
11 *BE OBSCENE.*—

12 “(A) *IN GENERAL.*—*The procedures de-*
13 *scribed in paragraph (2) shall include provisions*
14 *that clearly specify that obscenity is without se-*
15 *rious literary, artistic, political, or scientific*
16 *merit, and is not protected speech.*

17 “(B) *PROHIBITION.*—*No financial assist-*
18 *ance may be provided under this title with re-*
19 *spect to any project that is determined to be ob-*
20 *scene.*

21 “(C) *TREATMENT OF APPLICATION DIS-*
22 *APPROVAL.*—*The disapproval of an application*
23 *by the Director shall not be construed to mean,*
24 *and shall not be considered as evidence that, the*

1 *project for which the applicant requested finan-*
 2 *cial assistance is or is not obscene.”.*

3 **SEC. 104. NATIONAL MUSEUM AND LIBRARY SERVICES**

4 **BOARD.**

5 *The Museum and Library Services Act (20 U.S.C.*
 6 *9101 et seq.) is amended—*

7 (1) *by redesignating section 207 as section 208;*

8 *and*

9 (2) *by inserting after section 206 the following:*

10 **“SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES**

11 **BOARD.**

12 “(a) *ESTABLISHMENT.—There is established within*
 13 *the Institute a board to be known as the ‘National Museum*
 14 *and Library Services Board’.*

15 “(b) *MEMBERSHIP.—*

16 “(1) *NUMBER AND APPOINTMENT.—The Museum*
 17 *and Library Services Board shall be composed of the*
 18 *following:*

19 “(A) *The Director.*

20 “(B) *The Deputy Director for the Office of*
 21 *Library Services.*

22 “(C) *The Deputy Director for the Office of*
 23 *Museum Services.*

24 “(D) *The Chairman of the National Com-*
 25 *mission on Libraries and Information Science.*

1 “(E) 10 members appointed by the Presi-
2 dent, by and with the advice and consent of the
3 Senate, from among individuals who are citizens
4 of the United States and who are specially quali-
5 fied by virtue of their education, training, or ex-
6 perience in the area of library services, or their
7 commitment to libraries.

8 “(F) 10 members appointed by the Presi-
9 dent, by and with the advice and consent of the
10 Senate, from among individuals who are citizens
11 of the United States and who are specially quali-
12 fied by virtue of their education, training, or ex-
13 perience in the area of museum services, or their
14 commitment to museums.

15 “(2) SPECIAL QUALIFICATIONS.—

16 “(A) LIBRARY MEMBERS.—Of the members
17 of the Museum and Library Services Board ap-
18 pointed under paragraph (1)(E)—

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

21 “(I) not less than 1 shall be
22 knowledgeable about electronic infor-
23 mation and technical aspects of library
24 and information services and sciences;
25 and

1 “(II) not less than 1 other shall be
2 knowledgeable about the library and
3 information service needs of under-
4 served communities; and

5 “(ii) the remainder shall have special
6 competence in, or knowledge of, the needs
7 for library and information services in the
8 United States.

9 “(B) MUSEUM MEMBERS.—Of the members
10 of the Museum and Library Services Board ap-
11 pointed under paragraph (1)(F)—

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

14 “(I) resources that, collectively,
15 are broadly representative of the cura-
16 torial, conservation, educational, and
17 cultural resources of the United States;
18 or

19 “(II) museums that, collectively,
20 are broadly representative of various
21 types of museums, including museums
22 relating to science, history, technology,
23 art, zoos, botanical gardens, and muse-
24 ums designed for children; and

1 “(ii) *the remainder shall be individ-*
2 *uals recognized for their broad knowledge,*
3 *expertise, or experience in museums or com-*
4 *mitment to museums.*

5 “(3) *GEOGRAPHIC AND OTHER REPRESENTA-*
6 *TION.—Members of the Museum and Library Services*
7 *Board shall be appointed to reflect persons from var-*
8 *ious geographic regions of the United States. The Mu-*
9 *seum and Library Services Board may not include,*
10 *at any time, more than 3 appointive members from*
11 *a single State. In making such appointments, the*
12 *President shall give due regard to equitable represen-*
13 *tation of women, minorities, and persons with dis-*
14 *abilities who are involved with museums and librar-*
15 *ies.*

