

## Calendar No. 178

108TH CONGRESS } 1st Session }	SENATE	{ REPORT 108-83
-----------------------------------	--------	-----------------------

---

### MUSEUM AND LIBRARY SERVICES ACT OF 2003

---

JUNE 26, 2003.—Ordered to be printed

---

Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, submitted the following

### R E P O R T

[To accompany S. 888]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 888) to reauthorize the Museum and Library Services Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### CONTENTS

	Page
I. Purpose and summary of the bill .....	1
II. Background and need for legislation .....	4
III. Legislative history and committee action .....	5
IV. Committee views .....	5
V. Cost estimate .....	9
VI. Regulatory impact statement .....	11
VII. Application of law to the legislative branch .....	12
VIII. Section-by-section analysis .....	12
IX. Changes in existing law .....	17

#### I. PURPOSE AND SUMMARY OF THE BILL

It is the purpose of S. 888, the Museum and Library Services Act of 2003, to reauthorize the Museum and Library Services Act, and to provide American libraries and museums with continued Federal support through the grant programs of the Institute of Museum and Library Services (IMLS). This legislation continues the objectives of the Museum and Library Services Act of 1996 to strengthen America's museum and library services.

## TITLE I—GENERAL PROVISIONS

This title defines certain terms, consolidates the library and museum advisory boards into one entity (the National Museum and Library Services Board); establishes the criteria for Board membership and other rules governing the Board; requires that the library activities of the IMLS be coordinated with the school library provisions of the No Child Left Behind Act; gives the IMLS Director the authority to promulgate such rules and regulations as are necessary and appropriate to implement the provisions of the Museum and Library Services Act; requires the IMLS Director to establish procedural standards for making grants available to museums and libraries (ensuring that the criteria are consistent with the purpose of the act, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public); prohibits projects determined to be obscene from receiving Federal library and museum funds; authorizes the Director of the IMLS to issue National Awards for Library Service and National Awards for Museum Service; requires the IMLS to conduct analyses of the need for museum and library services and the effectiveness of funded projects in meeting those needs; and prohibits funds appropriated under the Museum and Library Services Act from being used for construction expenses.

## TITLE II—LIBRARY SERVICES AND TECHNOLOGY

This title amends the purposes of the Library Services and Technology Act so that they include: (1) consolidation of Federal library service programs; (2) promotion of improvement in library services in all types of libraries in order to better serve the people of the United States; (3) facilitation of access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and (4) encouraging resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.

This title authorizes \$250 million in fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009 for the IMLS's library programs under the Library Services and Technology Act. It increases the minimum State allotment for library programs to \$680,000, while ensuring that no State's allotment falls below its 2003 level. S. 888 also increases the minimum allotment for the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to \$60,000, as long as each State receives its new minimum allotment of \$680,000.

This title also requires that State plans be submitted every 5 years, expands the use of national leadership grants to include the recruitment of librarians, and broadens the allowable use of funds for State library agency grants to include the following: (1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages; (2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks; (3) providing electronic and other linkages among and between all types of libraries; (4) devel-

oping public and private partnerships with other agencies and community-based organizations; (5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and (6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children from families with incomes below the poverty line.

#### TITLE III—MUSEUM SERVICES

This title amends the purposes of the Museum Services Act to include: (1) encouraging and supporting museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage; (2) encouraging and supporting museums in carrying out their educational role as core providers of learning and in conjunction with schools, families, and communities; (3) encouraging leadership, innovation, and applications of the most current technologies and practices to enhance museum services; (4) assisting, encouraging, and supporting museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations; (5) assisting, encouraging, and supporting museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and (6) supporting resource sharing and partnership among museums, libraries, schools, and other community organizations.

This title amends the allowable use of funds under the Museum Services Act to include the following: (1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and web sites) for individuals of all ages; (2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula; (3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections; (4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen communities; (5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services; (6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities; (7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions; (8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations; (9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public;

and (10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

This title also: broadens the definition of a museum; generally limits the Federal share of museum programs to 50 percent (with an exception made for up to 20 percent of funds available under the Museum Services Act); allows the Director to use no more than 10 percent of the funds available under the Museum Services Act for technical assistance awards (while limiting such grants that are not peer-reviewed to three per museum); sets aside 1.75 percent of the IMLS's museum funds for Indian tribes and organizations that primarily serve Native Hawaiians; and authorizes \$41.5 million in Museum Services Act funds for fiscal year 2004 (and such sums as may be necessary for fiscal years 2005 through 2009).

#### TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

This title amends the National Commission on Libraries and Information Science Act to: allow the Commission to solicit and invest gifts, bequests, and devises of services or property; better define the requirements for a quorum of the Commission; and allow a commissioner to serve after the expiration of his term until his successor takes office.

#### TITLE V—MISCELLANEOUS PROVISIONS

This title amends the Arts and Artifacts Indemnity Act by raising the overall level of available indemnity to \$8 billion, increasing the per-exhibition cap for indemnification from \$500 million to \$600 million, and adjusting the corresponding deductible levels. It also: designates the Capital Children's Museum in Washington, DC as the National Children's Museum; makes several technical and conforming statutory changes; repeals the National Commission on Libraries and Information Science's role as an advisory body to the IMLS; and repeals transition provisions from the Museum and Library Services Act of 1996.

## II. BACKGROUND AND NEED FOR LEGISLATION

Today, museums, libraries serve as important educational and cultural institutions in communities throughout our nation. Americans frequent museums at a rate of 2.3 million visits per day, and in a recent national survey, two-thirds of respondents reported having used their public library in the past year. Museums provide access to our historic, artistic, scientific, and cultural heritage, and serve as key partners in the education of our children. In fact, American museums commit over one billion dollars and more than 18 million instructional hours to K-12 educational programs each year. Libraries provide comprehensive services to meet the informational needs of communities large and small, rural and urban. From reading and literacy programs, to Internet access and work force development, libraries serve Americans in numerous ways, regardless of age, economic circumstance, or disability. By reauthorizing and strengthening the grant programs of the Institute of Museum and Library Services, the Museum and Library Services Act of 2003 will help America's libraries and museums provide these important educational and cultural services in the years ahead.

### III. LEGISLATIVE HISTORY AND COMMITTEE ACTION

The committee held a hearing on the reauthorization of the Museum and Library Services Act on April 10, 2002. At that hearing the committee heard from three witnesses who testified in support of the reauthorization: Dr. Robert S. Martin (Director of the Institute of Museum and Library Services), David Macksam (Director of the Cranston Public Library in Cranston, Rhode Island), and Joseph R. Phillips (Director of the Maine State Museum).

Senator Gregg, along with Senator Reed and several other cosponsors, introduced S. 888, the Museum and Library Services Act of 2003, on April 11, 2003. On May 14, 2003, the committee met in executive session to consider the bill. No amendments were offered. The bill was approved without amendment by unanimous consent.

### IV. COMMITTEE VIEWS

#### TITLE I—GENERAL PROVISIONS

##### *Director of the Institute of Museum and Library Services*

In order to facilitate implementation, the Museum and Library Services Act of 2003 gives the Director the authority to promulgate necessary rules and regulations. It also requires the Director to establish new procedures for reviewing and evaluating applications for assistance under the Museum and Library Services Act. These procedures must ensure that the purposes of the Museum and Library Services Act, as well as general standards of decency and respect for the diverse beliefs and values of the American public, are taken into consideration. No financial assistance may be provided under the Museum and Library Services Act to any project determined to be obscene. The committee notes that assistance provided by the National Endowment for the Arts is subject to similar standards (20 U.S.C. § 954(d)).

