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LIBRARY SERVICES AND CONSTRUCTION ACT
AMENDMENTS OF 1984

May 24 (legislative day, May 21, 1984.—Ordered to be printed

Mr. Hatch, from the Committee on Labor and Human Resources,
submitted the following

REPORT
together with
ADDITIONAL VIEWS
[To accompany S. 2490]
[Including cost estimate of the Congressional Budget Office]

INTRODUCTION AND ACCOMPLISHMENTS

The Library Services and Construction Act was first signed into law in 1956 by President Eisenhower. At that time only one in six Americans had access to public library services. The original focus of this legislation was to bring library services to rural areas around the country, and to provide the necessary incentive to encourage states to improve library services to unserved and underserved individuals.

Over the years the purpose of LSCA has been broadened to include service to urban areas, public library construction, and improvement of library services to physically handicapped, institutionalized, disadvantaged, bilingual, and older persons. In the 1976 reauthorization the importance of interlibrary cooperation was highlighted as a means of assisting states in keeping pace with expensive, rapidly developing technological advances in the area of communication sciences.

Accomplishments under this act are impressive for a rather small federal investment. Forty-six states now provide state funds in excess of 164 million dollars to support public libraries, compared with 23 states allocating 5 million dollars for similar purposes in 1956. Similarly, the number of counties with public librar-
ies increased from 297 in 1956 to close to 1000 today. Throughout the lifetime of this legislation, over 100 million citizens have benefitted from improvement library services. With a combination of LSCA, state and local funds over 170 million books have been purchased and more than 2000 public library buildings have built or remodeled.

Currently LSCA supports library services which reach 30 million disadvantaged adults and children, 5 million persons of limited English speaking ability, 2.2 million elderly, 1.2 million physically handicapped, including 270,000 blind persons, and over 700,000 state institutionalized persons.

Title I funds have provided direct benefits to 95 percent of all public libraries. Title III funds have enabled 75% of all public libraries to participate in intrastate and multistate library networks.

DESCRIPTION OF CURRENT LAW

The Library Services and Construction Act, most recently reauthorized in 1978, has four titles, which are:

Title I—Grants to States for Library Services;
Title II—Construction;
Title III—Interlibrary Cooperation and Resource Sharing;
Title IV—Older Reader Services.

For all titles, a basic allotment of the annual appropriation is made to each State, with any remaining funds distributed among them, based on a state's population.

To qualify for funds under Title I or Title II, states and communities must match federal contributions. The matching ratio, which is set on the basis of the state's per capita income, must be at least 33 percent and can go as high as 66 percent of program costs. To participate, each state must submit the following: (1) a state plan consisting of a comprehensive program description setting forth the state's priorities, procedures and specific activities to meet the library and information needs during the succeeding five years; and (2) an annual plan outlining the states yearly projects under each title. For every federal dollar spent for administration, states must provide a non-federal dollar.

An additional requirement of the planning includes coordination of LSCA programs with other public and private library programs throughout the state, including Title II of the Higher Education Act and school library programs under the Education Consolidation and Improvement Act, to ensure the best use of funds.

The Library Services and Construction Act is a state based program responding to the unique needs of each individual state.

The priorities of the act are to be incorporated in the state plan which is the basis for the states' responsibility for the administration and sole determination of the use of the federal funds within the state.

The administration rules and regulations pertaining to this act must recognize the individuality of the states.

The planning provisions make certain that the states evaluate their own needs for public library facilities and that they prioritize those needs. Title I of LSCA provides grant awards for the states that can be used for the following purposes:
(1) To develop and improve library service in geographic areas and to groups of persons without such service or with inadequate service;

(2) To provide library services to patients and inmates of state supported institutions, to physically handicapped individuals, and to disadvantaged persons in low-income areas, both urban and rural;

(3) To strengthen metropolitan public libraries which function as regional and national resource centers; and

(4) To strengthen the capacity of the State Library Agency to meet the library and information needs of all state residents.

Federal funds under this title may be used for the purchase of books, library materials, equipment, for salaries, and other operating expenses, for state-wide planning and evaluation costs and for administration of the state plan. The minimum basic allotment for each state, Puerto Rico and the District of Columbia is $200,000. For the territories it is $40,000. To be eligible for any grant, maintenance of state and local effort is required. When appropriations for Title I exceeds $60 million, the sums over that amount allotted to states with one or more cities with over 100,000 residents, are targeted to those urban areas on the basis of a weighted distribution formula.

Grants are made to the states for public library construction under Title II of LSCA. "Public Library Construction" is defined as the construction of new public library buildings and the acquisition, expansion, remodeling and alteration of existing buildings for use as public libraries, and the initial equipment for such buildings. Architects' fees and the cost of the acquisition of land are also eligible expenses. The basic allotment for each state is $100,000, and for each territory $20,000. Title II has been authorized but had not received appropriation since fiscal year 1972, with the exception of 50 million dollars under the Emergency Jobs Bill in fiscal year 1984. Under the Emergency Jobs Bill states are allowed to develop individual distribution formulas for construction monies, providing that areas with high economic or employment needs are given particular consideration. Title III, Interlibrary cooperation requires that states consider the sharing of scarce or expensive resources on a regional or statewide basis to avoid unnecessary duplication of such materials and insure the best use of library resources, staffs and facilities. Title III has been successful in encouraging the establishment of many regional and multi-state library networks.

Title IV, Older Reader Services, provides grants to states for the provision of library services to the elderly—including the purchase of special library materials, payment of salaries for elderly persons who wish to work in libraries, and provision of services that improve access to library facilities for elderly users. Providing appropriations are sufficient, the basic allotment of each states is $40,000 and to each territory $10,000. Although Title IV has been authorized since 1973, funds for it have never been appropriated.
LEGISLATIVE HISTORY

The Subcommittee on Education, Arts and Humanities held an oversight hearing on the Library Services and Construction Act on March 23, 1984. Testimony was received from nine witnesses appearing before the Subcommittee as well as a number of other organizations that submitted written documents. Witnesses included representatives of State Library Agencies, delegates to the White House Conference on Libraries and Information Science, urban library directors and program sponsors, and experts in the field of communication sciences. On March 29, 1984, Senator Stafford, Chairman of the Subcommittee, introduced S. 2490 on behalf of himself, Mr. Pell, Mr. Quayle, Mrs. Hawkins, Mr. Kennedy, Mr. Randolph, Mr. Sarbanes, and Mr. Eagleton. On April 12, 1984 the Subcommittee held a mark-up on S. 2490 and reported the bill out unanimously with four amendments. The full Committee on Labor and Human Resources held a mark-up on S. 2490 on May 2, 1984, and reported the bill with two amendments by a vote of 17 ayes and one nay.