16 “(4) *VOTING.—The Director, the Deputy Direc-*
17 *tor of the Office of Library Services, the Deputy Di-*
18 *rector of the Office of Museum Services, and the*
19 *Chairman of the National Commission on Library*
20 *and Information Science shall be nonvoting members*
21 *of the Museum and Library Services Board.*

22 “(c) *TERMS.—*

23 “(1) *IN GENERAL.—Except as otherwise provided*
24 *in this subsection, each member of the Museum and*
25 *Library Services Board appointed under subpara-*

1 *graph (E) or (F) of subsection (b)(1) shall serve for*
2 *a term of 5 years.*

3 “(2) *INITIAL BOARD APPOINTMENTS.*—

4 “(A) *TREATMENT OF MEMBERS SERVING ON*
5 *EFFECTIVE DATE.*—*Notwithstanding subsection*
6 *(b), each individual who is a member of the Na-*
7 *tional Museum Services Board on the date of en-*
8 *actment of the Museum and Library Services Act*
9 *of 2003, may, at the individual’s election, com-*
10 *plete the balance of the individual’s term as a*
11 *member of the Museum and Library Services*
12 *Board.*

13 “(B) *FIRST APPOINTMENTS.*—*Notwith-*
14 *standing subsection (b), any appointive vacancy*
15 *in the initial membership of the Museum and*
16 *Library Services Board existing after the appli-*
17 *cation of subparagraph (A), and any vacancy in*
18 *such membership subsequently created by reason*
19 *of the expiration of the term of an individual de-*
20 *scribed in subparagraph (A), shall be filled by*
21 *the appointment of a member described in sub-*
22 *section (b)(1)(E). When the Museum and Li-*
23 *brary Services Board consists of an equal num-*
24 *ber of individuals who are specially qualified in*
25 *the area of library services and individuals who*

1 *are specially qualified in the area of museum*
2 *services, this subparagraph shall cease to be effec-*
3 *tive and the board shall be appointed in accord-*
4 *ance with subsection (b).*

5 “(C) *AUTHORITY TO ADJUST TERMS.—The*
6 *terms of the first members appointed to the Mu-*
7 *seum and Library Service Board shall be ad-*
8 *justed by the President as necessary to ensure*
9 *that the terms of not more than 4 members ex-*
10 *pire in the same year. Such adjustments shall be*
11 *carried out through designation of the adjusted*
12 *term at the time of appointment.*

13 “(3) *VACANCIES.—Any member appointed to fill*
14 *a vacancy shall serve for the remainder of the term*
15 *for which the predecessor of the member was ap-*
16 *pointed.*

17 “(4) *REAPPOINTMENT.—No appointive member*
18 *of the Museum and Library Services Board who has*
19 *been a member for more than 7 consecutive years*
20 *shall be eligible for reappointment.*

21 “(5) *SERVICE UNTIL SUCCESSOR TAKES OF-*
22 *FICE.—Notwithstanding any other provision of this*
23 *subsection, an appointive member of the Museum and*
24 *Library Services Board shall serve after the expira-*

1 *tion of the term of the member until the successor to*
2 *the member takes office.*

3 “(d) *DUTIES AND POWERS.*—

4 “(1) *IN GENERAL.*—*The Museum and Library*
5 *Services Board shall advise the Director on general*
6 *policies with respect to the duties, powers, and au-*
7 *thority of the Institute relating to museum and li-*
8 *brary services, including financial assistance awarded*
9 *under this title.*

10 “(2) *NATIONAL AWARDS.*—*The Museum and Li-*
11 *brary Services Board shall advise the Director in*
12 *making awards under section 209.*

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

15 “(f) *MEETINGS.*—

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

19 “(2) *VOTE.*—*All decisions by the Museum and*
20 *Library Services Board with respect to the exercise of*
21 *its duties and powers shall be made by a majority*
22 *vote of the members of the Board who are present and*
23 *authorized to vote.*