Recognizing the key role that libraries play in fostering the academic achievement of our Nation's schoolchildren, the Museum and Library Services Act of 2003 also requires that the director, where appropriate, ensure that the library activities of the IMLS are coordinated with the school library provisions of the No Child Left Behind Act (contained in Section 1251 of the Elementary and Secondary Education Act of 1965, and codified at 20 U.S.C. § 6383).

##### *National Museum and Library Services Board*

The Museum and Library Services Act of 2003 established the National Museum and Library Services Board to advise the Director of the Institute of Museum and Library Services on general policies regarding the duties, powers, and authority of the IMLS as they relate to museum and library services. Currently, two distinct entities fulfill this advisory role: the National Museum Services Board and the National Commission on Libraries and Information Science. This legislation consolidates the advisory function into one entity, the National Museum and Library Services Board. The committee notes that, while the advisory function of the National Commission on Libraries and Information Science is eliminated, its other functions (exercised under the National Commission on Libraries and Information Science Act) are left intact by S. 888. The

Chairman of the National Commission on Libraries and Information Science will sit on the National Museum and Library Services Board as a non-voting member, just as the Director of the Institute of Museum and Library Services sits on the National Commission on Libraries and Information Science as a non-voting member.

Members of the Board representing museums will be selected from among those who are affiliated with curatorial, conservation, education and cultural resources in the United States or with various types of museums, or who are recognized for their broad knowledge, expertise, or experience with museums or their commitment to museums (such as museum trustees who have been in a position to understand the overall operations and activities of museums). Members of the board representing libraries will be selected from among those who are specifically qualified by virtue of their education, training, or experience in the area of library services, or their demonstrated commitment to libraries (such as library trustees, members of a library board of directors, or members of a Library Friends Group).

#### *Analyses of the impact of Museum and Library Services*

The committee believes there is a need for regular analyses of the effectiveness of the programs conducted by the Institute of Museum and Library Services under the Museum and Library Services Act. Such analyses will only enhance the ability of the IMLS to support quality museum and library programs, and will help to ensure that the taxpayers' return on their investment remains high. Thus the Museum and Library Services Act of 2003 authorizes the Director, in consultation with State library agencies, library and museum organizations, and others, to: identify national needs for, and trends of, museums and library services provided with assistance under the Museum and Library Services Act; report on the impact and effectiveness of funded programs in addressing these needs; and disseminate information on the best practices of such programs.

#### *Prohibition of construction*

Currently, the Institute of Museum and Library Services is not engaged in funding or managing construction projects. The committee notes that the purposes of the Museum and Library Services Act do not include the construction of museums and libraries, and the Institute of Museum and Library Services is not equipped to fund or manage such projects. Thus, S. 888 expressly forbids funds appropriated to carry out the Museum and Library Services Act from being used for construction expenses.

### TITLE II—LIBRARY SERVICES AND TECHNOLOGY

#### *Administration*

The Museum and Library Services Act of 2003 increases the percentage of appropriated library funds that can be used for federal administrative costs from no more than 3 percent to no more than 3.5 percent. The committee intends for this increase to be used to conduct the new annual analyses of the impact and effectiveness of library services required by this Act.

### *Minimum State allotment*

The minimum State allotment in the Grants to State Library Agencies Program has remained at \$340,000 since 1971. The Museum and Library Services Act of 2003 authorizes an increase in this minimum State allotment to \$680,000, and an increase in the minimum allotment for outlying areas from \$40,000 to \$60,000, while also ensuring that no State's allotment falls below its fiscal year 2003 level. Under S. 888, if funding is insufficient to both raise the minimum allotment to \$680,000 and hold States harmless, then the minimum allotment will be set at its current \$340,000. Any additional funding above the level sufficient to fund a \$340,000 minimum allotment will be distributed equally among the States until the minimum amount of \$680,000 is reached for each State. As with current law, any additional funding available above the minimum allotment will be distributed to States under a population-driven formula. Outlying areas will see their minimum allotment increase to \$60,000, as long as each State receives the \$680,000 minimum State allotment.

### *Recruitment of librarians*

Librarians are key partners in the education of successful learners. They help parents teach their children before they enter school, they are partners with the schools in their communities, they provide college students with advanced research skills, and they help adults continue to achieve and enjoy learning throughout their lifetimes. The committee notes that over the next 16 years, America's libraries are projected to lose 58 percent of their professional librarians, and more than one-quarter of all librarians with master's degrees will reach the age of 65 before 2009.

The committee commends President Bush and First Lady Laura Bush for their support for education and libraries generally, and the recruitment of librarians in particular. The Museum and Library Services Act of 2003 supports their efforts by amending the Museum and Library Services Act to allow grants, contracts, and cooperative agreements to be used for activities that include the recruitment of persons in library and information science.

## TITLE III—MUSEUM SERVICES

### *Technical assistance awards*

The Museum and Library Services Act of 2003 allows the Director to use no more than 10 percent of Museum Services Act funds for technical assistance awards, while limiting such grants that are not peer-reviewed to three per museum. The committee notes that grants for technical assistance can help to strengthen museum operations and service to the public. The committee supports the development of procedures that minimize the administrative burden in providing technical assistance. The committee believes that the usefulness of the technical assistance program can be enhanced by providing additional review and evaluation for institutions after they have received three grants for technical assistance.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION  
SCIENCE ACT

*Contributions*

The Museum and Library Services Act of 2003 clarifies the ability of the National Commission on Libraries and Information Science to seek contributions and to invest them in the name of the United States. It also makes clear that the Commission can accept services as well as property. These provisions are consistent with other federal statutes, and are specifically modeled on the law relating to the Institute of Museum and Library Services.

*Membership*

The Museum and Library Services Act of 2003 establishes that a majority of Commission members who have taken office and are serving on the Commission shall establish a quorum for the conduct of business, and allows a Commission member whose term has expired to continue serving until their successor is appointed, has taken office, and is serving on the Commission. The purpose of these amendments is to ensure that the Commission is able to act in periods when member terms have expired. These provisions are consistent with other statutes dealing with boards and commissions in the federal government.

TITLE V—MISCELLANEOUS PROVISIONS

*Arts and Artifacts Indemnity Act*

The Museum and Library Services Act of 2003 also includes an increase in indemnity levels contained in the Arts and Artifacts Indemnity Act. In order to cover the rising costs of insurance, Section 501 raises the overall level of available indemnity to \$8 billion. This provision also includes an increase in the per-exhibition cap for indemnification from \$500 million to \$600 million and makes corresponding adjustments in deductible levels. These changes are designed to better facilitate the international exchange and display of works of art, books, rare documents and other published materials, artifacts, and films and other audiovisual media. It is the Committee's hope that with these changes, the Arts and Artifacts Indemnity Program will ensure that people throughout the world are exposed to American culture and that our own citizens will have richer educational opportunities available as well.

*National Children's Museum*

Currently, there is no national museum devoted exclusively to children. However, the committee believes that the designation of the Capital Children's Museum in Washington, DC as the "National Children's Museum" will highlight the importance of early childhood education, and reinforce the Nation's commitment to educationally underserved children. The Capital Children's Museum, founded in 1974, is one of the original children's museums in the Nation, and provides a national model for innovative learning experiences. This designation, contained in section 501, is endorsed by the Association of Children's Museums in order to raise awareness of the Nation's children's museums.



## V. COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 21, 2003.*

Hon. JUDD GREGG,  
*Chairman, Committee on Health, Education, Labor, and Pensions,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 888, the Museum and Library Services Act of 2003.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
*Director.*

Enclosure.

*S. 888—Museum and Library Services Act of 2003*

Summary: S. 888 would reauthorize programs under the Museum and Library Services Act of 1996 that were authorized through 2002. Programs were authorized for 2003 by the Consolidated Appropriations Resolution, 2003 (Public Law 108–7). S. 888 would reauthorize these programs through 2009.