VOTES IN COMMITTEE

Pursuant to Section 133(b) of the Legislative Reorganization Act of 1964, the following is a tabulation of votes cast in both the Subcommittee on Education, Arts and Humanities, and the Committee on Labor and Human Resources.

The Subcommittee on Education, Arts and Humanities passed the Library Services and Construction Act by a voice vote on April 12, 1984.

VOTES IN SUBCOMMITTEE

STAFFORD/WEICKER AMENDMENT

Senator Stafford offered an amendment for himself and Senator Weicker that required the states to include information describing programs and services designed to serve handicapped library users in their annual state plans. The amendment was passed unanimously by the Subcommittee.

STAFFORD AMENDMENT

Senator Stafford offered an amendment for himself and Senator Pell that removed a provision in the bill that would have allowed the National Commission on Libraries and Information Science access to Scorpio, the computerized Library of Congress information system. The amendment was passed unanimously by the Subcommittee.

STAFFORD/PELL AMENDMENT

Senator Stafford offered an amendment for himself and Senator Pell that substituted the words "may include" for "including" in the state plan section of the bill that made reference to services provided to make public libraries more accessible to elderly users. The amendment was passed unanimously by the Subcommittee.
QUAYLE AMENDMENT

Senator Quayle offered an amendment that would permit Howard University to establish and endowment fund, using federal funds that are matched equally with other dollars. Endowment income may not be used for any type of support of the University's executive officers or for commercial ventures. The amendment was passed unanimously by the Subcommittee.

NATIONAL CENTER FOR EDUCATION STATISTICS AND NATIONAL ASSESSMENT FOR EDUCATIONAL PROGRESS

Senator Pell offered an amendment for himself and Senators Randolph and Kennedy to extend authorization of both the National Center for Education Statistics and the National Assessment of Educational Progress for five years. The amendment was passed unanimously by the Subcommittee.

The bill was next considered by the full Labor and Human Resources Committee on May 2, 1984.

QUAYLE AMENDMENT

Senator Quayle offered an amendment to the Howard University Endowment provision, that put a ceiling of 2 million dollars on the amount of money that the Appropriations Committee could allocate for the endowment. The amendment was passed unanimously by the Subcommittee.

MATSUNAGA AMENDMENT

Senator Matsunaga offered an amendment to Section 103, definitions, that allows the Office of Hawaiian Affairs to receive funds under Title IV, Services for Indian Tribes, as a single tribe. The amendment was passed unanimously by the Subcommittee.

The Library Services and Construction Act was voted out of the full Committee on Labor and Human Resources on a vote of 17 to 1:

YEAS
Stafford
Quayle
Denton*
Weicker*
Grassley*
East*
Hawkins
Thurmond
Kennedy
Randolph
Pell
Eagleton
Riegle*
Metzenbaum*
Matsunaga
Dodd*
Hatch

NAYS
Nickles

* By proxy
COMMITTEE VIEWS/EXPLANATION OF BILL AS AMENDED

The Subcommittee on Education, Arts and Humanities held a hearing on the reauthorization of the Library Services and Construction Act on March 23, 1984. Witnesses testifying at the March 23rd hearing praised LSCA programs for the services that they provided. However, certain areas of concern were discussed:

- The need to strengthen language in the bill related to access for underserved populations such as handicapped, elderly, and disadvantaged;
- The need to improve library services for Indians and other native Americans;
- The need to emphasize interlibrary cooperation;
- The need to fund Title II, Construction Projects; and
- The need to emphasize the mission of the public libraries as community information referral centers, not just book depositories.

All the witnesses agreed that LSCA was vital to the well-being of the public library system nationwide. Though the federal share represents little more than 5 percent of total dollars spent on library services in the states, it is viewed as critical in terms of providing funding for projects for hard to serve constituencies; and in providing the seed money necessary to release state funds for these programs.

The Subcommittee heard testimony from a variety of witnesses who spoke to the changing and expanding role of libraries as information referral centers within local communities. Urban and rural libraries alike provide such diverse services as literacy training and outreach programs for the elderly. It was clearly stated that LSCA had been successful in assisting public libraries in achieving its original goal—access to library services for all citizens. It is estimated that over 96 percent of the residents of communities around the nation now have library services available to them.

The information explosion that began in 1950 and continues to accelerate today has served to dramatically change the mission of the public library. Although LSCA has done a fine job in providing programs for libraries and library users, it was suggested in testimony presented that major changes are needed if libraries are to adapt to a changing society.

The amendments approved by the Committee in S. 2490, The Library Services and Construction Act of 1984, reflect efforts to revise the LSCA to address current needs and changing practices in the field. Throughout the bill, language is included that further clarifies the primary purpose of this legislation—improving access to library services for underserved populations, in particular, the elderly, handicapped and disadvantaged. Additional attention is focused on the need for public libraries to offer programs to combat the serious problem of illiteracy and those programs that serve large numbers of users who speak English as a second language. Equal emphasis is placed on rural and urban community library programs.
In recent years states have experienced funding problems because their federal disbursements did not reach them until the fiscal year was half over. As a result of this delay, programs were at times eliminated, even though the necessary funds to operate them were ultimately received by the state agency. In order to correct this problem, the bill provides for forward funding for the LSCA. This is consistent with current law for the majority of federal education programs.