24 “(g) *QUORUM.*—*A majority of the voting members of*
25 *the Museum and Library Services Board shall constitute*

1 *a quorum for the conduct of business at official meetings,*
2 *but a lesser number of members may hold hearings.*

3 “(h) *COMPENSATION AND TRAVEL EXPENSES.*—

4 “(1) *COMPENSATION.*—*Each member of the Mu-*
5 *seum and Library Services Board who is not an offi-*
6 *cer or employee of the Federal Government may be*
7 *compensated at a rate to be fixed by the President,*
8 *but not to exceed the daily equivalent of the max-*
9 *imum annual rate of pay authorized for a position*
10 *above grade GS–15 of the General Schedule under sec-*
11 *tion 5108 of title 5, United States Code, for each day*
12 *(including travel time) during which such member is*
13 *engaged in the performance of the duties of the Mu-*
14 *seum and Library Services Board. Members of the*
15 *Museum and Libraries Services Board who are full-*
16 *time officers or employees of the Federal Government*
17 *may not receive additional pay, allowances, or bene-*
18 *fits by reason of their service on the Museum and Li-*
19 *brary Services Board.*

20 “(2) *TRAVEL EXPENSES.*—*Each member of the*
21 *Museum and Library Services Board shall receive*
22 *travel expenses, including per diem in lieu of subsist-*
23 *ence, in accordance with applicable provisions under*
24 *subchapter I of chapter 57 of title 5, United States*
25 *Code.*

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

4 “(3) to facilitate access to resources in all types
5 of libraries for the purpose of cultivating an educated
6 and informed citizenry; and

7 “(4) to encourage resource sharing among all
8 types of libraries for the purpose of achieving eco-
9 nomical and efficient delivery of library services to
10 the public.”.

11 **SEC. 202. DEFINITIONS.**

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

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

15 (2) by redesignating paragraphs (2), (3), (4),
16 (5), and (6) as paragraphs (1), (2), (3), (4), and (5),
17 respectively.

18 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

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

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

23 “(a) *IN GENERAL.*—There are authorized to be appro-
24 priated to carry out this subtitle \$232,000,000 for fiscal

1 *year 2004 and such sums as may be necessary for fiscal*
 2 *years 2005 through 2009.”; and*

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

5 **SEC. 204. RESERVATIONS AND ALLOTMENTS.**

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

9 *“(3) MINIMUM ALLOTMENTS.—*

10 *“(A) IN GENERAL.—For purposes of this*
 11 *subsection, the minimum allotment for each*
 12 *State shall be \$340,000, except that the min-*
 13 *imum allotment shall be \$40,000 in the case of*
 14 *the United States Virgin Islands, Guam, Amer-*
 15 *ican Samoa, the Commonwealth of the Northern*
 16 *Mariana Islands, the Republic of the Marshall*
 17 *Islands, the Federated States of Micronesia, and*
 18 *the Republic of Palau.*

19 *“(B) RATABLE REDUCTIONS.—Notwith-*
 20 *standing subparagraph (A), if the sum appro-*
 21 *priated under the authority of section 214 and*
 22 *not reserved under subsection (a) for any fiscal*
 23 *year is insufficient to fully satisfy the require-*
 24 *ment of subparagraph (A), each of the minimum*

1 *allotments under such subparagraph shall be re-*
2 *duced ratably.*

3 “(C) *EXCEPTION.*—

4 “(i) *IN GENERAL.*—*Notwithstanding*
5 *subparagraph (A), if the sum appropriated*
6 *under the authority of section 214 and not*
7 *reserved under subsection (a) for any fiscal*
8 *year exceeds the aggregate of the allotments*
9 *for all States under this subsection for fiscal*
10 *year 2003—*

11 “(I) *the minimum allotment for*
12 *each State otherwise receiving a min-*
13 *imum allotment of \$340,000 under*
14 *subparagraph (A) shall be increased to*
15 *\$680,000; and*

