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To improve the contribution of libraries to the education of economically disadvantaged or handicapped individuals, to increase access to library materials through resource sharing, to support research and assessment necessary to improve library services, and for other purposes.

A BILL

To improve the contribution of libraries to the education of economically disadvantaged or handicapped individuals, to increase access to library materials through resource sharing, to support research and assessment necessary to improve library services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Library Services Improvement Act of 1989".

STATEMENT OF PURPOSE

Sec. 2. (a) The purpose of this Act is to improve the contribution of libraries to education and learning by—
(1) encouraging greater use of library services by economically disadvantaged or handicapped individuals;
(2) increasing access to library materials through support for resource-sharing; and
(3) supporting research and assessments needed to improve library services.

(b) Nothing in this Act shall be construed to interfere with State and local authority and responsibility for the conduct of library services, including the administration of libraries, selection of personnel and materials, and, to the extent consistent with the provisions of this Act, the determination of the best uses of funds provided under this Act.

DEFINITIONS

SEC. 3. The following definitions apply to this Act:

(1) The term "handicapped individual" means a person who is mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or learning disabled.

(2) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in, or established pursuant to, the Alaskan Native Claims Settlement Act, which is recognized by the Secretary of the Interior as eligible for the special programs and serv-
ices provided by the United States to Indians because of their status as Indians.

(3) The term “library” includes public, school, college and university, research, special, and other libraries.

(4) The term “library service” means the performance of an activity of a library relating to the collection and organization of library materials and information, and to making these materials and information available to a clientele.

(5) The term “network” means any cooperative arrangement among two or more administratively independent libraries for the sharing of books, materials, and services.

(6) The term “Secretary” means the Secretary of Education.

(7) The term “State” means any of the several States of the United States of America, the District of Columbia, or the Commonwealth of Puerto Rico, and, except for section 5 of this Act, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Palau, or the Virgin Islands.

(8) The term “State library administrative agency” means the State agency authorized by law to
extend and develop public library services throughout the State.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) There are authorized to be appropriated $91,000,000 for fiscal year 1990, and such sums as may be necessary for each of the four succeeding fiscal years to carry out title I.

(b) There are authorized to be appropriated $45,000,000 for fiscal year 1990, and such sums as may be necessary for each of the four succeeding fiscal years to carry out title II.

(c) There are authorized to be appropriated $1,200,000 for fiscal year 1990, and such sums as may be necessary for each of the four succeeding fiscal years to carry out title III.

ALLOTMENTS

SEC. 5. (a)(1) From the amount appropriated to carry out title I for each fiscal year, the Secretary shall reserve one and one-half of 1 per centum for awards to be allotted according to subparagraphs (A) and (B) of this paragraph:

(A) Two-thirds of the amount reserved under this paragraph shall be available for awards to Indian tribes.

(B) One-third of the amount reserved under this paragraph shall be available for awards to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Palau (only to the extent authorized by
section 104(c) of Public Law 99–658 and until the ef-

tective date of the Compact of Free Association with
the Government of Palau), and the Virgin Islands, and
shall be allotted among these recipients on the basis of
their relative need for assistance.

(2) From the amount remaining after funds are reserved
under paragraph (1), the Secretary shall allot for each fiscal
year one-half of that remainder among the States on the basis
of their relative population and one-half of that remainder
among the States on the basis of their relative population
below the poverty level, except that the Secretary shall allot
to each State an amount equal to at least one-half of 1 per
centum of that remainder.

(b)(1) From the amount appropriated to carry out title II
for each fiscal year, the Secretary shall reserve two-thirds for
State programs under part A of title II and one-third for
grants under part B of title II.

