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William D. Ford

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March 22, 1985

MEMORANDUM

TO: Subcommittee Members

FROM: William D. Ford, Chairman

SUBJECT: Technical Amendments Bill

Before the April 5-15 recess, I plan to introduce a technical amendments bill which deals with three programs under the jurisdiction of the Subcommittee on Postsecondary Education -- the Library Services and Construction Act, the Minority Institutions Science Improvement Program, and the Harry S Truman Memorial Scholarship Act. These amendments do not increase Federal expenditures for the programs.

Section 1 of the bill concerns technical amendments to the Library Services and Construction Act (LSCA). First enacted in 1957, the Act provides funding to local public libraries to assist them in serving special populations, construction of library facilities and interlibrary linkages. During the reauthorization of the Act last year, it was expanded to include programs that would provide grants to Indian tribes which were developing library programs and special grants for literacy programs and acquisition of foreign language materials.
Shortly after the reauthorization bill was signed into law, representatives of the Department of Education and the library community contacted my office to ask for clarification of certain points in the new law which the Department considered open to interpretation or conflict with other sections of the law. After lengthy discussions between my staff and Department officials, it became clear that additional legislative language was required.

There are seven technical and conforming amendments to LSCA. The first is a conforming amendment clarifying that a "long-range program" may be from three to five years in length. Previous to the 1984 Amendments long-range programs were all five years in length. The 1984 act allowed plans to range between three and five years, but the definition of "long-range program" was not changed accordingly. This amendment changes that definition to conform with other references in the 1984 Act.

The second amendment clarifies that the Secretary of Education may only make grants to Indian tribes that are recognized by the Secretary of Interior. The 1984 Act only required that the Secretary of Education consult with the Secretary of Interior. It did not mandate that grants be awarded only to approved tribes. The amendment language is more concise and leaves no question as to the role of the Secretary of Interior.

The third LSCA amendment is conforming in nature. In addition to awarding grants to Indian Tribes, the 1984 LSCA Amendments also required that grants be made available to Native Hawaiians under the same guidelines as they are made to Indian tribes. However, one of the requirements, maintenance of existing effort, was
omitted from the statutory language. This amendment requires Native Hawaiians to maintain the same level of expenditure for library materials if they receive a federal grant under LSCA as they did prior to receiving the grant.

The term "limited English-speaking proficiency" is defined to have the same meaning in the Library Services and Construction Act as it does in the Bilingual Education Act by the fourth LSCA amendment. Department of Education representatives were concerned that the lack of definition of the term could lead to confusion and lack of consistency in reviewing applications for grants.

The fifth LSCA amendment is required because of a misinterpretation by the Department of Education of Congressional intent with respect to the amount of administrative costs allowed to states under the program. Prior to the 1984 amendments, there was no limit on the amount of LSCA funds the state could use for administrative purposes or the types of activities that could be funded through administrative costs. As a result, during the reauthorization hearings for LSCA, the Subcommittee repeatedly heard from librarians that inordinantly large portions of Federal LSCA dollars were being held by state libraries instead of being allocated to local libraries as was intended by the Congress. In one case, a state was using over 50% of its Federal dollars to pay for upkeep and maintenance of the State library building. In order to prevent these obvious abuses, the LSCA amendments required that no more than six percent or $60,000 (whichever is greater) of the amount allocated to states under Titles I, II, and III of LSCA could be used for administrative purposes. However, because
Title III deals with long-range planning and interlibrary cooperation, the legislation required that the allowable administrative costs be taken from Titles I and II funds, but the amount be equal to the six percent of all three titles. The Department has chosen to ignore the clear statutory construction of the administrative cost provision and is interpreting it to allow only six percent of Titles I and II. This amendment clarifies that the amount that may be used for administrative costs is calculated by using the allocations from all three titles.

The Library Services and Construction Act requires that if more than $60 million is appropriated for Title I, the amount in excess of $60 million will be used for libraries in cities with populations exceeding 100,000. The sixth LSCA amendment provides that the $60 million does not include the required 1.5 percent set aside for Indian tribes or the .5 percent for Native Hawaiians.

The final LSCA amendment clarifies the intent of Congress in requiring that grants be made to Indians living on or near reservations. The purpose of the original language was to ensure that Indians dwelling in urban areas not receive grants because they have access to already existing public libraries. However, Indians and Indian Tribes in Oklahoma, California, and Alaska do not live on reservations and therefore, in strict legal terms, would be ineligible to receive grants. The amendment exempts Indians in those states from the requirement that they must live on or near reservations.

Section 2 of the technical amendments bill incorporates the provisions of H.R. 32, introduced by Chairman Hawkins on January 3,
1985, which extend the authorization of the Minority Institutions Science Improvement Program through fiscal years 1985 and 1986 with a maximum appropriation level of $5 million for each year.

The Minority Institutions Science Improvement Program (MISIP) supports activities to improve the quality of science education at postsecondary education institutions which serve large populations of minority students and to stimulate interest in science careers for minorities. Institutions may use MISIP funds for improvement of their own science facilities and faculties or they may form cooperatives with local secondary school districts to improve science education at the pre-college level. Originally enacted as part of the National Science Foundation Act, MISIP was transferred to the Department of Education in 1979 by the Department of Education Organization Act. The program's authorization expired at the end of FY 1984.

The program was reauthorized through FY 1985 by the House passed version of the Emergency Science and Mathematics Education Act of 1983, but failed to be included in the Senate version of the Act which was eventually signed into law. Although MISIP lacks authorization for FY 1985, the Appropriations Committee did appropriate $5,000,000 for the program in anticipation of an extension and the President's budget requests for both FY 1985 and FY 1986 have supported continued funding for the program. It is expected that any further extension or modifications of MISIP will be incorporated in the reauthorization of the Higher Education Act.

Section 3 of the technical amendments bill eliminates the maximum amount for the Harry S Truman Scholarship and allows the
Board of Trustees the authority to set the maximum stipend. The language of the amendment is identical to that of H.R. 1227 introduced by Representative Ike Skelton on February 21, 1985.

The Harry S Truman Scholarship Foundation was established as an official Federal memorial to honor President Truman. The Foundation operates a permanent scholarship program for outstanding students pursuing careers in public service at all levels of government. Funding for the program comes from the proceeds of a $30 million Federal appropriation provided when the Foundation was created in 1975. The Board of Trustees in its last two annual reports to Congress has requested that the $5,000 maximum award set by the enacting statute be changed or eliminated. When the Scholarship program started, $5,000 was an ample amount to cover the annual education costs of the scholars. However, because of sharply rising educational expenses most students incur costs well above the statutory maximum and as of 1984, 83% of the Truman Scholars failed to receive the intended full scholarship.

The technical amendments bill will be introduced on Thursday, April 4, 1985. If you have any questions or comments or wish to be an original cosponsor of the legislation, please contact Tom Wolanin, Subcommittee Staff Director, at 225-8881 prior to close of business Tuesday April 2. For your information a copy of the bill is attached.

Barring major objection to this bill, I plan to schedule a Subcommittee mark-up soon after the Easter recess.

Attachment

WDP:mmh