16 “(II) *the minimum allotment for*
17 *each State otherwise receiving a min-*
18 *imum allotment of \$40,000 under sub-*
19 *paragraph (A) shall be increased to*
20 *\$60,000.*

21 “(ii) *INSUFFICIENT FUNDS TO AWARD*
22 *ALTERNATIVE MINIMUM.*—*If the sum appro-*
23 *priated under the authority of section 214*
24 *and not reserved under subsection (a) for*
25 *any fiscal year exceeds the aggregate of the*

1 *allotments for all States under this sub-*
2 *section for fiscal year 2003 yet is insuffi-*
3 *cient to fully satisfy the requirement of*
4 *clause (i), such excess amount shall first be*
5 *allotted among the States described in*
6 *clause (i)(I) so as to increase equally the*
7 *minimum allotment for each such State*
8 *above \$340,000. After the requirement of*
9 *clause (i)(I) is fully satisfied for any fiscal*
10 *year, any remainder of such excess amount*
11 *shall be allotted among the States described*
12 *in clause (i)(II) so as to increase equally*
13 *the minimum allotment for each such State*
14 *above \$40,000.*

15 *“(D) SPECIAL RULE.—*

16 *“(i) IN GENERAL.—Notwithstanding*
17 *any other provision of this subsection and*
18 *using funds allotted for the Republic of the*
19 *Marshall Islands, the Federated States of*
20 *Micronesia, and the Republic of Palau*
21 *under this subsection, the Director shall*
22 *award grants to the United States Virgin*
23 *Islands, Guam, American Samoa, the Com-*
24 *monwealth of the Northern Mariana Is-*
25 *lands, the Republic of the Marshall Islands,*

1 *the Federated States of Micronesia, or the*
2 *Republic of Palau to carry out activities de-*
3 *scribed in this subtitle in accordance with*
4 *the provisions of this subtitle that the Direc-*
5 *tor determines are not inconsistent with this*
6 *subparagraph.*

7 “(ii) *AWARD BASIS.—The Director*
8 *shall award grants pursuant to clause (i)*
9 *on a competitive basis and after taking into*
10 *consideration available recommendations*
11 *from the Pacific Region Educational Lab-*
12 *oratory in Honolulu, Hawaii.*

13 “(iii) *ADMINISTRATIVE COSTS.—The*
14 *Director may provide not more than 5 per-*
15 *cent of the funds made available for grants*
16 *under this subparagraph to pay the admin-*
17 *istrative costs of the Pacific Region Edu-*
18 *cational Laboratory regarding activities as-*
19 *sisted under this subparagraph.”.*

20 **SEC. 205. STATE PLANS.**

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

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

1 (2) *in subsection (f)—*

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

4 (B) *in paragraph (1)—*

5 (i) *by striking “section 213(2)(A) or*
6 *(B)” and inserting “section 213(1)(A) or*
7 *(B)”;* *and*

8 (ii) *by striking “1934,” and all that*
9 *follows through “Act, may” and inserting*
10 *“1934 (47 U.S.C. 254(h)(6)) may”;* *and*

11 (C) *in paragraph (7)—*

12 (i) *in the matter preceding subpara-*
13 *graph (A), by striking “section:” and insert-*
14 *ing “subsection:”;* *and*

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

17 **SEC. 206. GRANTS TO STATES.**

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

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

22 “(1) *expanding services for learning and access*
23 *to information and educational resources in a variety*
24 *of formats, in all types of libraries, for individuals of*
25 *all ages;*

1 “(2) *developing library services that provide all*
2 *users access to information through local, State, re-*
3 *gional, national, and international electronic net-*
4 *works;*

5 “(3) *providing electronic and other linkages*
6 *among and between all types of libraries;*

7 “(4) *developing public and private partnerships*
8 *with other agencies and community-based organiza-*
9 *tions;*

10 “(5) *targeting library services to individuals of*
11 *diverse geographic, cultural, and socioeconomic back-*
12 *grounds, to individuals with disabilities, and to indi-*
13 *viduals with limited functional literacy or informa-*
14 *tion skills; and*