S. 888 also would increase total indemnity limits under the Arts and Artifacts Indemnity Act from \$5 billion to \$8 billion. CBO estimates that enacting S. 888 would result in a negligible amount of direct spending over the 2003–2009 period.

CBO estimates that authorizations under the bill would total \$292 million in 2004 and about \$1.8 billion over the 2004–2009 period, assuming that annual levels are adjusted for inflation when specific annual authorizations are not provided. (Without such inflation adjustments, the authorizations would total about \$1.7 billion over the 2004–2009 period.) CBO estimates that appropriations of the authorized levels would result in additional outlays of \$1.5 billion over the 2004–2009 period, if inflation adjustments are included (and about \$1.4 billion without inflation adjustments).

S. 888 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. This bill would benefit states and other participating entities by authorizing grant funding for updating museum and library services. Any costs incurred by states to participate in this program would be voluntary.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 888 is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services). CBO's estimate of authorized levels is the authorized amount for 2004 with those amounts inflated in later years. The estimated outlays reflect CBO's current assumptions about spending patterns in the authorized programs.

	By fiscal year, in millions of dollars—						
	2003	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION <sup>1</sup>							
Spending Under Current Law:							
Budget Authority <sup>2</sup> .....	244	0	0	0	0	0	0
Estimated Outlays .....	231	185	71	0	0	0	0
Proposed Changes:							
Library Services:							
Estimated Authorization Level .....	0	250	255	260	266	272	278
Estimated Outlays .....	0	53	169	254	260	265	271
Museum Services:							
Estimated Authorization Level .....	0	42	42	43	44	45	46
Estimated Outlays .....	0	12	42	43	43	44	45
Total Proposed Changes:							
Estimated Authorization Level .....	0	292	297	304	310	317	324
Estimated Outlays .....	0	65	210	297	303	310	316
Total Spending Under S. 888:							
Budget Authority/Authorization Level <sup>2</sup> .....	244	292	297	304	310	317	324
Estimated Outlays .....	231	249	281	297	303	310	316

<sup>1</sup> S. 888 also would affect direct spending, through the arts indemnity program; but CBO estimates that those costs would be less than \$500,000 a year.

<sup>2</sup> The 2003 level is the amount appropriated for that year for the library and museum services programs.

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

Basis of estimate: S. 888 reauthorize programs created under the Museum and Library Services Act. Both the Library and Museum Services programs would be reauthorized at specific levels for 2004 and for such sums as may be necessary for 2005 through 2009.

S. 888 would authorize the appropriation of \$292 million in 2004. CBO estimates that the bill would authorize total funding of \$1.8 billion over the 2004–2009 period assuming that amounts provided after 2004 are adjusted for inflation. If the authorized amounts are appropriated, outlays would increase by \$65 million in the first year and by \$1.5 billion over the six-year period. (Without inflation adjustments, the increased authorizations would result in outlays of \$1.4 billion over the six years.)

S. 888 would increase total indemnity limits under the Arts and Artifacts Indemnity Act from \$5 billion to \$8 billion. CBO estimates that enacting S. 888 would result in a negligible amount of direct spending over the 2003–2009 period.

#### *Spending subject to appropriation*

Office of Library Services. The Office of Library Services within the Institute of Museum and Library Services provides funding to public libraries through state formula grants so that libraries can promote wider access to learning and information. Competitive grants are also available for libraries that submit innovative ideas to improve information access. The program also supports collaborative activities between museums and libraries. The bill would authorize the Library Services program at \$250 million in 2004 and such sums as may be necessary for the 2005–2009 period. CBO estimates the total funding for the 2004–2009 period would be about \$1.6 billion, assuming adjustments for inflation, with resulting outlays of \$1.3 billion over those six years.

Office of Museum Services. The Office of Museum Services provides competitive grants to museums to improve museum programs and operations. The bill would reauthorize the current program at \$42 million in 2004 and such sums as may be necessary for each of the following five years. For this program, CBO estimates the

total funding for the 2004–2009 period would be \$262 million, assuming adjustments for inflation, with resulting outlays of \$230 million over six years.

The bill also would add a National Museum and Library Services Board within the Institute of Museum and Library Services, allow the director to grant national awards to libraries and museums that have made significant contributions to their communities, and would instruct the director to report on the impact of the Museum and Library Services programs. Funding for the board's activities would come out of the amounts authorized for the Office of Library Services and the Office of Museum Services.

#### *Direct spending*

S. 888 would increase total indemnity limits under the Arts and Artifacts Indemnity Act from \$5 billion to \$8 billion. The bill also would increase the limit for a single exhibition from \$500 million to \$600 million and would change the deductible limits. The Arts and Artifacts Indemnity Act authorizes the Federal Council on the Arts and Humanities to enter into agreements to cover certain eligible works of art while these objects are traveling on exhibition in the United States or abroad. Coverage includes the time the objects are in transit and while they are on exhibition.

According to information from the National Endowment for the Arts, there have been two claims totaling \$105,000 since 1976, the first year of the program. Loss or damage claims are first paid out of the Arts and Artifacts Indemnity Fund—a gifts and donations fund for this purpose. The fund currently has a balance of \$280,000, but CBO judges that the costs to the government are not limited by the balances in the fund. Although the government would be exposing itself to more risk if the indemnity limits were raised \$3 billion, CBO estimates that such spending would be less than \$500,000 in each fiscal year.

Intergovernmental and private-sector impact: S. 888 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. This bill would benefit states and other participating entities by authorizing grant funding for streamlining and updating museum and library services. Any costs incurred by states to participate in this program would be voluntary.

Previous CBO estimate: On February 24, 2003, CBO transmitted a cost estimate for H.R. 13, the Museum and Library Services Act of 2003, as ordered reported by the House Committee on Education and the Workforce on February 13, 2003, H.R. 13 would authorize slightly less funding for museums and libraries and would not amend the Arts and Artifacts Indemnity Act.

Estimate prepared by: Federal Costs: Donna Wong; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Nabeel Alsalam.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## VI. REGULATORY IMPACT STATEMENT

The committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

## VII. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The committee has determined that there is no legislative impact.

## VIII. SECTION-BY-SECTION ANALYSIS

### *Section 1. Short title*

This act may be cited as the “Museum and Library Services Act of 2003.”

### *Section 2. Table of contents*

#### *Section 101. General definitions*

This Section amends Section 202 of the Museum and Library Services Act to define the following terms: determined to be obscene; final judgment; Indian tribe; Museum and Library Services Board; and obscene.

#### *Section 102. Institute of Museum and Library Services*

This section amends section 203 to create a National Museum and Library Services Board within the Institute of Museum and Library Services.

#### *Section 103. Director of the Institute*

This section amends section 204 to ensure that the Director coordinates the library activities of the IMLS with the school library provisions of section 1251 of the Elementary and Secondary Education Act of 1965, as added by the No Child Left Behind Act. This section also provides the Director with the authority to promulgate regulations and establish procedures for reviewing and evaluating applications submitted under the act. This section prohibits financial assistance from being provided under the act to projects determined to be obscene.

#### *Section 104. National Museum and Library Services Board*

This section establishes a National Museum and Library Services Board within the Institute of Museum and Library Services, composed of: the Director; the Deputy Director for the Office of Library Services; the Deputy Director for the Office of Museum Services; the Chairman of the National Commission on Libraries and Information Science; ten members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries; and ten members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museums services, or their commitment to museums. Of the library members, five shall be professional librarians or information specialists. Of the museum members, five shall be museum professionals who are or have been affiliated with resources that are broadly representative of the resources of the United States, or museums that are broadly representative of various types of museums. Board members may

not include, at any time, more than three appointed members from a single State, and the President shall give due regard to equitable representation of women, minorities, and persons with disabilities in his appointments. The Director shall serve as Chairperson of the Museum and Library Services Board.

