

“(2) DEPENDENT.—The term ‘dependent’, as applied to health insurance coverage offered by a health insurance issuer licensed (or otherwise regulated) in a State, shall have the meaning applied to such term with respect to such coverage under the laws of the State relating to such coverage and such an issuer. Such term may include the spouse and children of the individual involved.

“(3) HEALTH BENEFITS COVERAGE.—The term ‘health benefits coverage’ has the meaning given the term health insurance coverage in section 2791(b)(1).

“(4) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given such term in section 2791(b)(2).

“(5) HEALTH STATUS-RELATED FACTOR.—The term ‘health status-related factor’ has the meaning given such term in section 2791(d)(9).

“(6) IMA; INDIVIDUAL MEMBERSHIP ASSOCIATION.—The terms ‘IMA’ and ‘individual membership association’ are defined in section 2901(a).

“(7) MEMBER.—The term ‘member’ means, with respect to the IMA, an individual who is a member of the association to which the IMA is offering coverage.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 216—ESTABLISHING AS A STANDING ORDER OF THE SENATE A REQUIREMENT THAT A SENATOR PUBLICLY DISCLOSES A NOTICE OF INTENT TO OBJECT TO PROCEEDING TO ANY MEASURE OR MATTER

Mr. LOTT (for himself, Mr. BYRD, Mr. GRASSLEY, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 216

Resolved, That (a) the majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee, and

(2) submits, within 3 session days after the submission under paragraph (1), the following notice for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b):

“I, Senator ___, intend to object to proceeding to ___, dated ___.”

(b) The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled “Notices of Intent to Object to Proceeding”. Each such section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar which the Senator objects to, and the date the objection was filed.

(c) A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting the following notice for inclusion in the Congressional Record:

“I, Senator ___, do not object to proceeding to ___, dated ___.”

(d) This resolution shall apply during the portion of the 108th Congress after the date of the adoption of this resolution.

Mr. LOTT. Mr. President, today I am submitting a resolution that addresses

the issue of anonymous “holds” that Senators use to prevent consideration of legislation and nominations. I am pleased to be joined in this effort by the distinguished former Majority Leader, Senator BYRD, along with the Chairman of the Finance Committee, Senator GRASSLEY, and the distinguished Senator from Oregon, Senator WYDEN.

The resolution we are submitting today builds on the work of Senators GRASSLEY and WYDEN who have pursued this issue for years. On June 17, I chaired a hearing at the Rules Committee to consider a resolution, S. Res. 151, that Senators GRASSLEY and WYDEN introduced that would have amended the Senate’s Rules to require the publication of the names of Senators who have placed holds on legislation or nominations.

Many Senators and witnesses who testified before the Committee expressed concern about the propriety of incorporating an informal custom designed to obstruct—the hold—in the Senate’s rules. Others were concerned that there could be unintended consequences to making this permanent change in the rules of the Senate.

As a result of that hearing, I worked with the sponsors of the resolution and with Senator BYRD to develop what we believe is an appropriate way to resolve the problem of anonymous holds. The resolution we are introducing today reflects that work.

During my tenure as Majority Leader, I, along with Senator DASCHLE attempted to address the issue of secret holds. We sent a letter to all Senators and indicated that members placing holds on legislation or nominations would have to notify the sponsor of the legislation, the committee of jurisdiction, and the leaders. Unfortunately, we had no mechanism to enforce those requirements and secret holds continue to plague the Senate.

The resolution we are submitting today would place a greater responsibility on Senators to make their holds public. Our resolution creates a Standing Order that would stay in effect until the end of the 108th Congress. The Order requires that the majority and minority leaders can only recognize a hold that is provided in writing. Moreover for the hold to be honored, the Senator objecting would have to publish his objection in the CONGRESSIONAL RECORD, three days after the notice is provided to a leader.