15 “(6) *targeting library and information services*
16 *to persons having difficulty using a library and to*
17 *underserved urban and rural communities, including*
18 *children (from birth through age 17) from families*
19 *with incomes below the poverty line (as defined by the*
20 *Office of Management and Budget and revised annu-*
21 *ally in accordance with section 673(2) of the Commu-*
22 *nity Services Block Grant Act (42 U.S.C. 9902(2)))*
23 *applicable to a family of the size involved.”; and*

24 (2) *in subsection (b), by striking “between the*
25 *two purposes described in paragraphs (1) and (2) of*

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

4 “(4) to assist, encourage, and support museums
5 in carrying out their stewardship responsibilities to
6 achieve the highest standards in conservation and
7 care of the cultural, historic, natural, and scientific
8 heritage of the United States to benefit future genera-
9 tions;

10 “(5) to assist, encourage, and support museums
11 in achieving the highest standards of management
12 and service to the public, and to ease the financial
13 burden borne by museums as a result of their increas-
14 ing use by the public; and

15 “(6) to support resource sharing and partner-
16 ships among museums, libraries, schools, and other
17 community organizations.”.

18 **SEC. 302. DEFINITIONS.**

19 Section 272(1) of the Museum and Library Services
20 Act (20 U.S.C. 9172(1)) is amended by adding at the end
21 the following: “Such term includes aquariums, arboretums,
22 botanical gardens, art museums, children’s museums, gen-
23 eral museums, historic houses and sites, history museums,
24 nature centers, natural history and anthropology museums,

1 *planetariums, science and technology centers, specialized*
2 *museums, and zoological parks.”.*

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

4 *Section 273 of the Museum and Library Services Act*
5 *(20 U.S.C. 9173) is amended to read as follows:*

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

7 *“(a) IN GENERAL.—The Director, subject to the policy*
8 *advice of the Museum and Library Services Board, may*
9 *enter into arrangements, including grants, contracts, coop-*
10 *erative agreements, and other forms of assistance, with mu-*
11 *seums and other entities as the Director considers appro-*
12 *priate, to pay the Federal share of the cost of—*

13 *“(1) supporting museums in providing learning*
14 *and access to collections, information, and edu-*
15 *cational resources in a variety of formats (including*
16 *exhibitions, programs, publications, and websites) for*
17 *individuals of all ages;*

18 *“(2) supporting museums in building learning*
19 *partnerships with the Nation’s schools and developing*
20 *museum resources and programs in support of State*
21 *and local school curricula;*

22 *“(3) supporting museums in assessing, con-*
23 *serving, researching, maintaining, and exhibiting*
24 *their collections, and in providing educational pro-*

1 *grams to the public through the use of their collec-*
2 *tions;*

3 *“(4) stimulating greater collaboration among*
4 *museums, libraries, schools, and other community or-*
5 *ganizations in order to share resources and strengthen*
6 *communities;*

7 *“(5) encouraging the use of new technologies and*
8 *broadcast media to enhance access to museum collec-*
9 *tions, programs, and services;*

10 *“(6) supporting museums in providing services*
11 *to people of diverse geographic, cultural, and socio-*
12 *economic backgrounds and to individuals with dis-*
13 *abilities;*

14 *“(7) supporting museums in developing and car-*
15 *rying out specialized programs for specific segments*
16 *of the public, such as programs for urban neighbor-*
17 *hoods, rural areas, Indian reservations, and State in-*
18 *stitutions;*

19 *“(8) supporting professional development and*
20 *technical assistance programs to enhance museum op-*
21 *erations at all levels, in order to ensure the highest*
22 *standards in all aspects of museum operations;*

23 *“(9) supporting museums in research, program*
24 *evaluation, and the collection and dissemination of*

1 *information to museum professionals and the public;*
2 *and*

3 *“(10) encouraging, supporting, and dissemi-*
4 *nating model programs of museum and library col-*
5 *laboration.*