This section also designates the Director, Deputy Director of the Office of Library Services, Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science as nonvoting members of the Museum and Library Services Board. This section also provides for 5-year terms for members of the Board, except in certain defined circumstances. Members appointed to fill a vacancy shall serve for the remainder of the term for which their predecessor was appointed. No appointed member of the Board who has been a member for more than seven consecutive years shall be eligible for reappointment. An appointed member of the Board shall serve after the expiration of their term until a successor takes office.

This section also provides that the Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the IMLS relating to museum and library services, including financial assistance under the Museum and Library Services Act and making awards under section 209. This Section also requires that the Director, with the advice of the Board, coordinate the policies and activities of the IMLS with other activities of the Federal Government.

This section also provides that the Museum and Library Services Board shall meet not less than two times each year and at the call of the Director. All decisions by the Museum and Library Services Board shall be made by a majority vote of the members of the Board who are present and authorized to vote. A majority of the voting members of the Board shall constitute a quorum for the conduct of business at official meetings. This section also establishes rules for the compensation of Board members.

#### *Section 105. Awards; analysis of impact of services*

This section adds a new section 209 that authorizes the Director, with the advice of the Board, to annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively.

This section also adds a new section 210 that requires the Director, in consultation with State library agencies, library and museum organizations, and others, to: identify national needs for, and trends of, museum and library services provided with assistance under the Museum and Library Services Act; report on the impact and effectiveness of funded programs in addressing these needs; and disseminate information on the best practices of such programs.

This section also adds a new section 210A that prohibits funds appropriated to carry out the Museum and Library Services Act from being used for construction expenses.

#### *Section 201. Purpose*

This section amends section 212 so that the purposes of the Library Services and Technology Act are as follows: (1) consolidation of federal library service programs; (2) promotion of improvement

in library services in all types of libraries in order to better serve the people of the United States; (3) facilitation of access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and (4) encouraging resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.

*Section 202. Definitions*

This section amends section 213 by striking the definition of an Indian tribe.

*Section 203. Authorization of appropriations*

This section amends section 214 to authorize \$250,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009 for IMLS programs under the Library Services and Technology Act. This section also increases the percentage of funds appropriated under the Library Services and Technology Act that may be used for administration from 3 percent to 3.5 percent.

*Section 204. Reservations and allotments*

This section amends section 221 to authorize an increase in the minimum State allotment for library programs to \$680,000, while also ensuring that no State's allotment falls below its 2003 level. If funding is insufficient to raise the minimum State allotment to \$680,000 and, at the same time, hold all States harmless, then the minimum State allotment will be set at \$340,000 (the current minimum State allotment). Any additional funding above that level would be distributed equally among the States until the minimum amount of \$680,000 per State is reached. Any funding above the State minimum of \$680,000 would be awarded to States based on population (as under current law). This section also increases the minimum allotment for the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to \$60,000, as long as each State receives a minimum allotment of \$680,000.

*Section 205. State plans*

This section updates and amends section 224 to require that State plans be submitted every five years.

*Section 206. Grants to States*

This section amends section 231 to broaden the allowable use of funds for State library agency grants to include the following: (1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages; (2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks; (3) providing electronic and other linkages among and between all types of libraries; (4) developing public and private partnerships with other agencies and community-based organizations; (5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and (6) tar-

getting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children from families with incomes below the poverty line.

*Section 207. National leadership grants, contracts, or cooperative agreements*

This section amends section 262 to allow grants, contracts, and cooperative agreements to be used for activities that include the recruitment of persons in library and information science.

*Section 301. Purpose*

This section amends the purposes of the Museum Services Act to include the following: (1) encouraging and supporting museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage; (2) encouraging and supporting museums in carrying out their educational role as core providers of learning and in conjunction with schools, families, and communities; (3) encouraging leadership, innovation, and applications of the most current technologies and practices to enhance museum services; (4) assisting, encouraging, and supporting museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations; (5) assisting, encouraging, and supporting museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and (6) supporting resource sharing and partnerships among museums, libraries, schools, and other community organizations.

*Section 302. Definitions*

This section amends section 272 by specifically referencing the following types of museums within the definition of a museum: aquariums, arboretums, botanical gardens, art museums, children's museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.

*Section 303. Museum service activities*

This section amends the allowable use of funds under the Museum Services Act to include the following: (1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages; (2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula; (3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections; (4) stimulating greater collaboration among museums, libraries, schools, and other community organizations in order to share resources and strengthen com-

munities; (5) encouraging the use of new technologies and broadcast media to enhance access to museum collections, programs, and services; (6) supporting museums in providing services to people of diverse geographic, cultural, and socioeconomic backgrounds and to individuals with disabilities; (7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions; (8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations; (9) supporting museums in research, program evaluation, and the collection and dissemination of information to museum professionals and the public; and (10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

This section also limits the Federal share of funded projects to 50 percent, except that the Director may use not more than 20 percent of the funds made available under the Museum Services Act to enter into arrangements for which the Federal share may be greater than 50 percent. This section also prohibits funds for operational expenses from being provided under this section to any entity that is not a museum, and requires the Director to establish procedures for reviewing and evaluating grants, contracts, cooperative agreements and other forms of assistance with museums and other entities for the activities specified in the Museum Services Act. Not more than 10 percent of funds appropriated to carry out the Museum Services Act may be used for technical assistance awards. Individual museums may not receive more than three technical assistance awards on a non-peer reviewed basis. Additional technical assistance grants shall be subject to review outside the IMLS.

This section also requires the Director to reserve 1.75 percent from amounts appropriated under section 275 to award grants to, or enter into contracts or cooperative agreements with, Indian tribes and organizations that primarily serve and represent Native Hawaiians.

#### *Section 304. Repeals*

This section repeals section 274 and 275 of the Museum and Library Services Act.

#### *Section 305. Authorization of appropriations*

This section amends section 276 to authorize \$41,500,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.

#### *Section 306. Short title*

This section adds a new section 271 which designates the subtitle authorizing museum programs as the “Museum Services Act.”

#### *Section 401. Amendments to contributions*

This section amends section 4 of the National Commission on Libraries and Information Science Act to allow the Commission to solicit, and invest in the name of the United States, gifts, bequests, and devises of service or property.



*Section 402. Amendments to membership*

This section amends section 6(a) of the National Commission on Libraries and Information Science Act to make a technical correction; establish that a majority of Commission members who have taken office and are serving on the Commission shall establish a quorum for the conduct of business at official meetings of the Commission; and allow a Commission member whose term has expired to continue serving until their successor is appointed, has taken office, and is serving on the Commission.

*Section 501. Amendments to Arts and Artifacts Indemnity Act*

This section amends section 5 of the Arts and Artifacts Indemnity Act to raise the overall level of available indemnity to \$8 billion, increase the per-exhibition cap for indemnification from \$500 million to \$600 million, and adjust the corresponding deductible levels.

*Section 502. National Children's Museum*

This section designates the Capital Children's Museum, located at 800 Third Street, N.E., Washington, DC (or any successor location), organized under the laws of the District of Columbia, as the "National Children's Museum". Any references in a law, map, regulation, document, paper, or other record of the United States to the Capital Children's Museum shall be deemed a reference to the National Children's Museum.

*Section 503. Conforming amendment*

This section amends section 170(e)(6)(B)(i)(III) of the Internal Revenue Code of 1986 to properly reference the definition of a library under the Library Services and Technology Act.

*Section 504. Technical corrections*

This section amends certain title and subtitle headings in the Museum and Library Services Act, and corrects certain grammatical and punctuation mistakes in that Act.