New sections would be created in the Legislative and Executive Calendars that would identify the names of Senators with holds on particular measures and nominations. The order also provides a brief written format that a Senator must use to indicate his opposition to proceeding. In addition, a format is provided to remove a hold.

I believe that holds, whether anonymous, or publicly announced, are an affront to the Senate, the leadership, the Committees and to the individual members of this institution. As leader,

I could not establish a rational and timely agenda for the institution to perform its business without having to first consult with, effectively, every other member of the Senate.

One day, a Senator would have a hold on a bill and after I convinced him to lift the hold, the next day I was told another Senator had placed a hold on the same bill. And don’t get me wrong, these weren’t just holds from Democrats, they were holds from some of my best friends on this side of the aisle.

This Order does not eliminate the right of a Senator to place a hold. Some day, the Senate may decide that holds, in and of themselves, are an undemocratic practice that should no longer be recognized. I, for one, would consider eliminating the hold, by for example, limiting debate on the motion to proceed. However, I believe before we consider such a drastic step, we should, at the very least, eliminate the secret hold and I believe this Order will achieve that goal.

Secret holds have no place in a publicly accountable institution. A measure that is important to a majority of the American public and a majority of Senators can be stopped dead in its tracks by a single Senator. And when that Senator can hide behind the anonymous hold, democracy itself is damaged.

How do you tell your constituents that legislation they have an interest in, legislation that has been approved by the majority of a committee, is stalled and you don’t know who is holding it up? What does that say about this institution? I think the secret hold has no place in this revered institution.

I believe that if we adopt this Resolution, the public will have greater trust in the Senate. Secrecy and anonymity in an institution of the people does not engender trust among our constituents. Holds belong in the wrestling ring, not in this hallowed chamber.

This resolution is an experiment in making the Senate and Senators more accountable. At the end of the 108th Congress, the Senate will be able to determine whether it wants to make this a permanent Standing Order or whether it wants to modify the Order. I hope my colleagues will give the Senate the opportunity to see if this approach will eliminate the secrecy surrounding holds and facilitate dialogue that breaks the logjam on legislating in this body.

I ask unanimous consent that the text a copy of the February, 1999, letter I sent with Senator DASCHLE be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 25, 1999.

DEAR COLLEAGUE: As the 106th Congress begins, we wish to clarify to all colleagues, procedures governing the use of holds during the new legislative session. All Senators should remember the Grassley and Wyden initiative, calling for a Senator to “provide

notice to leadership of his or her intention to object to proceeding to a motion or matter [and] disclose the hold in the *Congressional Record*."

While we believe that all members will agree this practice of "secret holds" has been a Senatorial courtesy extended by party Leaders for many Congresses, it is our intention to address some concerns raised regarding this practice.

Therefore, at the beginning of the first session of the 106th Congress, all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns. Further, written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination. Holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

We look forward to working with you to produce a successful new Congress.

Best regards,

TRENT LOTT
Majority Leader, U.S.
Senate

TOM DASCHLE
Democratic Leader,
U.S. Senate.

Mr. GRASSLEY. Mr. President, I rise to say just a few words about the Senate Resolution being submitted today by Senator LOTT along with the distinguished Senator from West Virginia, Senator BYRD, myself and Senator WYDEN. This resolution aims to end the practice of secret holds in the Senate; an issue on which Senator WYDEN and I have worked long and hard.

On May 21 of this year, I resubmitted with Senator WYDEN our simple resolution to amend the Senate Rules to require Senators placing a hold to make that hold public in the CONGRESSIONAL RECORD. I was very pleased by the support and encouragement we received from Chairman LOTT, who subsequently held a hearing on our resolution in the Senate Rules Committee. This was a very positive step in bringing this issue to the forefront. In fact, I was gratified by the many positive comments and expressions of interest from members of the Rules Committee in response to the testimony from myself and Senator WYDEN.