Title II, construction, received an appropriation of 50 million dollars in fiscal year 1984 under the Emergency Jobs Bill. Though authorized since its enactment, this Title has not received an appropriation since 1972. The response among the states to the availability of matching construction monies under the Emergency Jobs Bill was overwhelming. Within six months of the enactment of the Emergency Jobs Bill, over 95 percent of these funds had been committed to local building projects nationwide. Testimony presented to the Committee included data to support the need for 400 million dollars in construction projects to expand and modernize library buildings for fiscal year 1984 alone. Furthermore, a survey completed by the American Library Association identified 2.4 billion dollars to be the figure states need to spend to improve library facilities over the next four years.

In past years the Department of Education has issued regulations which precluded all but new construction of facilities as allowable. S. 2490 specifies that other permissible uses include: remodeling for handicapped accessibility, energy conservation, and renovation and remodeling to accommodate new technologies. The bill also allows the Federal government to be recompensed in proportion to the amount it originally furnished for the construction if a library sells a building constructed with LSCA funds. If the building is over twenty years old no compensation is due to the Federal government.

In Title III of the Act, the Committee added language to strengthen and expand the description of the activities in which state agencies can participate in order to enhance cooperation and resource sharing statewide. New developments in communication sciences put constant and ever-increasing financial demands on the public library system nationwide. From rural community libraries serving fewer than three hundred local residents, to institutions on par with the New York Public Library, the impact is being felt. Resource sharing on a regional and statewide basis is the overall goal of title III. Specifications included in this title are to serve as guidelines for the state agencies as they move toward eventual compliance with the standards set forth in the Title.

In existing law Title IV, Older Reader Services, authorized grants to the states for the provision of library services for the elderly. Enacted in 1973 by the Older Americans Act, Title IV has never been funded. Therefore, the committee chose to repeal Title IV and add specific language to the Title I state plan section of LSCA, that requires the states to include a thorough description of their programs for the elderly.

The delegates to the 1979 White House Conference on Library Services and Information Science made a strong recommendation to the Congress that direct services to Indians living on or near res-
ervations be provided for under the Library Services and Construction Act. Testimony was presented to the Subcommittee in support of the inclusion of a separate title allowing Indian Tribes to apply directly to the Department of Education for funding for the purpose of developing library services. A new section in LSCA, Title IV will allow for such funding. Each tribe recognized by the U.S. government plus the Office of Hawaiian Affairs as one tribe, is entitled to an equal grant from the Secretary. Upon completion of the first disbursement, any remaining funds are available in the form of discretionary grants. Awareness of a crucial need for library and information services has been growing among tribal leaders and Indian organizations throughout the past decade. Communications between these leaders and professionals in the library field has been strengthened in the course of several successful demonstration projects, and especially through the efforts of the National Commission on Libraries and Information Science.

In recognition of the Native American status of Native Hawaiians, and of their unique and pressing needs, the Committee adopted an amendment to include Native Hawaiians, along with Alaskan Natives and Indians, in the Indian program. The Education Subcommittee has heard testimony documenting that Native Hawaiians are at the bottom of most measures of educational achievement and are disproportionately represented among various indicators of social dysfunction. The Committee also understands that State library services do not reach many Native Hawaiians, particularly those on the outer Hawaiian Islands and in more isolated areas. The Committee believes that inclusion of Native Hawaiians in the Indian program will significantly improve their access to library and information services and address a critical need facing this population.

**HOWARD UNIVERSITY**

The bill also contains provisions to establish an endowment fund at Howard University, in Washington, D.C. This provision, originally introduced as S. 2510 with Senators Quayle, Eagleton, Hatch, and Kennedy as cosponsors, sets up a matching endowment fund to be used by the University to help achieve self-sufficiency; to improve facilities, and to ensure continued accreditation of all academic programs.

Title II of S. 2490 would permit the Appropriations Committee to set aside up to $2 million of the Howard University appropriations at one time or in segments to be used by Howard to establish an endowment fund. Before Howard University can receive the funds, it must raise a dollar for dollar match of the federal grant. This match must be raised from non-federal funds. Once the money has been placed in the trust, stringent rules apply: the money must be invested in the most secure investments (e.g., AAA-rated or government secured); Howard University cannot withdraw the endowment fund corpus (the basic endowment grant) at any time and if it does, the Secretary of Education can seek to recover all federal endowment grant funds; and Howard University can only use up to 50 percent of the interest earned on the endowment at any time, thereby encouraging growth of the fund. Endowment income may
not be used for any type of support of the University's executive
officers or for commercial ventures, similar to the purchase and op-
eration of the Howard Inn. These restrictions were added in full
committee in response to concerns expressed by several Senators
over the General Accounting Office (GAO) report of March 9, 1984
(GAO/HRD-84-43) on certain aspects of Howard's operations and
use of federally appropriated funds.

We recognize that Howard University needs to improve certain
aspects of its academic offerings, such as curriculum in certain
areas, facilities, the need for more faculty and more faculty re-
search, and library services, and we feel that Howard University
should be permitted the same endowment authority that Title III
(Higher Education Act) institutions have under Public Law 98-95.
It has also been shown that a college or university with a strong
endowment fund has a much better chance to weather tough finan-
cial times or periods of declining enrollments. It is our intention
that Howard University use its endowment fund wisely, that it
permit the fund to grow as much as possible without tapping it un-
necessarily, and that it become the economic base on which
Howard University can build a strong and stable future. This Com-
mittee will continue to have a strong interest in the oversight of
this and other programs at Howard.

With the healthy endowment in existence at Howard University,
we envision a stronger, more comprehensive University and ultim-
ately, less reliance by the University on the federal government.

**REAUTHORIZATION OF NATIONAL CENTER FOR EDUCATION STATISTICS
AND NATIONAL ASSESSMENT FOR EDUCATIONAL PROGRESS**

This amendment authorizes $9.3 million for NCES in fiscal year
1985, and such sums through fiscal year 1989. It was the intent of
the Subcommittee that the NCES should include among its respon-
sibilities the collection and timely dissemination of base-line li-
brary statistics.