*Section 505. Repeals*

This section repeals section 5(b) and 5(c) of the National Commission on Libraries and Information Science Act, relating to the Commission's role as an advisory body to the Institute of Museum and Library Services. This section also repeals sections 704 through 707 of the Museum and Library Services Act of 1996, relating to the transition to the Institute of Museum and Library Services.

*Section 506. Effective date*

This section makes the Museum and Library Services Act effective on the date of enactment, except that the amendments made by sections 203, 204, and 305 shall take effect on October 1, 2003.

## X. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing

law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**MUSEUM AND LIBRARY SERVICES ACT OF 2003**

\* \* \* \* \*

**[TITLE II—MUSEUM AND LIBRARY SERVICES]**

***TITLE II—MUSEUM AND LIBRARY SERVICES***

**[Subtitle A—General Provisions]**

***Subtitle A—General Provisions***

\* \* \* \* \*

**SEC. 202. GENERAL DEFINITIONS.**

As used in this title:

【(1) COMMISSION.—The term “Commission” means the National Commission on Libraries and Information Science established under section 3 of the National Commission on Libraries and Information Sciences Act (20 U.S.C. 1502)】

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

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

(3) *FINAL JUDGMENT.*—*The term “final judgment” means a judgment that is—*

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

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

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

(4) *INDIAN TRIBE.*—*The term “Indian tribe” means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.*

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

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

(7) *OBSCENE.*—*The term “obscene” means, with respect to a project, that—*

(A) *the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;*

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

(C) *such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.*

\* \* \* \* \*

#### SEC. 203. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

(a) **ESTABLISHMENT.**—There is established, within the National Foundation on the Arts and the Humanities, an Institute of Museum and Library Services.

(b) **OFFICES.**—The Institute shall consist of an Office of Museum Services and an Office of Library Services. **[There shall be a National Museum Services Board in the Office of Museum Services.]**

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

\* \* \* \* \*

#### SEC. 204. DIRECTOR OF THE INSTITUTE.

(a) **APPOINTMENT.**—

(1) **IN GENERAL.**—\* \* \*

\* \* \* \* \*

(e) **COORDINATION.**—The Director shall ensure coordination of the policies and activities of the Institute with the policies and activities of other agencies and offices of the Federal Government having interest in and responsibilities for the improvement of museums and libraries and information services.

*Where appropriate, the Director shall ensure that activities under subtitle B are coordinated with activities under section 1251 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6383).*

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

(g) **APPLICATION PROCEDURES.**—

(1) **IN GENERAL.**—*In order to be eligible to receive financial assistance under this title, a person or agency shall submit an application in accordance with procedures established by the Director by regulation.*

(2) **REVIEW AND EVALUATION.**—*The Director shall establish procedures for reviewing and evaluating applications submitted under this title. Actions of the Institute and the Director in the establishment, modification, and revocation of such procedures under this Act are vested in the discretion of the Institute and the Director. In establishing such procedures, the Director shall ensure that the criteria by which applications are evaluated are consistent with the purposes of this title, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public.*

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

(A) **IN GENERAL.**—*The procedures described in paragraph*

*(2) shall include provisions that clearly specify that obscen-*

*ity is without serious literary, artistic, political, or scientific merit, and is not protected speech.*

*(B) PROHIBITION.—No financial assistance may be provided under this title with respect to any project that is determined to be obscene.*

*(C) TREATMENT OF APPLICATION DISAPPROVAL.—The disapproval of an application by the Director shall not be construed to mean, and shall not be considered as evidence that, the project for which the applicant requested financial assistance is or is not obscene.*

\* \* \* \* \*

**SEC. 207. NATIONAL MUSEUM AND LIBRARY SERVICES BOARD.**

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

*(b) MEMBERSHIP.—*

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

*(A) The Director.*

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

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

*(D) The Chairman of the National Commission on Libraries and Information Science.*

*(E) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of library services, or their commitment to libraries.*

*(F) 10 members appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and who are specially qualified by virtue of their education, training, or experience in the area of museum services, or their commitment to museums.*

*(2) SPECIAL QUALIFICATIONS.—*

*(A) LIBRARY MEMBERS.—Of the members of the Museum and Library Services Board appointed under paragraph (1)(E)—*

*(i) 5 shall be professional libraries or information specialists, of whom—*

*(I) not less than 1 shall be knowledgeable about electronic information and technical aspects of library and information services and sciences; and*

*(II) not less than 1 other shall be knowledgeable about the library and information service needs of underserved communities; and*

*(ii) the remainder shall have special competence in, or knowledge of, the needs for library and information services in the United States.*

(B) *MUSEUM MEMBERS.*—Of the members of the Museum and Library Services Board appointed under paragraph (1)(F)—

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

(I) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or

(II) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, botanical gardens, and museums designed for children; and

(ii) the remainder shall be individuals recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

(3) *GEOGRAPHIC AND OTHER REPRESENTATION.*—Members of the Museum and Library Services Board shall be appointed to reflect persons from various geographic regions of the United States. The Museum and Library Services Board may not include, at any time, more than 3 appointive members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums and libraries.

(4) *VOTING.*—The Director, the Deputy Director of the Office of Library Services, the Deputy Director of the Office of Museum Services, and the Chairman of the National Commission on Library and Information Science shall be nonvoting members of Museum and Library Services Board.

(c) *TERMS.*—

(1) *IN GENERAL.*—Except as otherwise provided in this subsection, each member of the Museum and Library Services Board appointed under subparagraph (E) or (F) of subsection (b)(1) shall serve for a term of 5 years.

(2) *INITIAL BOARD APPOINTMENTS.*—

(A) *TREATMENT OF MEMBERS SERVING ON EFFECTIVE DATE.*—Notwithstanding subsection (b), each individual who is a member of the National Museum Services Board on the date of enactment of the Museum and Library Services Act of 2003, may, at the individual's election, complete the balance of the individual's term as a member of the Museum and Library Services Board.

(B) *FIRST APPOINTMENTS.*—Notwithstanding subsection (b), any appointive vacancy in the initial membership of the Museum and Library Services Board existing after the application of subparagraph (A), and any vacancy in such membership subsequently created by reason of the expiration of the term of an individual described in subparagraph (A), shall be filled by the appointment of a member described in subsection (b)(1)(E). When the Museum and Library Services Board consists of an equal number of individuals who are specially qualified in the area of library services and individuals who are specially qualified in the

area of museum services, this subparagraph shall cease to be effective and the board shall be appointed in accordance with subsection (b).

(C) *AUTHORITY TO ADJUST TERMS.*—The terms of the first members appointed to the Museum and Library Service Board shall be adjusted by the President as necessary to ensure that the terms of not more than 4 members expire in the same year. Such adjustments shall be carried out through designation of the adjusted term at the time of appointment.

(3) *VACANCIES.*—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

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

(5) *SERVICE UNTIL SUCCESSOR TAKES OFFICE.*—Notwithstanding any other provision of this subsection, an appointive member of the Museum and Library Services Board shall serve after the expiration of the term of the member until the successor to the member takes office.

(d) *DUTIES AND POWERS.*—

(1) *IN GENERAL.*—The Museum and Library Services Board shall advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum and library services, including financial assistance awarded under this title.

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

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

(f) *MEETINGS.*—

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

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

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

(h) *COMPENSATION AND TRAVEL EXPENSES.*—

(1) *COMPENSATION.*—Each member of the Museum and Library Services Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum annual rate of pay authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum and Library Services Board. Members of the Museum and Library Services Board who are full-time offi-

cers or employees of the Federal Government may not receive additional pay, allowances, or benefits by reason of their service on the Museum and Library Services Board.