Following the hearing, my staff and Senator WYDEN's staff were able to engage in very productive discussions with Chairman LOTT's staff and staff for Ranking Member DODD and Senator BYRD. The product of those discussions is this resolution and I'm very pleased with the result. This resolution is a little longer and not as simple as our original resolution, but it does precisely what Senator WYDEN and I have been seeking. In some ways it is even better than what we started with.

Unlike our previous resolution, this measure establishes a standing order instead of amending the Senate Rules. Some Senators are understandably nervous about making a permanent change to the Senate Rules. In fact, this order is only written for the remainder of the 108th Congress to allow

Senators to see what effect this change has in practice before deciding whether to renew to requirement or make changes. Nevertheless, it's important to point out that a standing order has essentially the same force and effort in practice as a Senate Rule. Also, I'm confident based on my own experience in practicing public disclosure of holds in the CONGRESSIONAL RECORD, that Senators will find public holds don't hurt a bit. Therefore, it's my expectation that this standing order will be renewed in future congresses.

This new standing order would also spell out the exact format and content required when Senators publish notices of holds so there is no ambiguity or room for misunderstanding. Having a standard format will also make it easier in practice for Senators to submit notices of holds for the RECORD. It will be as simple as adding a cosponsor to a bill. Our resolution would also provide for publication in the Senate Calendars of notices of holds on legislation or nominees as well as a standard procedure for removing a Senator's name from the calendar when a hold is released.

One other change we made from our previous resolution was to allow for three session days instead of two after a hold has been placed for the public notice to be included in the RECORD. I want to be clear that I support immediate public disclosure of holds because I believe in the principle of open government and I can find no legitimate reason why a Senator placing a hold should remain anonymous. However, it's necessary to allow for a short window of time to permit Senators and their staff to prepare a notice and submit it for the RECORD. I've found that two session days has been more than adequate for myself and my staff, but not all Senators' offices are the same. Senator BYRD suggested that three session days might be more appropriate and since the practice of disclosing holds will be uncharted territory at first for most Senators, a deadline of three session days to publish holds seems reasonable.

I should add at this time that I'm very honored to have the support of Senator BYRD on this initiative. No one knows Senate procedure better or has more institutional knowledge of the Senate than Senator BYRD. Both he and Senator LOTT have a unique understanding of the problem of secret holds, having both served as Senate Majority Leader. Having Senator BYRD's name on this resolution should send a strong message to the Senate that secret holds are a serious problem that should be dealt with for the good of the Senate as an institution.

I believe that this change will lead to more open dialogue and more constructive debate in the Senate. Moreover, it will make the Senate process more transparent and reduce public cynicism. I look forward to continuing to work with Senator LOTT, Senator BYRD, and the rest of the Rules Com-

mittee to move this needed reform through the legislative process.

Mr. WYDEN. Mr. President, the submission of this resolution marks a very important milestone in the seven-year effort I have pursued with Senator GRASSLEY to bring the Senate practice of holds out of the shadows and into the sunshine. Throughout this time we have labored as a bipartisan team to champion the cause of the "sunshine" hold. I especially want to thank Rules Chairman LOTT and the Senate's foremost authority on the Rules, Senator BYRD, for their commitment to working with us on this resolution. They know all too well the havoc "secret" holds can wreak on the Senate agenda.

Whether public or secret, the hold in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition. Its capacity to tie the Senate and Senators in knots is notorious, and it has even given birth to several intriguing offspring: the hostage hold, the rolling hold and the Mae West hold.

The secret hold is a practice of Senatorial courtesy extended by the respective Leaders. Even though it is one of the Senate's most popular procedures, it cannot be found anywhere in the United States Constitution or in the Senate Rules. It is one of the most powerful weapons any Senator can wield in this body, and in its stealth version, known as the secret hold, it is even more potent.