6 *“(b) FEDERAL SHARE.—*

7 *“(1) 50 PERCENT.—Except as provided in para-*
8 *graph (2), the Federal share described in subsection*
9 *(a) shall be not more than 50 percent.*

10 *“(2) GREATER THAN 50 PERCENT.—The Director*
11 *may use not more than 20 percent of the funds made*
12 *available under this subtitle for a fiscal year to enter*
13 *into arrangements under subsection (a) for which the*
14 *Federal share may be greater than 50 percent.*

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

18 *“(c) REVIEW AND EVALUATION.—*

19 *“(1) IN GENERAL.—The Director shall establish*
20 *procedures for reviewing and evaluating arrange-*
21 *ments described in subsection (a) entered into under*
22 *this subtitle.*

23 *“(2) APPLICATIONS FOR TECHNICAL ASSIST-*
24 *ANCE.—*

1 “(A) *IN GENERAL.*—*The Director may use*
 2 *not more than 10 percent of the funds appro-*
 3 *propriated to carry out this subtitle for technical as-*
 4 *stance awards.*

5 “(B) *INDIVIDUAL MUSEUMS.*—*Individual*
 6 *museums may receive not more than 3 technical*
 7 *assistance awards under subparagraph (A), but*
 8 *subsequent awards for technical assistance shall*
 9 *be subject to review outside the Institute.*

10 “(d) *SERVICES FOR NATIVE AMERICANS.*—*From*
 11 *amounts appropriated under section 275, the Director shall*
 12 *reserve 1.75 percent to award grants to, or enter into con-*
 13 *tracts or cooperative agreements with, Indian tribes and or-*
 14 *ganizations that primarily serve and represent Native Ha-*
 15 *waiians (as defined in section 7207 of the Native Hawaiian*
 16 *Education Act (20 U.S.C. 7517)), to enable such tribes and*
 17 *organizations to carry out the activities described in sub-*
 18 *section (a).”.*

19 **SEC. 304. REPEALS.**

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

22 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

23 *Section 276 of the Museum and Library Services Act*
 24 *(20 U.S.C. 9176) is amended—*

1 (1) *in subsection (a), by striking “\$28,700,000*
 2 *for the fiscal year 1997, and such sums as may be*
 3 *necessary for each of the fiscal years 1998 through*
 4 *2002.” and inserting “\$38,600,000 for fiscal year*
 5 *2004 and such sums as may be necessary for fiscal*
 6 *years 2005 through 2009.”; and*

7 (2) *by redesignating such section as section 275*
 8 *of such Act.*

9 **SEC. 306. SHORT TITLE.**

10 *Subtitle C of the Museum and Library Services Act*
 11 *(20 U.S.C. 9171 et seq.) is amended—*

12 (1) *by redesignating sections 271, 272, and 273*
 13 *as sections 272, 273, and 274, respectively; and*

14 (2) *by inserting after the subtitle heading the fol-*
 15 *lowing:*

16 **“SEC. 271. SHORT TITLE.**

17 *“This subtitle may be cited as the ‘Museum Services*
 18 *Act’.”.*

19 **TITLE IV—NATIONAL COMMISS-**
 20 **SION ON LIBRARIES AND IN-**
 21 **FORMATION SCIENCE ACT**

22 **SEC. 401. AMENDMENT TO CONTRIBUTIONS.**

23 *Section 4 of the National Commission on Libraries*
 24 *and Information Science Act (20 U.S.C. 1503) is amended*
 25 *by striking “accept, hold, administer, and utilize gifts, be-*

1 *quests, and devises of property,” and inserting “solicit, ac-*
2 *cept, hold, administer, invest in the name of the United*
3 *States, and utilize gifts, bequests, and devises of services or*
4 *property,”.*

5 **SEC. 402. AMENDMENT TO MEMBERSHIP.**

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

9 *(1) in the second sentence, by striking “and at*
10 *least one other of whom shall be knowledgeable with*
11 *respect to the library and information service and*
12 *science needs of the elderly”;*

13 *(2) by striking the fourth sentence and inserting*
14 *the following: “A majority of members of the Commis-*
15 *sion who have taken office and are serving on the*
16 *Commission shall constitute a quorum for conduct of*
17 *business at official meetings of the Commission”;* and