(2) *TRAVEL EXPENSES.*—Each member of the Museum and Library Services Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(i) *COORDINATION.*—The Director, with the advice of the Museum and Library Services Board, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.

\* \* \* \* \*

**[SEC. 207.] SEC. 208. CONTRIBUTIONS.**

The Institute is authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such [property of services] *property or services* in furtherance of the functions of the Institute. Any proceeds from such gifts, bequests, or devises, after acceptance by the Institute, shall be paid by the donor or the representative of the donor to the Director. The Director shall enter the proceeds in a special-interest bearing account to the credit of the Institute for the purposes specified in each case.

\* \* \* \* \*

**SEC. 209. AWARDS.**

*The Director, with the advice of the Museum and Library Services Board, may annually award National Awards for Library Service and National Awards for Museum Service to outstanding libraries and outstanding museums, respectively, that have made significant contributions in service to their communities.*

\* \* \* \* \*

**SEC. 210. ANALYSIS OF IMPACT OF MUSEUM AND LIBRARY SERVICES.**

*From amounts described in sections 214(c) and 275(b), the Director shall carry out and publish analyses of the impact of museum and library services. Such analyses—*

*(1) shall be conducted in ongoing consultation with—*

*(A) State library administrative agencies;*

*(B) State, regional, and national library and museum organizations; and*

*(C) other relevant agencies and organizations;*

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

*(3) shall report on the impact and effectiveness of programs conducted with funds made available by the Institute in addressing such needs; and*

*(4) shall identify, and disseminate information on, the best practices of such programs to the agencies and entities described in paragraph (1).*

**SEC. 210A. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION.**

*No funds appropriated to carry out the Museum and Library Services Act, the Library Services and Technology Act, or the Museum Services Act may be used for construction expenses.*

\* \* \* \* \*

**【Subtitle B—Library Services and Technology】**

***Subtitle B—Library Services and Technology***

\* \* \* \* \*

**TITLE II—LIBRARY SERVICES AND TECHNOLOGY**

**SEC. 212. PURPOSE.**

It is the purpose of this subtitle—

- (1) to consolidate Federal library service programs;
- 【(2) to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages;
- 【(3) to promote library services that provide all users access to information through State, regional, national and international electronic networks;
- 【(4) to provide linkages among and between libraries; and
- 【(5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.】
- (2) to promote improvement in library services in all types of libraries in order to better serve the people of the United States;*
- (3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry; and*
- (4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public.*

\* \* \* \* \*

**SEC. 213. DEFINITIONS.**

As used in this subtitle:

- 【(1) INDIAN TRIBE.—The term “Indian tribe” means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation, as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.】
- 【(2)】 (1) LIBRARY.—The term “library” includes—
  - (A) a public library;
  - (B) a public elementary school or secondary school library;
  - (C) an academic library;



(D) a research library, which for the purposes of this subtitle means a library that—

(i) makes publicly available library services and materials suitable for scholarly research and not otherwise available to the public; and

(ii) is not an integral part of an institution of higher education; and

(E) a private library or other special library, but only if the State in which such private or special library is located determines that the library should be considered a library for purposes of this subtitle.

[(3)] (2) LIBRARY CONSORTIUM.—The term “library consortium” means any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers, for improved services for the clientele of such library entities.

[(4)] (3) STATE.—The term “State”, unless otherwise specified, includes each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

[(5)] (4) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term “State library administrative agency” means the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.

[(6)] (5) STATE PLAN.—The term “State plan” means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this subtitle, provides assurances for establishing the State’s policies, priorities, criteria, and procedures necessary to the implementation of all programs under this subtitle, submits copies for approval as required by regulations promulgated by the Director, identifies a State’s library needs, and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this subtitle.

\* \* \* \* \*

#### SEC. 214. AUTHORIZATION OF APPROPRIATIONS.

[(a)] AUTHORIZATION OF APPROPRIATIONS.—

(a) *IN GENERAL.*—*There are authorized to be appropriated to carry out this subtitle \$250,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.*

\* \* \* \* \*

(c) ADMINISTRATION.—Not more than [3 percent] 3.5 percent of the funds appropriated under this section for a fiscal year may be used to pay for the Federal administrative costs of carrying out this subtitle.

\* \* \* \* \*

## CHAPTER 1—BASIC PROGRAM REQUIREMENTS

### SEC. 221. RESERVATIONS AND ALLOTMENTS.

#### (a) RESERVATIONS.—

\*            \*            \*            \*            \*            \*

(b) \* \* \*

\*            \*            \*            \*            \*            \*

#### [(3) MINIMUM ALLOTMENT.—

[(A) IN GENERAL.—For the purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

[(B) RATABLE REDUCTIONS.—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the aggregate of the minimum allotments for all States for that purpose for such year, each of such minimum allotments shall be reduced ratably.

#### [(C) SPECIAL RULE.—

[(i) IN GENERAL.—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

[(ii) AWARD BASIS.—The Director shall award grants pursuant to clause (i) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

[(iii) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

[(iv) ADMINISTRATIVE COSTS.—The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.]

#### (3) MINIMUM ALLOTMENTS.—

(A) IN GENERAL.—*For purposes of this subsection, the minimum allotment for each State shall be \$340,000, except that the minimum allotment shall be \$40,000 in the*

*case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.*

(B) *RATABLE REDUCTIONS.*—Notwithstanding subparagraph (A), if the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year is insufficient to fully satisfy the requirement of subparagraph (A), each of the minimum allotments under such subparagraph shall be reduced ratably.

(C) *EXCEPTION.*—

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

(I) *the minimum allotment for Each State otherwise receiving a minimum allotment of \$340,000 under subparagraph (A) shall be increased to \$680,000; and*

(II) *the minimum allotment for each State otherwise receiving a minimum allotment of \$40,000 under subparagraph (A) shall be increased to \$60,000.*

(ii) *INSUFFICIENT FUNDS TO AWARD ALTERNATIVE MINIMUM.*—If the sum appropriated under the authority of section 214 and not reserved under subsection (a) for any fiscal year exceeds the aggregate of the allotments for all States under this subsection for fiscal year 2003 yet is insufficient to fully satisfy the requirement of clause (i), such excess amount shall first be allotted among the States described in clause (i)(I) so as to increase equally the minimum allotment for each such State above \$340,000. After the requirement of clause (i)(I) is fully satisfied for any fiscal year, any remainder of such excess amount shall be allotted among the States described in clause (i)(II) so as to increase equally the minimum allotment for each such State above \$40,000.

(D) *SPECIAL RULE.*—

(i) *IN GENERAL.*—Notwithstanding any other provision of this subsection and using funds allotted for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau under this subsection, the Director shall award grants to the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Director determines are not inconsistent with this subparagraph.

(ii) *AWARD BASIS.*—The Director shall award grants pursuant to clause (i) on a competitive basis and after taking into consideration available recommendations

*from the Pacific Region Educational Laboratory in Honolulu, Hawaii.*

(iii) *ADMINISTRATIVE COSTS.*—*The Director may provide not more than 5 percent of the funds made available for grants under this subparagraph to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subparagraph.*

\* \* \* \* \*

#### SEC. 224. STATE PLANS.

##### (a) STATE PLAN REQUIRED.—

(1) *IN GENERAL.*—In order to be eligible to receive a grant under this subtitle, a State library administrative agency shall submit a State plan to the Director **[not later than April 1, 1997.]** *once every 5 years, as determined by the Director.*

\* \* \* \* \*

##### (f) INTERNET SAFETY.—

(1) *IN GENERAL.*—No funds made available under **[this Act]** *this subtitle* for a library described in **[section 213(2)(A) or (B)]** *section 213(1)(A) or (B)* that does not receive services at discount rates under section 254(h)(6) of the Communications Act of **[1934]**, as added by section 1721 of this Children's Internet Protection Act, may **[1934 (47 U.S.C. 254(h)(6) may]** be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

\* \* \* \* \*

##### (4) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

(A) *IN GENERAL.*—A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under **[this Act]** *this subtitle* following the effective date of this subsection, and for each subsequent program funding year thereafter.