The target of this resolution is specifically "holds," which we define as a Senator's intent to object to proceeding to a motion or matter. The resolution does not deal with so-called "consults," which are confidential communications between a Senator and the respective Leader informing the Leader of a Senator's interest in a bill or nomination. This resolution would say to those who want to kill or stop a bill or nomination that they must come forward and notify their respective party leaders. It would not affect the process known as the "consult" insofar as it is used to alert a Senator when a bill or nomination is moving toward the floor so that the Senator may prepare for floor consideration.

The resolution would establish a Senate Temporary Standing Order for the duration of the 108th Congress allowing "sunshine" holds. The resolution would require a Senator who wishes to object to a motion or matter to publish notice of the intent in the CONGRESSIONAL RECORD within 3 session days of notifying the respective Leader. The resolution would in no way limit the privilege of any Senator to place a "hold" on a measure or matter, it would simply say that the notice of intent to object to a measure or matter be published.

Throughout the Senate's history some of the most potent weapons—procedural and otherwise—often have not

been rules but rather the absence of them.

Beginning in 1997 and again in 1998, the United States Senate voted unanimously in favor of amendments Senator GRASSLEY and I sponsored to require that a notice of intent to object be published in the CONGRESSIONAL RECORD within 48 hours. The amendments, however, never survived conference.

So, Senator GRASSLEY and I took our case to the leadership, and to their credit, TOM DASCHLE and TRENT LOTT agreed it was time to make a change. They recognized the need for more openness in the way the Senate conducts its business. The leaders sent a joint letter in February 1999, to all Senators setting forth a policy requiring "all Senators wishing to place a hold on any legislation or executive calendar business [to] notify the sponsor or the legislation and the committee of jurisdiction of their concerns." Their letter said: "written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination," and that "holds placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day."

At first, this action seemed to make a real difference: many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after some time, the clouds moved in on the sunshine hold, obscuring the progress that had been achieved. Legislative gridlock resumed, and the Senate seemed to have forgotten the Lott/Daschle letter.

The problem the Senate faces today is not that a significant number of our colleagues make their holds public, but that a small number of Senators do not. It is their abuse of secret holds that contributes to legislative gridlock. By calling for publication of the intent to object in the CONGRESSIONAL RECORD, I believe the resolution puts the burden where it ought to be: not on the leadership, where it is today, but squarely on the shoulders of the objector. An objector who seeks to kill a bill by hiding behind a curtain of secrecy is hurting the leaders' ability to run the body and is obstructing rather than facilitating the Senate's business.

Public notice of holds may be an inconvenience for a few, but not a hardship. In any given week, Senators insert more than two dozen statements in the RECORD on subjects such as sports teams winning championships and charitable fundraisers. These important events should be recognized, and I would hope that the intent of a Senator to block action on a bill or nomination would be considered of equal importance.

The sponsors of the resolution have discussed at great length, most recently at the Rules Committee hearing on the subject, the matter of enforce-

ment. My sense is that no Senator will ever go to jail for failing to give public notice of a hold, just as no Senator has gone to jail for violating the Standing Order adopted in the 98th Congress requiring Senators to vote from their assigned desks during the "yeas" and "nays." There are any number of provisions even in the Senate.

Rules that are not enforced at all or rarely today. Senate Rule XXVI requires the inclusion of various items of information in written committee reports, but Senate Rules do not require committees to file written reports on bills. Senate Rule VII, para. 5, provides committees shall make every reasonable effort to have printed hearings available for Senators before a measure comes to the floor for debate, although the Senate has debated any number of measures without the benefit of a printed report.

This resolution signals to all members the Senate's preferred manner of doing business. I think most Senators believe the Senate's business should be conducted in public, and I think the American people would agree.

Sunshine holds would strengthen the Leaders' hands as well as their options. A Leader may opt to continue to honor a secret hold, but a Leader wishing to move a measure or matter would be under no obligation to honor a hold unless the objecting Senator had complied with the Rule and published notice in the RECORD.