This amendment further authorizes $4.6 million for NAEP in
fiscal year 1985, and such sums through fiscal year 1989. It was the
Subcommittee's view that the authorization ceiling in fiscal year
1985 allows for an increase of 0.4 million from the current appro-
priation level in fiscal year 1984 that would enable the NAEP
study to maintain its current service level. It was therefore the
Subcommittee's recommendation that the appropriation level in
fiscal year 1985 match that of the authorization level so that the
ongoing study of educational progress could continue as planned. It
was the Subcommittee's view that this amendment authorizes
funds to carry out the current NAEP study, and does not provide
for an expansion of NAEP's scope of responsibilities with the ex-
ception of providing for the development and implementation of a
study of educational progress on a state by state basis.

This amendment was passed unanimously by the Subcommittee.

**REGULATORY IMPACT STATEMENT**

In accordance with paragraph 5(a) of rule XXIX of the Standing
Rules of the Senate concerning the regulatory impact of proposed
legislation, the Committee provided the following evaluation of the
anticipated additional paperwork and other regulatory impact that would result from the implementation of S. 2490, which amended the Library Services and Construction Act:

A. ESTIMATED NUMBER OF INDIVIDUALS AND BUSINESSES REGULATED AND THEIR GROUP OF CLASSIFICATION

Indian tribes living on or near reservations would be eligible applicants for funds under Title IV of LSCA for the first time. Receipt of such funds would require tribal groups to complete state plan application forms.

B. IMPACT OF THE ACT ON PERSONAL PRIVACY

This legislation has no impact on personal privacy.

C. ADDITIONAL PAPERWORK, TIME AND COSTS

S. 2490 does require that state library agencies include some additional descriptive information regarding services provided to the elderly and to handicapped individuals. The actual increase in time and cost for preparation of state plans would be minimal, however.

D. ECONOMIC IMPACT OF SUCH REGULATION ON INDIVIDUALS OR BUSINESSES

Federally appropriated funds under this act do require matching monies for Title I, state grants, and Title II Construction. The state grant match would come out of general fund dollars. Matching funds under Title II must be raised on the level for community library projects.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Hon. Orrin G. Hatch,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2490, the Library Services and Construction Act Amendments of 1984, as ordered reported by the Senate Committee on Labor and Human Resources, May 1, 1984.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Eric Hanushek
(For Rudolph G. Penner).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 2490.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources, May 1, 1984.
4. Bill purpose: The purposes of this bill are (1) to amend and extend the authorization for appropriations for the Library Serv-
ices Construction Act, the National Assessment Programs, and the National Center for Education Statistics; and (2) to establish a grant to establish an endowment fund at Howard University. This bill is subject to subsequent appropriations action.

5. Estimated cost to the Federal Government:

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The cost of this bill falls in function 500.

**BASIS OF ESTIMATE**

The authorization levels shown in the table are stated in the bill except for the amounts for 1986–1989 for the national assessment of educational progress and the National Center for Education Statistics. These amounts reflect the 1985 stated authorization level adjusted by CBO's projections of costs increases. The estimated outlays assume full appropriation of authorized levels. For existing programs the estimated outlays reflect the current program spending patterns. Funds for the Howard University endowment are assumed to be transferred to the school once the appropriation is made.

6. Estimated cost to State and local governments: The Library Services and Construction Act funds are grants to states. In 1985, if this bill were fully funded, grants to states for library programs would be $143 million, an increase of $63 million from the 1984 funding level. Of this increase, $50 million would fund the construction program, which received no money in 1984. Depending on state per capita income, library services and interlibrary cooperation grants require states to match from 33 percent to 66 percent. The construction funds require a two-thirds match.

7. Estimate comparison: None.
8. Previous CBO estimate: None.

SECTION-BY-SECTION ANALYSIS OF THE LIBRARY SERVICES AND CONSTRUCTION ACT REAUTHORIZATION

TITLE I—LIBRARY SERVICES AND CONSTRUCTION

Section 101

This section gives the title of the Act "Library Services and Construction Act Amendments of 1984" and gives the Congressional findings relative to the Act. Those findings are as follows: The role of libraries has expanded to include providing programs to meet the needs of special populations, to help establish networks and share resource materials among a wide variety of libraries; the role of libraries as information centers should be expanded to meet the increasing needs of their communities for informational and educational resources, and the scope and purpose of the Library Services and Construction Act (LSCA) should be expanded to include a broader range of programs which may receive funds and to ensure services to populations which might otherwise be without library services.

Section 102

This section amends the declaration of policy to state that it is the purpose of the Act: to assist the states in extending services to areas and populations without such services, including the elderly and Indian tribes; to assist with library construction and renovation; to improve library services for special populations such as the handicapped and institutionalized; to assist in strengthening state library administrative agencies; to promote interlibrary cooperation and resource-sharing; and to strengthen major urban resource libraries.

Section 103

This section amends the definitions section to include the Northern Mariana Islands; to change Commissioner to Secretary of Education; to add to the definition of construction "remodeling to meet the standards under the Architectural Barriers Act of 1968, remodeling designed to conserve energy, and renovation or remodeling to accommodate new technologies". It also amends the definitions to include "Indian tribe" which is defined as "any Indian tribe, band, nation, or organized group or community, including the office of Hawaiian affairs as a single tribe, 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 as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary of the Interior."

Section 104

This section authorizes the following appropriations: For Title I, $75 million for fiscal year 1985, $80 million for fiscal year 1986, $85 million for fiscal year 1987, $90 million for fiscal year 1988, and $95
million for fiscal year 1989; for Title II, $50 million for fiscal years 1985-1989; for Title III, $18 million for fiscal year 1985, $21 million for fiscal year 1986, $24 million for fiscal year 1987, $27 million for fiscal year 1988, and $30 million for fiscal year 1989. For Title IV, a setaside equal to 1 percent of that appropriated for Titles I, II, and III is authorized. This section also adds a provision to place the LSCA program on a forward funded basis beginning in fiscal year 1985.

Section 105

This section amends the allotments to include allotments for Indian tribes. Each tribe is entitled to receive an equal amount of money based on the total appropriations for any fiscal year. If an Indian tribe does not apply for its allotment, that money will be retained by the Secretary and used to make discretionary grants on a competitive basis. Competitive grants require that the funds be administered by a librarian.