(i) *LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.*—A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under **[this Act]** *this subtitle*.

\* \* \* \* \*

(I) for the first program year after the effective date of this subsection in which the library applies for funds under **[this Act]** *this subtitle*, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

(II) for the second program year after the effective date of this subsection in which the library applies for funds under **[this Act]** *this subtitle*,

shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under **[this Act]** *this subtitle* for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

(ii) LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—a library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

\* \* \* \* \*

the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under **[this Act]** *this subtitle*.

(5) NONCOMPLIANCE.—

(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds **[this Act]** *this subtitle* is failing to comply substantially with the requirements of this subsection, the Director may—

(i) withhold further payments to the recipient under **[this Act]** *this subtitle*,

\* \* \* \* \*

(7) DEFINITIONS.—In this **[section:]** *subsection*:

\* \* \* \* \*

(D) OBSCENE.—The term “obscene” has the meaning **[given]** *applicable to* such term in section 1460 of title 18, United States Code.

## CHAPTER 2—LIBRARY PROGRAMS

### SEC. 231. GRANTS TO STATES.

(a) IN GENERAL.—Of the funds provided to a State library administrative agency under section 214, such agency shall expend, either directly or through subgrants of cooperative agreements, at least 96 percent of such funds for—

**[(1)(A)]** establishing or enhancing electronic linkages among or between libraries;

**[(B)]** electronically linking libraries with educational, social, or information services;

**[(C)]** assisting libraries in accessing information through electronic networks;

**[(D)]** encouraging libraries in different areas, and encouraging different types of libraries, to establish consortia and share resources; or

[(E) paying costs for libraries to acquire or share computer systems and telecommunications technologies; and

[(2) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.】

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

*(2) developing library services that provide all users access to information through local, State, regional, national, and international electronic networks;*

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

*(4) developing public and private partnerships with other agencies and community-based organizations;*

*(5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills; and*

*(6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.*

(b) SPECIAL RULE.—Each State library administrative agency receiving funds under this chapter may apportion the funds available for the purposes described in subsection (a) [between the two purposes described in paragraphs (1) and (2) of such subsection,] *among such purposes*, as appropriate, to meet the needs of the individual State.

\* \* \* \* \*

#### SEC. 262. NATIONAL LEADERSHIP GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—\* \* \*

(1) [education and training] *education, recruitment, and training* of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

\* \* \* \* \*

[Subtitle C—Museum Services]

***Subtitle C—Museum Services***

[SEC. 271. PURPOSE.

[It is the purpose of this subtitle—

[(1) to encourage and assist museums in their educational role, in conjunction with formal systems of elementary, secondary, and postsecondary education and with programs of nonformal education for all age groups;

[(2) to assist museums in modernizing their methods and facilities so that the museums are better able to conserve the cultural, historic, and scientific heritage of the United States; and

[(3) to ease the financial burden borne by museums as a result of their increasing use by the public.]

SEC. 271. **SHORT TITLE.**

*This subtitle may be cited as the “Museum Services Act”.*

SEC. 272. **PURPOSE.**

*It is the purpose of this subtitle—*

*(1) to encourage and support museums in carrying out their public service role of connecting the whole of society to the cultural, artistic, historical, natural, and scientific understandings that constitute our heritage;*

*(2) to encourage and support museums in carrying out their educational role, as core providers of learning and in conjunction with schools, families, and communities;*

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

*(4) to assist, encourage, and support museums in carrying out their stewardship responsibilities to achieve the highest standards in conservation and care of the cultural, historic, natural, and scientific heritage of the United States to benefit future generations;*

*(5) to assist, encourage, and support museums in achieving the highest standards of management and service to the public, and to ease the financial burden borne by museums as a result of their increasing use by the public; and*

*(6) to support resource sharing and partnerships among museums, libraries, schools, and other community organizations.*

SEC. [272.] 273. **DEFINITIONS.**

As used in this subtitle:

(1) **MUSEUM.**—The term “museum” means a public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for the tangible objects, and exhibits the tangible objects to the public on a regular basis. *Such term includes aquariums, arboretums, botanical gardens, art museums, children’s museums, general museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.*

(2) STATE.—The term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

**[SEC 273. MUSEUM SERVICES ACTIVITIES.**

[(a) GRANTS.—The Director, subject to the policy direction of the Museum Board, may make grants to museums to pay for the Federal share of the cost of increasing and improving museum services, through such activities as—

[(1) programs that enable museums to construct or install displays, interpretations, and exhibitions in order to improve museum services provided to the public;

[(2) assisting museums in developing and maintaining professionally trained or otherwise experienced staff to meet the needs of the museums;

[(3) assisting museums in meeting the administrative costs of preserving and maintaining the collections of the museums, exhibiting the collections to the public, and providing educational programs to the public through the use of the collections;

[(4) assisting museums in cooperating with each other in developing traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

[(5) assisting museums in the conservation of their collections;

[(6) developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions; and

[(7) model programs demonstrating cooperative efforts between libraries and museums.

**[(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—**

[(1) PROJECTS TO STRENGTHEN MUSEUM SERVICES.—The Director, subject to the policy direction of the Museum Board, is authorized to enter into contracts and cooperative agreements with appropriate entities, as determined by the Director to pay for the Federal share of enabling the entities to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Act.

[(2) LIMITATION ON AMOUNT.—The aggregate amount of financial assistance made available under this subsection for a fiscal year shall not exceed 15 percent of the amount appropriated under this subtitle for such fiscal year.

[(3) OPERATIONAL EXPENSES.—No financial assistance may be provided under this subsection to pay for operational expenses.

**[(c) FEDERAL SHARE.—**

[(1) 50 PERCENT.—Except as provided in paragraph (2), the Federal share described in subsection (a) and (b) shall be not more than 50 percent.



[(2) GREATER THAN 50 PERCENT.—The Director may use not more than 20 percent of the funds made available under this subtitle for a fiscal year to make grants under subsection (a), or enter into contracts or agreements under subsection (b), for which the Federal share may be greater than 50 percent.]

[(d) REVIEW AND EVALUATION.—The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this subtitle. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this subtitle shall not be subject to any review outside of the Institute.]

**SEC. 274. MUSEUM SERVICES ACTIVITIES.**

(a) *IN GENERAL.*—The Director, after considering available policy advice of the Museum and Library Services Board, may enter into arrangements, including grants, contracts, cooperative agreements, and other forms of assistance, with museums and other entities as the Director considers appropriate, to pay the Federal share of the cost of—

(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

(2) supporting museums in building learning partnerships with the Nation's schools and developing museum resources and programs in support of State and local school curricula;

(3) supporting museums in assessing, conserving, researching, maintaining, and exhibiting their collections, and in providing educational programs to the public through the use of their collections;

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

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

(6) supporting museums in providing services to people of diverse geographic, cultural, and socio-economic backgrounds and to individuals with disabilities;

(7) supporting museums in developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and State institutions;

(8) supporting professional development and technical assistance programs to enhance museum operations at all levels, in order to ensure the highest standards in all aspects of museum operations;

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

(10) encouraging, supporting, and disseminating model programs of museum and library collaboration.

(b) **FEDERAL SHARE.**—

(1) **50 PERCENT.**—Except as provided in paragraph (2), the Federal share described in subsection (a) shall not be more than 50 percent.