The resolution is constructed so as to become a part of the Temporary Standing Orders, or the series of unanimous consent agreements that are renewed at the outset of each new Congress. Because there may be unintended consequences and because I have no desire to inflict irreparable harm on the Senate Rules, I deferred to the experience and wisdom of Senator BYRD whose wise counsel urged that the terms of the resolution be limited to the 108th Congress. My intent is to revisit the matter with Senators GRASSLEY, LOTT, and BYRD at the end of the 108th Congress to determine the benefits of making the resolution part of the Senate Rules at that time.

As United States Senators we occupy a position of public trust, and I believe the exercise of the power that has been vested in us should always be accompanied by public accountability. I would argue that it is not the hold, but the anonymity of the hold that is so odious to the basic premise of our democratic system. The Lott-Byrd-Grassley-Wyden resolution would bring the anonymous hold out of the shadows of the Senate. It would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination would be accompanied by the sunshine of public accountability.

At its hearing in June, the Rules Committee weighed the merits of the Grassley-Wyden Resolution, and considered several fundamental questions: Whether the practice of secret holds is consistent with a democratic system;

whether the elimination of the secrecy would disrupt the Constitutional balance of power between the various branches of government; and whether the removal of the secrecy would tip the balance between the rights of the majority and the minority in the Senate.

My response is that removing secrecy from the hold will not alter the practice, merely its form. Removing secrecy from the hold will not tip the balance in Senate Rules and procedures between majority and minority rights. And removing the secrecy will not alter the balance of powers created under the Constitution. On the contrary, surrendering secrecy will strengthen public accountability and lessen the gridlock that has increasingly come to plague the world's greatest deliberative body.

I would like to close by quoting the foremost authority on Senate Rules, who served as Majority Leader in the 95th, 96th and 100th Congresses. In Chapter 28, "Reflections of a Party Leader," of Volume II of *The Senate*, the Honorable ROBERT C. BYRD wrote: "To me, the Senate rules were to be used, when necessary, to advance and expedite the Senate's business." Giving the sunshine hold a place in the Senate's Rules would surely serve this worthy goal.

SENATE RESOLUTION 217—EXPRESSING THE SENSE OF THE SENATE REGARDING THE GOALS OF THE UNITED STATES IN THE DOHA ROUND OF THE WORLD TRADE ORGANIZATION AGRICULTURE NEGOTIATIONS

Mr. CONRAD (for himself, Mr. GRASSLEY, Mr. BAUCUS, and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 217

Whereas the cap on trade-distorting domestic support available to producers in the European Union under the Agreement on Agriculture of the World Trade Organization is 3 times higher than the cap on domestic support available to producers in the United States;

Whereas according to the Organization for Economic Cooperation and Development (OECD), in 2002 government support provided to agricultural producers in the European Union was twice the level provided to producers in the United States, and United States agricultural support was just 58 percent of the average level provided in all 30 OECD-member countries;

Whereas in 2000 the European Union accounted for more than 87 percent of the world's agricultural export subsidies, and the United States represented just 1 percent;

Whereas according to the Congressional Budget Office, expenditures under United States farm and conservation programs are expected to remain at least 20 percent below the average of such expenditures during the years 2000 and 2001;

Whereas the results of the Doha Development Agenda of the World Trade Organization negotiations on agriculture are critically important to the future of farming and ranching in the United States;

Whereas the World Trade Organization will hold a Ministerial Meeting in Cancun, Mexico, in September 2003, at which members of the World Trade Organization are expected to make decisions that will determine the broad outlines of any agreement on agriculture reached in the Doha Development Agenda; and

Whereas the Chairman of the World Trade Organization Agriculture Negotiations Committee has proposed a modalities framework to serve as the basis for discussion and decisions at the Ministerial Meeting in Cancun: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the goals of the United States in the Doha Round of the World Trade Organization agriculture negotiations are to achieve significantly increased market access, to harmonize allowed levels of trade-distorting domestic support for all countries, to immediately eliminate export subsidies, and to achieve a more level playing field in the world market for United States farmers, ranchers, and agricultural producers;