18 *(3) in the fifth sentence, by striking “five years,*
19 *except that” and all that follows through the period*
20 *and inserting “five years, except that—*

21 *“(1) a member of the Commission appointed to*
22 *fill a vacancy occurring prior to the expiration of the*
23 *term for which the member’s predecessor was ap-*
24 *pointed, shall be appointed only for the remainder of*
25 *such term; and*

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

6 **TITLE V—MISCELLANEOUS**
 7 **PROVISIONS**

8 **SEC. 501. AMENDMENTS TO ARTS AND ARTIFACTS INDEM-**
 9 **NITY ACT.**

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

12 (1) in subsection (b), by striking
 13 “\$5,000,000,000” and inserting “\$8,000,000,000”;

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

16 (3) in subsection (d)—

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

19 (B) by striking paragraph (7) and inserting
 20 the following:

21 “(7) not less than \$400,000,000 but less than
 22 \$500,000,000, then coverage under this chapter shall
 23 extend only to loss or damage in excess of the first
 24 \$400,000 of loss or damage to items covered; or

1 “(8) \$500,000,000 or more, then coverage under
2 this chapter shall extend only to loss or damage in ex-
3 cess of the first \$500,000 of loss or damage to items
4 covered.”.

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

6 (a) *DESIGNATION.*—The Capital Children’s Museum
7 located at 800 Third Street, NE, Washington, D.C. (or any
8 successor location), organized under the laws of the District
9 of Columbia, is designated as the “National Children’s Mu-
10 seum”.

11 (b) *REFERENCES.*—Any reference in a law, map, regu-
12 lation, document, paper, or other record of the United
13 States to the Capital Children’s Museum referred to in sub-
14 section (a) shall be deemed to be a reference to the National
15 Children’s Museum.

16 **SEC. 503. CONFORMING AMENDMENT.**

17 Section 170(e)(6)(B)(i)(III) of the Internal Revenue
18 Code of 1986 (relating to the special rule for contributions
19 of computer technology and equipment for educational pur-
20 poses) is amended by striking “section 213(2)(A) of the Li-
21 brary Services and Technology Act (20 U.S.C. 9122(2)(A))”
22 and inserting “section 213(1)(A) of the Library Services
23 and Technology Act (20 U.S.C. 9122(1)(A))”.

1 **SEC. 504. TECHNICAL CORRECTIONS.**

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

5 **“TITLE II—MUSEUM AND**
6 **LIBRARY SERVICES”.**

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

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

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

14 **“Subtitle B—Library Services and**
15 **Technology”.**

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

19 **“Subtitle C—Museum Services”.**

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

24 (f) *STATE PLAN CONTENTS.*—Section 224(b)(5) of the
25 *Library Services and Technology Act (20 U.S.C.*
26 *9134(b)(5)) is amended by striking “and” at the end.*

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

6 **SEC. 505. REPEALS.**

7 (a) *NATIONAL COMMISSION ON LIBRARIES AND INFOR-*
8 *MATION SCIENCE ACT.*—Section 5 of the *National Commis-*
9 *sion on Libraries and Information Science Act (20 U.S.C.*
10 *1504)* is amended—

11 (1) *by striking subsections (b) and (c); and*

12 (2) *by redesignating subsections (d), (e), and (f)*
13 *as subsections (b), (c), and (d), respectively.*

14 (b) *MUSEUM AND LIBRARY SERVICES ACT OF 1996.*—
15 *Sections 704 through 707 of the Museum and Library Serv-*
16 *ices Act of 1996 (20 U.S.C. 9102 note, 9103 note, and 9105*
17 *note) are repealed.*

18 **SEC. 506. EFFECTIVE DATE.**

19 *The amendments made by this Act shall take effect on*
20 *the date of enactment of this Act, except that the amend-*

- 1 *ments made by sections 203, 204, and 305 of this Act shall*
- 2 *take effect on October 1, 2003.*

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 13

AMENDMENT