Section 106

This section amends requirements for state plans and programs to include priority for projects that improve access to library facilities for the least served populations in the state (including those of limited English speaking ability and programs and projects in both urban and rural areas) and for programs that serve the elderly, combat illiteracy, and that increase user access through effective use of technology. The section further specifies that any Indian tribe wishing to receive an allotment must submit an application to the Secretary of Education. In order to receive a discretionary grant, an Indian tribe must submit a long-range plan.

Section 107

This section mandates that the Secretary pay each Indian tribe which has an approved application an amount equal to that tribe’s allotment. If an Indian tribe receives an additional discretionary grant, Federal monies shall not exceed 80 percent of the cost of carrying out this plan.

Section 108

This section amends Section 101 of LSCA, “Grants to States for Library Services.” Grants to states may be used for extending library services to meet special needs of individuals in the state, to assist libraries to serve as community information referral centers, to provide literacy training for the public, and to improve and strengthen library administrative agencies and major urban resource libraries.

Section 109

This section amends Section 102 of LSCA to include using Federal funds to assist libraries in serving as community information referral centers.

Section 110

This section amends Section 103 of LSCA, “State Library Service Programs.” The allowable uses of Federal funds to provide pro-
grams for the elderly are outlined in this section. Legitimate expenses include: training librarians to work with the elderly; conducting special library programs for the elderly; purchasing special library materials; paying salaries for elderly people to work in libraries in programs for the elderly; providing in-home visits by librarians; establishing outreach programs to notify the elderly of library services available to them; and furnishing transportation to enable the elderly to have access to library services.

The section also ratably reduces the amount of money the State must expend for physically handicapped and institutionalized persons if Federal allocations to the State are reduced.

Section 111:

This section amends the use of library funds for the purposes of construction as defined in Section 3. The Federal share of the cost of construction shall not exceed one-third of the total cost of the construction project. If within twenty years after the completion of construction of a library facility which has been constructed with funds from LSCA, the facility is no longer used as a library, the U.S. government is entitled to recover an amount which bears the same ratio to the value of the facility at that time as the amount of the Federal grant was to the cost of the facility. The value of the building shall be determined by the parties involved or by the appropriate United States District Court. This amendment applies to any facility constructed with funds from Title II prior to or after the date of enactment of this bill.

Section 112

This section amends the resource sharing title of LSCA. The new name of the title is "Interlibrary Cooperation and Resource Sharing". The annual and long-range state plans will need to identify interlibrary and resource sharing objectives to be achieved during the period covered by the plans and may include the following: criteria for participation in statewide resource sharing to ensure inclusion of libraries of all types; analysis of the needs for the development and maintenance of bibliographic access; analysis of the needs for the development and maintenance of communications systems for information exchange among participants; analysis of the needs of the development and maintenance of delivery systems for exchanging library materials; a projection of hardware and software needs for the operation of the resource sharing system; a mechanism to identify users and help provide them access to library resources; a proposal for the development, establishment and maintenance of intrastate multitype library systems; analysis of the needs for the development and maintenance of multistate and national resource sharing systems; and a description of the methods for periodic evaluations of the state's success in meeting the requirements listed.

Non-profit and academic libraries participating in resource-sharing activities may be reimbursed for their expenses in loaning materials to public libraries.
Section 13

This section amends Title IV of LSCA to read "Title IV—Library Services for Indian Tribes." The Congress finds that this title is needed because most Indian tribes receive little or no funds under other titles of the Act, Indian tribes are generally considered to be separate nations and are seldom eligible for direct allocations from states, and the majority of Indians living on or near reservations have little or no access to libraries at all.

The purpose of this title is to promote the extension of library services to Indian peoples living on or near reservations; to provide incentives for encouraging the establishment of tribal library programs; and to improve the administration and implementation of library services of Indian tribes by providing funds to establish and support on-going library programs.

Funds may be used for: in-service or preservice training of Indians as library workers; purchase of library materials; conduct of special library programs for Indians; salaries of library workers; construction, purchase, renovation, or remodeling of library buildings and facilities; transportation to enable Indians to have access to library services; dissemination of information about library services; assessment of tribal library needs; and contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described above.

If tribes currently support public library systems, they must continue to expend the same amount of money in support of those services. Special collections of tribal cultural materials may be established and restricted.

Plans for discretionary grants must contain whatever information the Secretary of Education requires by regulation and shall also set forth a program for one year under which funds will be used consistent with a long-range program as well as the allowable expenditures.

The Secretary of Education shall consult with the Secretary of the Interior for the purpose of coordinating programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians. The Office of Hawaiian Affairs is an eligible applicant under this title as a single entity.

TITLE II—HOWARD UNIVERSITY ENDOWMENT

Section 201

This section gives the title of the bill as the Howard University Endowment Act.

Section 202

This section provides definitions for the act, including endowment fund income and endowment fund corpus. Endowment fund income means an amount equal to the total value of the endowment fund established under this title minus the endowment fund corpus. The endowment fund corpus means an amount equal to the grants awarded by Howard University.
Section 203

This section establishes the endowment grant program and authorizes the Secretary of Education to administer the program. The Appropriations Committee also has responsibility for setting the amount of funds to be placed into the endowment fund. The University may only receive a grant under this section if it has already placed matching funds into the endowment account. The match is dollar for dollar. Howard may not use federal funds for this match. The grant period shall last 20 years, after which the University may use the endowment fund corpus plus any endowment fund income for any educational purpose.

Section 204

This section describes the types of investments approved for Howard to invest the endowment money in (basically government-secured investments).

Section 205

This section provides for the withdrawal and expenditure of funds from the endowment. Howard may only use up to 50 percent of the interest for expenses necessary to its operation, maintenance, administration, academic and support personnel, construction and renovation, community and student services programs, technical assistance, and research. The Secretary is authorized to permit Howard to spend more than 50 percent of the endowment fund income under certain emergency situations. If the University spends more than 50 percent of the interest without approval, it must repay it. If the University expends any of the endowment fund corpus, it must also repay it. No endowment fund income may be used either for any type of support of the University's executive officers or for any commercial enterprise or endeavor entered into after January 1, 1981.