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

(3) *OPERATIONAL EXPENSES.*—*No funds for operational expenses may be provided under this section to any entity that is not a museum.*

(c) *REVIEW AND EVALUATION.*—

(1) *IN GENERAL.*—*The Director shall establish procedures for reviewing and evaluating arrangements described in subsection (a) entered into under this subtitle.*

(2) *APPLICATIONS FOR TECHNICAL ASSISTANCE.*—

(A) *IN GENERAL.*—*The Director may use not more than 10 percent of the funds appropriated to carry out this subtitle for technical assistance awards.*

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

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

**[SEC. 274. AWARD.]**

**[**The Director, with the advice of the Museum Board, may annually award a National Award for Museum Service to outstanding museums that have made significant contributions in service to their communities.

**[SEC. 275. NATIONAL MUSEUM SERVICES BOARD]**

**[(a) ESTABLISHMENT.**—There is established in the Institute a National Museum Services Board.

**[(b) COMPOSITION AND QUALIFICATIONS.**—

**[(1) COMPOSITION.**—The Museum Board shall consist of the Director and 14 members appointed by the President, by and with the advice and consent of the Senate.

**[(2) QUALIFICATIONS.**—The appointive members of the Museum Board shall be selected from among citizens of the United States—

**[(A) who are members of the general public;**

**[(B) who are or have been affiliated with—**

**[(i) resources that, collectively, are broadly representative of the curatorial, conservation, educational, and cultural resources of the United States; or**

**[(ii) museums that, collectively, are broadly representative of various types of museums, including museums relating to science, history, technology, art, zoos, and botanical gardens; and**

[(C) who are recognized for their broad knowledge, expertise, or experience in museums or commitment to museums.

[(3) GEOGRAPHIC AND OTHER REPRESENTATION.—Members of the Museum board shall be appointed to reflect persons from various geographic regions of the United States. The Museum Board may not include, at any time, more than 3 members from a single State. In making such appointments, the President shall give due regard to equitable representation of women, minorities, and persons with disabilities who are involved with museums.

[(c) TERMS—

[(1) IN GENERAL.—Each appointive member of the Museum Board shall serve for a term of 5 years, except that—

[(A) of the members first appointed, 3 shall serve for terms of 5 years, 3 shall serve for terms of 4 years, 3 shall serve for terms of 3 years, 3 shall serve for terms of 2 years, and 2 shall serve for terms of 1 year, as designated by the President at the time of nomination for appointment; and

[(B) any member appointed to fill a vacancy shall serve for the remainder of term for which the predecessor of the member was appointed.

[(2) REAPPOINTMENT.—No member of the Museum Board who has been a member for more than 7 consecutive years shall be eligible for reappointment.

[(3) SERVICE UNTIL SUCCESSOR TAKES OFFICE.—Notwithstanding any other provision of this subsection, a member of the Museum Board shall serve after the expiration of the term of the member until the successor to the member takes office.

[(d) DUTIES AND POWERS.—The Museum Board shall have the responsibility to advise the Director on general policies with respect to the duties, powers, and authority of the Institute relating to museum services, including general policies with respect to—

[(1) financial assistance awarded under this subtitle for museum services; and

[(2) projects described in section 262(a)(4).

[(e) CHAIRPERSON.—The President shall designate 1 of the appointive members of the Museum Board as Chairperson of the Museum Board.

[(f) MEETINGS.—

[(1) IN GENERAL.—The Museum Board shall meet—

[(A) not less than 3 times each year, including—

[(i) not less than 2 times each year separately; and

[(ii) not less than 1 time each year in a joint meeting with the Commission, convened for purposes of making general policies with respect to financial assistance for projects described in section 262(a)(4); and

[(B) at the call of the Director.

[(2) VOTE.—All decisions by the Museum Board with respect to the exercise of the duties and powers of the Museum Board shall be made by a majority vote of the members of the Museum Board who are present. All decisions by the Commission and the Museum Board with respect to the policies described in paragraph (1)(A)(ii) shall be made by a  $\frac{2}{3}$  majority vote of

the total number of the members of the Commission and the Museum Board who are present.

[(g) QUORUM.—A majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official meetings of the Museum Board, but a lesser number of members may hold hearings. A majority of the members of the Commission and a majority of the members of the Museum Board shall constitute a quorum for the conduct of business at official joint meetings of the Commission and the Museum Board.]

[(h) COMPENSATION AND TRAVEL EXPENSES.—

[(1) COMPENSATION.—Each member of the Museum Board who is not an officer or employee of the Federal Government may be compensated at a rate to be fixed by the President, but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Museum Board. All members of the Museum Board who are officers or employees of the Federal Government shall serve without compensation in addition to compensation received for their services as officers or employees of the Federal Government.]

[(2) TRAVEL EXPENSES.—The members of the Museum Board may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.]

[(i) COORDINATION.—The Museum Board, with the advice of the Director, shall take steps to ensure that the policies and activities of the Institute are coordinated with other activities of the Federal Government.]

\* \* \* \* \*

#### SEC. [276.] 275. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS.—For the purpose of carrying out this subtitle, there are authorized to be appropriated to the Director [\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002] *\$41,500,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.*

\* \* \* \* \*

## PART X—PUBLIC LIBRARIES

### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

\* \* \* \* \*

#### SEC. 4. CONTRIBUTIONS.

The Commission is authorized to [accept, hold, administer, and utilize gifts, bequests, and devises of property,] *solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property, both real and*

personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.

\* \* \* \* \*

#### MEMBERSHIP

SEC. 6. (a) The Commission shall be composed of the Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member), and fourteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence in or knowledge of the needs of our society for library and information services, at least one of whom shall be knowledgeable with respect to the technological aspects of library and information services and sciences [and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly]. One of the appointive members of the Commission shall be designated by the President as Chairman of the Commission. [A majority of members of the Commission shall constitute a quorum for conduct of business at official meetings of the Commission.] *A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission.* The terms of office of the appointive members of the Commission shall be [five years, except that (1) the term of office of any member of the Commission shall continue until the earlier of (A) the date on which the member's successor has been appointed by the President; or (B) July 19 of the year succeeding the year in which the member's appointed term of office shall expire, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.] *five years, except that—*

(1) *a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and*

(2) *any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.*

\* \* \* \* \*

#### ARTS AND ARTIFACTS INDEMNITY ACT

\* \* \* \* \*

#### INDEMNITY AGREEMENT

SEC. 5. (a) \* \* \*

(b) The aggregate of loss or damage covered by indemnity agreements made under this Act shall not exceed **【\$5,000,000,000】** *\$8,000,000,000*, at any one time.

(c) No indemnity agreement for a single exhibition shall cover loss or damage in excess of **【\$500,000,000】** *\$600,000,000*.

(d) If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

(1) \* \* \*

\* \* \* \* \*

**【(7) \$400,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first \$400,000 of loss or damage to items covered.】**

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

*(8) \$500,000,000 or more, then coverage under this chapter shall extend only to loss or damage in excess of the first \$500,000 of loss or damage to items covered.*

\* \* \* \* \*

## INTERNAL REVENUE CODE

### Subtitle A—Income Taxes

#### SEC. 170. CHARITABLE, ETC., CONTRIBUTIONS AND GIFTS.

(a) ALLOWANCE OF DEDUCTION.—

\* \* \* \* \*

(1) \* \* \*

\* \* \* \* \*

(6) \* \* \*

(B) \* \* \*

(i) \* \* \*

(I) \* \* \*

\* \* \* \* \*

(III) a public library (within the meaning of **【section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A))】** *section 213(1)(A) of the Library Services and Technology Act (20 U.S.C. 9122(1)(A))*, as in effect on the date of the enactment of the Community Renewal Tax Relief Act of 2000, established and maintained by an entity described in subsection (c)(1),

\* \* \* \* \*