(2) the Chairman of the World Trade Organization Agriculture Negotiations Committee has properly sought to move the negotiations forward, but the proposed modalities framework he has released fails to meet the goals described in paragraph (1) because—

(A) the framework accepts the European formulation of equal percentage reductions from unequal levels of support that locks in place the European Union's current advantage on trade-distorting domestic support levels;

(B) while the framework recognizes that high tariff levels should be reduced more quickly, it nevertheless fails to sufficiently open export markets for United States products by allowing countries to maintain prohibitively high tariffs;

(C) while the framework eliminates trade-disrupting export subsidies, it phases out the elimination of export subsidies over too long a period of time;

(D) the framework contains a potentially unlimited tariff reduction loophole that would disadvantage United States agricultural products exported to developing countries, and would also limit trade between developing countries; and

(E) the framework preserves trade-distorting direct payments under production-limiting programs that are not subject to commitments to reduce domestic support under the Agreement on Agriculture of the World Trade Organization; and

(3) the United States should not agree to the proposed framework unless and until it is substantially improved in order to result in significantly increased market access, the harmonization of allowed levels of trade-distorting domestic support, and a more level playing field for United States farmers, ranchers, and agricultural producers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1540. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 259, providing for an adjournment or recess of the two Houses.

SA 1541. Mr. WARNER (for Mr. GREGG (for himself, Mr. REED, Mr. FRIST, Mr. KENNEDY, and Mr. ENZI)) proposed an amendment to the bill S. 888, to reauthorize the Museum and Library Services Act, and for other purposes.

TEXT OF AMENDMENTS

SA 1540. Mr. FRIST proposed an amendment to the concurrent resolution H. Con. Res. 259, providing for an adjournment or recess of the two Houses; as follows:

Strike “when the House adjourns on the legislative day of Friday, July 25, 2003, or Saturday, July 26, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,” and insert: “when the House adjourns on the legislative day of Tuesday, July 29, 2003.”

SA 1541. Mr. WARNER (for Mr. GREGG (for himself, Mr. REED, Mr. FRIST, Mr. KENNEDY, and Mr. ENZI)) proposed an amendment to the bill S. 888, to reauthorize the Museum and Library Services Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

Sec. 101. General definitions.

Sec. 102. Institute of Museum and Library Services.

Sec. 103. Director of the Institute.

Sec. 104. National Museum and Library Services Board.

Sec. 105. Awards; analysis of impact of services.

TITLE II—LIBRARY SERVICES AND TECHNOLOGY

Sec. 201. Purpose.

Sec. 202. Definitions.

Sec. 203. Authorization of appropriations.

Sec. 204. Reservations and allotments.

Sec. 205. State plans.

Sec. 206. Grants to States.

Sec. 207. National leadership grants, contracts, or cooperative agreements.

TITLE III—MUSEUM SERVICES

Sec. 301. Purpose.

Sec. 302. Definitions.

Sec. 303. Museum services activities.

Sec. 304. Repeals.

Sec. 305. Authorization of appropriations.

Sec. 306. Short title.

TITLE IV—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

Sec. 401. Amendment to contributions.

Sec. 402. Amendment to membership.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Amendments to Arts and Artifacts Indemnity Act.

Sec. 502. National children's museum.

Sec. 503. Conforming amendment.

Sec. 504. Technical corrections.

Sec. 505. Repeals.

Sec. 506. Effective date.

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL DEFINITIONS.

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

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

“(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) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (5);

(4) by inserting after paragraph (2) the following:

“(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) 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.”; and

(5) by adding at the end the following:

“(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. 102. INSTITUTE OF MUSEUM AND LIBRARY SERVICES.

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

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

“(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. 103. DIRECTOR OF THE INSTITUTE.

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

(1) in subsection (e), by adding at the end the following: “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).”; and

(2) by adding at the end the following:

“(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.—