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Library Services and Construction Act: Reauthorization Technicals (1984-1985): Correspondence 01

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June 14, 1985

Mr. Robert Klassen, Chief
State and Public Library Services Branch
U.S. Department of Education
(Brown Building, Rm. 613)
400 Maryland Avenue, SW
Washington, D.C. 20202-1630

Dear Mr. Klassen:

This letter provides the comments of the American Library Association on the proposed regulations governing the Library Services and Construction Act as published in the May 16 Federal Register, pp. 20522-37. ALA, a nonprofit educational organization of 40,000 librarians, library trustees and public-spirited citizens dedicated to the improvement of library service, has had a long-standing interest in LSCA.

While we do wish to comment on several points, overall you and your staff are to be complimented on a faithful implementation of the LSCA Amendments of 1984 (PL 98-480).

Technical Amendments Legislation. I would call to your attention the fact that the House passed the Library Services and Construction Act Technical Amendments (HR 1997, H. Rept. 99-98) on May 21. This bill clarifies several minor provisions on which questions have arisen or where last year's reauthorization is ambiguous. The Senate is expected to act soon on a similar bill. ALA recommends that you take the intent of Congress in the technical amendments process into account as you develop final regulations for LSCA.

Definitions. The term "microcomputer software" should be added to the definition of "library materials" in Sections 768.4(c), 769.4(c), 770.4(c), and 771.4(b). Many public libraries are making microcomputers and associated software available to the public as an extension of library and information services with particular potential for serving underrepresented groups. It is an appropriate integration of technology to meet user needs.

Planning Priorities. PL 98-480 added a priority for programs and projects that increase services and access to services through effective use of technology. ALA is pleased to see this priority reflected in Sections 770.10(b)(12), 770.11(c)(3), and 770.22(c)(4). Technology is a powerful tool which can often provide the most efficient and cost-effective means of implementing other priorities under the Act.
ALA encourages the Department to recognize that the various priorities within title I and those of the other LSCA titles complement one another and occasionally overlap, and urges that states be given the utmost flexibility in achieving those priorities. For instance, a state may determine that the best way to improve services for the least served populations under title I is to provide access to a database shared by more than one type of library in the state. The project should not be automatically disallowed under title I because it might be a title III type of project. Technology-assisted projects can serve many purposes; a state’s characterization of such projects should be accepted whenever possible.

Similarly, while Congress has given special emphasis to certain kinds of library services under titles IV, V, and VI, it has not precluded from title I eligibility projects involving services to Indians, foreign language materials, or literacy projects if they are consistent with the state’s plan for meeting title I priorities.

Administrative Costs. The "Summary of Major Amendments" (c) says that "administrative expenditures may not exceed the greater of 6 percent of the sum of the amounts allotted to each State under Titles I and II for any fiscal year, or sixty thousand dollars." As the House-passed HR 1997 makes clear, congressional intent in Section 8 of the Act was to refer to titles I, II, and III. The regulations should therefore provide that "administrative expenditures may not exceed the greater of 6 percent of the sum of the amounts under Titles I, II, and III for any fiscal year, or sixty thousand dollars".

Subgrants. Section 770.2 does not make clear that state institutions, library networks, and other appropriate providers of library services can and do apply for LSCA subgrants. Sec. 770.2(b)(1) should read, "Public libraries and other eligible recipients as defined in the State Plan are eligible to apply...".

Clarification is needed in Section 770.24(a)(1) relating to the information required in the state’s annual program. Most states cannot identify amounts and recipients of subgrants at the time the annual program is filed. The requirement that they do so will delay submission of the annual program, and could delay funding of continuing programs such as service to the blind and physically handicapped. Sec. 770.24(a)(1) should read: "A description of the projects and activities the State plans to carry out—and the basis upon which the State plans to award subgrants—during the specified year with regard to library services, public library construction, or interlibrary cooperation and resource sharing, as appropriate.".

Long-Range Program. Section 770.23(a)(1) requires in a long-range program a "description of the State’s identified present and projected library needs with respect to library services, public library construction, or interlibrary cooperation and resource sharing, as appropriate.". Using the word "or" seems to encourage piecemeal planning while, historically, long-range LSCA plans have been developed as comprehensive plans for total library service. Nothing in the Act requires this change. ALA recommends replacing the word "or" with "and".
Construction Grants. Section 770.11(b)1) through (b)(6) identifies activities which comprise "construction" and provides in (b)(7) that "any combination of two or more of the activities..." constitute construction. With this approach, it would be possible to award a grant that would not result in construction but would only result, for example, in acquisition of land and architectural services. The approach used in the 1979 regulations is preferable—that is, identifying these specific activities related to construction as allowable costs.

According to Section 770.11(b)(6), "construction" includes nuclear fallout shelters if constructed at nominal cost as part of a larger project. What is the justification for including such shelters in public library construction projects? There is no definition of "nominal" or "larger", and this subsection should be deleted. This subsection could imply that every project should include such space, and this is not a requirement of the Act.

Under Section 770.42(c), the Secretary may release a recipient from its financial obligation under a public library construction grant for good cause. ALA recommends that the section include language such as the following: "Good cause shall include the transfer of the Federal interest to another library facility of quality at least equal to that of the LSCA facility".

Reports. Section 770.22(a)(4) requires states to make the reports required by the Secretary, showing, among other things, the extent to which LSCA funds have been effective in carrying out the purposes of the program. ALA simply wishes to state how important it is for the Department to aggregate, summarize, and disseminate the results of those reports. Making such information widely available helps ensure that states are able to take advantage of program results in other states, and thus plan wisely in the future. Such information is also valuable to library users, librarians, and local, state, and federal policymakers.

ALA appreciates the opportunity to comment on the proposed LSCA regulations. Please do not hesitate to contact me if you need further information.

Sincerely,

Eileen D. Cooke
Director
ALA Washington Office

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