Section 206

This section provides for termination of the grant and authorizes the Secretary to recover funds, an opportunity for a hearing, if the University fails to abide by the provisions of this act. If the University expends the endowment fund corpus, (after repaying it according to Sec. 205) it could have its grant terminated and be required to return to the Treasury an amount equal to the original grant.

Section 207

This section authorizes appropriations of $2 million for the endowment fund to remain available until expended.

Section 208

This section makes technical and conforming changes.

Section 209

This section would make this amendment effective October 1, 1984.
TITLE III—ASSESSMENT AND STATISTICS AUTHORIZATIONS

Section 301

This section authorizes appropriations for the National Assessment on Educational Progress Program for fiscal years 1985–89. It includes a six percent increase in funding in fiscal year 1985 and such sums for the subsequent years.

Section 302

This section authorizes appropriations for the National Center for Education Statistics for fiscal years 1985–89. It includes a six percent increase in funding in fiscal year 1985 and such sums for the subsequent years.
ADDITIONAL VIEWS OF SENATOR NICKLES

Although I am certain that the Library Services and Construction Act has assisted many local libraries and provided many with beneficial services, I regret to say that I oppose the reauthorization of this Act.

In 1984, the appropriation for this program was 80 million dollars. Another 50 million dollars was appropriated for library construction under the Emergency Jobs Bill of 1983. When the Emergency Jobs Bill expires at the close of fiscal year 1984, this special appropriation for library construction will end.

But under S. 2490, this construction money would be continued through 1989. Therefore, the total authorization ceiling would increase from 80 million dollars in 1984 to 138 million dollars in 1985.

It appears that the goals of the construction aspect of this program have been accomplished. In his introductory statement, Senator Stafford states that 95 percent of the population has access to public libraries and their services. And, prior to the Jobs bill no federal money had been appropriated for library construction since the 1970's. If more money is needed for the creation of jobs in library construction, it would be more appropriate to continue this funding under the Emergency Jobs Bill.
CHANGES IN EXISTING LAW

In compliance with paragraph 11 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is shown in roman):

LIBRARY SERVICES AND CONSTRUCTION ACT

(Public Law 597, 84th Congress)

AN ACT To promote the further development of public library services

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 and Construction Act".

DECLARATION OF POLICY

[Sec. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies, in promoting interlibrary cooperation among all types of libraries, and in strengthening major urban resource libraries, in promoting interlibrary cooperation among all types of libraries.]

Sec. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services to areas and populations of the States which are without such services or to which such services are inadequate. It is the further purpose of this Act to assist with (1) public library construction and renovation; (2) improving State and local public library services for older Americans and Indian tribes, handicapped, institutionalized, and other disadvantaged individuals; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation and resource sharing among all types of libraries; (5) strengthening major urban resource libraries; and (6) increasing the capacity of libraries to keep up with rapidly changing information technology.

(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions and Indian tribes.

(19)
DEFINITIONS

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

(1) "Commissioner" means the Commissioner of Education. (2) "Secretary" means the Secretary of Education.

(2) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). Such term includes remodeling to meet standards under the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, remodeling designed to conserve energy and renovation or remodeling to accommodate new technologies. For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(3) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

(4) "Library services for the physically handicapped" means the providing of library services, through public or other non-profit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(5) "Public library" means a library that serves free of charge all residents of a community, district, region, and receives its financial support in whole or in part from public funds. Such term also includes a research library, which, for the purposes of this sentence, means a library, which—

(A) makes its services available to the public free of charge;

(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

(D) is not an integral part of an institution of higher education.

(6) "Public library services" means library services furnished by a public library free of charge.

(7) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.
(8) "State Advisory Council on Libraries" means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including the disadvantaged persons within the State;

(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, State plan; and

(C) assist the State library administrative agency in the evaluation of activities assisted under this Act;

(9) "State institutional library services" means the providing of books and other library materials, and of library services, to

(A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or

(B) students in residential schools for the physically handicapped [(including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education)] (including mentally retarded, hearing impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

(10) "State library administrative agency" means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

(11) "Basic 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 Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the [Commissioner.] Secretary.

(12) "Long-range program" means the comprehensive five-year program which 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 Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent with the Act as required by the regulations promulgated by the [Commissioner] Secretary and shall be updated as library progress requires.
(13) “Annual program” means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the [Commissioner.] Secretary.

(14) “Major urban resource library” means any public library located in a city having a population of 100,000 or more individuals, as determined by the [Commissioner.] Secretary.

(15) “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 as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, as determined by the Secretary after consultation with the Secretary of the Interior. The term “Indian tribe” includes the Office of Hawaiian Affairs for the purpose of furnishing library services under title IV to Hawaiian natives.

(16) “Hawaiian native” means any individual any of whose ancestors were natives prior to 1778 in the area which now comprises the State of Hawaii.

AUTHORIZATIONS OF APPROPRIATIONS

Sec. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, $137,150,000 for the fiscal year ending June 30, 1976, $110,000,000 for fiscal year 1978, $140,000,000 for fiscal year 1979, and $150,000,000 for fiscal year 1980 and each of the two succeeding fiscal years.

(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976, and such sums as may be necessary for fiscal year 1978 through fiscal year 1981, and $97,000,000 for fiscal year 1982.

(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, $18,200,000 for the fiscal year ending
June 30, 1976, $15,000,000 for fiscal year 1978, and $20,000,000 for fiscal year 1979 and each of the three succeeding fiscal years.

[(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated such sums as may be necessary for each fiscal year ending prior to October 1, 1982.]