(2) From the amount reserved for State programs under
part A of title II for each fiscal year, the Secretary shall
reserve one and one-half of 1 per centum for awards to be
allotted according to subparagraphs (A) and (B) of this para-
graph:

(A) Two-thirds of the amount reserved under this
paragraph shall be available for awards to Indian
tribes.
(B) One-third of the amount reserved under this paragraph shall be available for awards to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Palau (only to the extent authorized by section 104(c) of Public Law 99–658 and until the effective date of the Compact of Free Association with the Government of Palau), and the Virgin Islands, and shall be allotted among these recipients on the basis of their relative need for assistance.

(3) From the amount remaining after funds are reserved under paragraph (2), the Secretary shall allot for each fiscal year an amount to each State which bears the same ratio to that remainder as the population of the State bears to the population of all of the States, except that the Secretary shall allot to each State an amount equal to at least one-half of 1 per centum of that remainder.

(c) The Secretary may reallocate all or a portion of a State’s allotment for any fiscal year if the State does not submit an application to carry out a program under title I or title II, or the Secretary determines that the State does not need or cannot use the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during a fiscal year upon which to make reallocations.

(d) The population of a State, and the population below the poverty level of a State, and of all of the States, shall be
determined by the Secretary on the basis of the most recent satisfactory data available to the Secretary.

STATE APPLICATIONS

SEC. 6. (a) Any State desiring to receive its allotment under title I or title II of this Act shall submit an application at such time, in such manner, and containing such information, as the Secretary may require. The State application shall cover a period of up to five fiscal years, and shall include descriptions of—

(1) the goals, expressed in measurable terms, that the State seeks to achieve with its allotment under title I, title II, or both titles;

(2) the means by which the State plans to achieve those goals; and

(3) the evaluation methods the State will use to determine whether those goals have been met.

(b) Each State application shall contain such assurances as the Secretary determines are necessary to carry out the purposes of this Act, including assurances that—

(1) the State will inform interested parties or potential participants of (A) the availability of funds, (B) the State's priority geographic areas, and (C) the State's procedures for selecting projects to be supported with funds under title I, title II, or both titles;

(2) the State library administrative agency will act as administrative and fiscal agent for the programs
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under this Act, and will implement such fiscal control
and accounting procedures as may be necessary to
ensure the proper disbursement of, and accounting for,
Federal funds paid to the State under this Act; and

(3) the State will discontinue support under this
Act after completion of the first two years of a project
if the project does not accomplish, or does not give
reasonable promise of accomplishing, the results for
which Federal assistance was provided.

GRANTS TO INDIAN TRIBES

SEC. 7. From the funds reserved under sections
5(a)(1)(A) and 5(b)(2)(A), the Secretary shall make grants to
eligible Indian tribes to improve library services. Any Indian
tribe desiring to receive a grant shall submit an application at
such time, in such manner, and containing such information,
as the Secretary may require.

TITLE I—LIBRARY SERVICES TO
DISADVANTAGED AMERICANS

PROGRAM AUTHORITY

SEC. 101. From the funds allotted in accordance with
section 5(a) of this Act, the Secretary shall make grants to
States to carry out projects or activities that provide new
library services, or expanded existing library services, to econ-
nomically disadvantaged or handicapped individuals in order
to enhance their educational opportunities, or to facilitate
their greater use of library services.
(b) A State library administrative agency may support projects either directly or through subgrants to, or contracts with, public or private agencies, organizations, or institutions, and Indian tribes. These projects may include joint projects among libraries and other types of institutions, such as schools.

AUTHORIZED ACTIVITIES

SEC. 102. States may use funds allotted under this title to support library projects or activities such as—

(1) adult basic education;

(2) literacy training;

(3) the development of library collections in rural areas;

(4) English instruction;

(5) information and referral centers;

(6) summer reading programs for school children;

(7) after-school homework programs;

(8) services to persons in correctional institutions;

(9) specialized training of library personnel to implement activities related to the purposes of this title;

(10) the purchase and distribution of large-print books and other special materials for handicapped individuals;

(11) services to persons in nursing homes or hospitals; and
(12) the acquisition of equipment or minor structural changes that make libraries more usable for handicapped individuals.