SEC. 4. (a) There are authorized to be appropriated:

(1) for the purpose of making grants as provided in title I, $75,000,000 for fiscal year 1985, $80,000,000 for fiscal year 1986, $85,000,000 for fiscal year 1987, $90,000,000 for fiscal year 1988, and $95,000,000 for fiscal year 1989;

(2) for the purpose of making grants as provided in title II, $50,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, 1989; and

(3) for the purpose of making grants as provided in title III, $18,000,000 for fiscal year 1985, $21,000,000 for fiscal year 1986, $24,000,000 for fiscal year 1987, $27,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, 1988, 1989, 1 per centum of the amount appropriated pursuant to each of paragraph (1), (2), and (3) for each such fiscal year.

(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sum appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the [Commissioner] Secretary promulgated in carrying out the provisions of this subsection, be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

(c)(1) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation.

(2) In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

ALLOTMENTS TO STATES

SEC. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), or (3) [or (4)] of section 4(a) for any fiscal year, the [Commissioner] Secretary shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall
be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) [or (4)] of section 4(a) for any fiscal year, the [Commissioner] Secretary shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the "minimum allotment" shall be—

(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands; and

(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands; and

(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, Trust territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2) or (3) [or (4)] of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

(4) The population of each State and of all the States shall be determined by the [Commissioner] Secretary on the basis of the most recent satisfactory data available to him.

(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the [Commissioner] Secretary deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallocation from time to time on such dates during such year as the [Commissioner] Secretary shall fix. Such amount shall be available for reallocation to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the [Commissioner] Secretary estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallocated among the States not
suffering such a reduction. Any amount reallocated to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to section (a).

(c)(1) From the sums available pursuant to the last sentence of section 4(a) for any fiscal year, the Secretary shall allot an equal amount to each Indian tribe. Grants from such allotted sums shall be made to Indian tribes which have submitted approved applications under section 403.

(2) Any allotted funds for which an Indian tribe does not apply, or applies but does not qualify, shall be reallocated by the Secretary among Indian tribes which have submitted approved plans under section 404. In making such allocations (A) no funds shall be allocated to an Indian tribe unless such funds will be administered by a librarian, and (B) the Secretary shall take into account the needs of Indian tribes for such allocations to carry out the activities described in section 402(b).

[STATE] PLANS AND PROGRAMS

Sec. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and IV and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

(b) A basic State plan under this Act shall—

(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carrying out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for
groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families and to programs and projects which serve areas with high concentrations of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965, as amended).

(4) provide that priority will be given to programs and projects—

(A) that improve access to public library resources and services for the least served populations in the State, including programs for individuals with limited English-speaking proficiency, handicapping conditions and programs and projects in urban and rural areas;
(B) that serve the elderly;
(C) that are designed to combat illiteracy; and
(D) that increase services and access to services through effective use of technology.

(c)(1) The [Commissioner] Secretary shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;
(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

(2) The State plan shall be made public as finally approved.

(3) The [Commissioner] Secretary shall not finally disapprove any basic State plan submitted pursuant to subsection (a)(1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the [Commissioner] Secretary and shall—

(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;
(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;
(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and
(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of
higher education or local elementary or secondary schools and with other public or private library services programs. Such program shall be developed with advice of the State Advisory council and in consultation with the [Commissioner] Secretary and shall be made public as it is finally adopted.

(e) Whenever the [Commissioner] Secretary after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan, then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

(f)(1) If any State is dissatisfied with the [Commissioner’s] Secretary’s final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the [Commissioner] Secretary. The [Commissioner] Secretary thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the [Commissioner] Secretary if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the [Commissioner] Secretary to take further evidence, and the [Commissioner] Secretary may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

(3) The court shall have jurisdiction to affirm the action of the [Commissioner] Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(g)(1) Any Indian tribe desiring to receive its allotment under section 5(c)(1) shall submit an application to the Secretary in accordance with section 403.

(2) Any Indian tribe desiring to receive an additional allocation under section 5(c)(1) shall submit a plan in accordance with section 404.
**PAYMENTS TO STATES**

SEC. 7. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3), [or (4)] of section 4(a), the [Commissioner] Secretary shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3. (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the [Commissioner] Secretary determines that—

1. There will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—
   
   (A) Sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purposes, and
   
   (B) Not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

2. There will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

(b)(1) For the purpose of this section, the “Federal share” for any State shall be, except as is provided otherwise in title III [and title IV], 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

(b)(2) The “Federal share” for each State shall be promulgated by the [Commissioner] Secretary within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, and the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.
(c) From the sums available pursuant to the first sentence of section 4(a) the Secretary shall pay to each Indian tribe which has an approved application under section 403 an amount equal to such tribe’s allotment under section 5(c)(1) and shall pay to each Indian tribe which has an approved plan under section 404 an amount equal to such tribe’s allocation under section 6(g)(2), except that such additional allocation shall not exceed 80 percent of the cost of carrying out such plan.

ADMINISTRATIVE COSTS

Sec. 8. The amount expended by any State, from an allotment received under this Act for any fiscal year, for administrative costs in connection with any program or activity carried out by such State under this Act shall be matched by such State from funds other than Federal funds.

TITLE I—LIBRARY SERVICES

GRANTS TO STATES FOR LIBRARY SERVICES

Sec. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, for improving and strengthening library administrative agencies, and in strengthening major urban resource libraries.

GRANTS TO STATES FOR LIBRARY SERVICES

Sec. 101. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to states which have had approved basic state plans under section 6 and have submitted annual programs under section 103—

(1) for the extension of public library services to areas and populations without such services and the improvement of such services to areas and populations to ensure that such services are adequate to meet user needs and to make library services accessible to individuals who, by reason of distance, residence, handicap, age, literacy level, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public;

(2) for adapting public library services to meet particular needs of individuals within the States;

(3) for assisting libraries to serve as community information referral centers;

(4) for assisting libraries in providing literacy programs for adults and school dropouts in cooperation with other agencies and organizations, if appropriate;
(5) for strengthening state library administrative agencies; and
(6) for strengthening major urban resource libraries.

USES OF FEDERAL FUNDS

SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

(1) for planning for, and taking other steps leading to the development of, programs and projects designed to assist libraries to serve as community information referral centers and to extend and improve library services, as provided in clause (2);

(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers; and

(3) for supporting and expanding library services of major urban resource libraries which, because of the value of the collections of such libraries to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands made for such services.