USE OF FUNDS

SEC. 103. (a) A State shall use funds allotted under this title only for the support of new, or the expansion of existing, projects or activities.

(b) A State may not use funds allotted under this title—

(1) to support a new, or expand an existing, project or activity for a period of more than five years;

(2) for acquisition, expansion, or construction of buildings, other than minor remodeling needed to improve access to libraries and library services for handicapped individuals; and

(3) to pay the costs of the State library administrative agency in administrating the State's program under this title.

TITLE II—LIBRARY RESOURCE SHARING

PART A—STATE GRANTS

PROGRAM AUTHORITY

SEC. 201. (a) From the funds allotted for this part in accordance with section 5(b) of this Act, the Secretary shall make grants to States to develop new interstate and intra-state library networks and to pay for the expansion of existing networks.
(b) The State library administrative agency may support projects either directly or through subgrants to, or contracts with, public or private organizations, agencies, or institutions, and Indian tribes.

USE OF FUNDS

SEC. 202. (a) A State may not use funds under this part to support a new, or pay for the expansion of an existing, intrastate library network for a period of more than five years.

(b) A State may not use funds under this part to pay the costs of the State library administrative agency in administering the State’s program under this part, except that a State may expend up to five percent of its grant for any fiscal year for the planning of interstate library networks.

PART B—DISCRETIONARY AWARDS

PROGRAM AUTHORITY

SEC. 211. From the funds reserved for this part in accordance with section 5(b)(1) of this Act, the Secretary shall, through grants to, or cooperative agreements or contracts with, public or private organizations, agencies, or institutions, and Indian tribes, develop new, or pay for the expansion of existing, interstate library networks.

PART C—GENERAL PROVISIONS

AUTHORIZED ACTIVITIES

SEC. 221. Funds awarded under part A or B of this title may be used for projects or activities such as—
1 (1) specialized training of library personnel to operate library networks;
2 (2) acquisition and maintenance of computer hardware, software, and communications lines;
3 (3) cataloging of materials into electronic databases;
4 (4) restoration of rare books, if such preservation is for the purpose of sharing a national resource;
5 (5) purchase of materials to complete significant collections, if such purchase would create a regional or national resource in a particular subject; and
6 (6) support of other activities that would lead to the sharing of books, materials, and services among libraries.

TITLE III—LIBRARY RESEARCH AND ASSESSMENT

PROGRAM AUTHORITY

Sec. 301. From the funds appropriated for this title, the Secretary shall, either directly or through grants to, or contracts or cooperative agreements with, public or private organizations, agencies, or institutions, and Indian tribes, support library research and assessment projects and activities needed to improve library services.

AUTHORIZED ACTIVITIES

Sec. 302. (a) Funds made available under this title shall be used to support—
(1) library research and development, including field-initiated research; and

(2) evaluation of Federal library programs supported under this Act as well as assessment of libraries and library conditions, including the regular collection and reporting of data on the condition of the Nation's libraries and library services.

(b) Funds made available under this title may be used for projects or activities such as—

(1) investigation of effective ways to apply new technologies to the provision of library services;

(2) investigation of ways to improve the use of library services by economically disadvantaged or handicapped individuals;

(3) investigation of methods to increase resource sharing and make library services more efficient;

(4) assessment of users' needs; and

(5) assessment of the effectiveness and efficiency of library services.

TITLE IV—REPEALS AND EFFECTIVE DATE

REPEALS

Sec. 401. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is repealed.

(b) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—
1 (1) by repealing title II; and
2 (2) in section 356(b)(2), by striking out "II,"
3 (c) Section 1331 of the Higher Education Amendments
4 of 1986 (20 U.S.C. 1029 note) is repealed.
5 EFFECTIVE DATE
6 Sec. 402. This Act shall take effect on October 1,
7 1989.