No grant may be made under clause (3) of this subsection unless the major urban resource library provides services to users throughout the regional area in which such library is located.

(b) Subject to the provisions of section 8 and such limitations and criteria as the Commissioner Secretary shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

(c)(1) Subject to such criteria as the Commissioner Secretary by regulation, in any fiscal year in which sums appropriated pursuant to paragraph (1) of section 4(a) exceed $60,000,000, each State which is subject to the provisions of this subsection shall reserve that portion of the allotment of each State attributable to the amount in excess of $60,000,000 in that fiscal year in the manner required in paragraph (2).
(2)(A) In each State having one or more cities with a population of 100,000 or more individuals, as determined by the [Commissioner,] Secretary, and in which the aggregate population of such cities does not exceed 50 percent of the total population of the State, the portion of the excess amount specified in paragraph (1) shall be reserved for the purposes described in subsection (a)(3) of this section in accordance with clause (2) of section 103 in an amount which bears the same ratio to the total of such excess amount as the aggregate population of such cities bears to the total population of such State.

(B) In each State having one or more cities with a population of 100,000 or more individuals, as determined by the [Commissioner,] Secretary, and in which the aggregate population of such cities exceeds 50 percent of the total population of the State, 50 percent of the excess amount specified in paragraph (1) shall be reserved for the purposes described in subsection (a)(3) in accordance with clause (2) of section 103.

(C) Any State which does not include any city with a population of 100,000 or more individuals, as determined by the [Commissioner,] Secretary, shall not be subject to the provisions of this subsection.

STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

Sec. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner [Secretary] require by regulation, and shall—

(1) set forth a program, subject to clause (2) of this section, for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

(2) set forth a program for the year submitted under which the amount reserved by the State under section 102(c), if applicable, will be used for the purposes set forth in clause (3) of section 102(a);

(3) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped and institutionalized individuals during the second fiscal year preceding the fiscal year for which the determination is made;

(4) describe the uses of funds for programs for the elderly, which may include (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly particularly for the elderly who are handicapped; (C) the purchase of special library materials for use by the elderly; (D) the payment of salaries for elderly persons who wish to work in
libraries as assistants on programs for the elderly; (E) the provision of in-home visits by librarians and other library personnel to the elderly; (F) the establishment of outreach programs to notify the elderly of library services available to them; and (G) the furnishing of transportation to enable the elderly to have access to library services;

(5) describe the manner in which funds for programs for handicapped individuals will be used to make library services more accessible to such individuals;

[4] (6) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

[5] (7) include an extension of the long-range program, taking into consideration the results of evaluations.

No State shall, in carrying out the provisions of clause (2) of this section, reduce the amount paid to an urban resource library below the amount that such library received in the year preceding the year for which the determination is made under such clause (2). The amount which a State is required to expend pursuant to clause (1) of this section shall be ratably reduced to the extent that Federal allocations to the State are reduced.

TITLE II—PUBLIC LIBRARY CONSTRUCTION

GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

Sec. 201. The [Commissioner] Secretary shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

USES OF FEDERAL FUNDS

Sec. 202. (a) Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. [Such grants shall be used solely for the construction of public libraries for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, and for remodeling designed to conserve energy in the operation of public libraries under approved State plans.] Such grants shall be used for the construction (as defined in section 3(2)) of public libraries.

(b) For the purposes of subsection (a), the Federal share of the cost of construction of any project assisted under this title shall not exceed one-third of the total cost of such projects.

(c) If, within 20 years after completion of construction of any library facility which has been constructed in part with funds made available under this title—

(1) the recipient (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or
(2) the facility ceases to be used as a library facility, unless the Secretary determines that there is good cause for releasing the institution from its obligation,

the United States shall be entitled to recover from such recipient (or successor) an amount which bears the same ratio to the value of the facility at that time (or part thereof constituting an approved project or projects) as the amount of the Federal grant bore to the cost of such facility (or part thereof). The value shall be determined by the parties or by action brought in the United States district court for the district in which the facility is located.¹

STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

Sec. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year, be used, consistent with the State’s long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(4) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE III—INTERLIBRARY COOPERATION AND RESOURCE SHARING

GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

Sec. 301. The Secretary shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs and have submitted long-range and annual programs which are directed toward eventual compliance with the requirements of section 304.

¹ Subsection (c) of section 202 of the Act as added by the amendment made by paragraph (1) of this subsection shall apply to any facility constructed prior to or after the date of enactment of this Act with funds made available under title II of the Act.
USES OF FEDERAL FUNDS

Sec. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

Sec. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for interlibrary cooperation. Such program shall be submitted at such time, in such form, and contain such information as the [Commissioner] Secretary may require by regulation and shall comply with the requirements of Section 304, and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraphs (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

(2) include an extension of the long-range program taking into consideration the results of evaluations.

RESOURCE SHARING

Sec. 304. (a) The long-range program and annual program of each State shall include a statewide resource sharing plan.

(b) In developing the State basic and long-range programs, the State library agency with the assistance of the State advisory council on libraries shall consider recommendations from current and potential participating institutions in the interlibrary and resource sharing programs authorized by this title.

(c) The State's long-range program shall identify interlibrary and resource sharing objectives to be achieved during the period covered by the basic and long-range plans required by section 6. The long-range program may include—

(1) criteria for participation in statewide resource sharing to ensure equitable participation by libraries of all types that agree to meet requirements for resource sharing;

(2) an analysis of the needs for development and maintenance of bibliographic access, including data basis for monographs, serials, and audiovisual materials;
(3) an analysis of the needs for development and maintenance of communications systems for information exchange among participating libraries;

(4) an analysis of the needs for development and maintenance of delivery systems for exchanging library materials among participating libraries;

(5) a projection of the computer and other technological needs for resource sharing;

(6) an identification of means which will be required to provide users access to library resources, including collection development and maintenance in major public, academic, school, and private libraries serving as resource centers;

(7) a proposal, where appropriate, for the development, establishment, demonstration, and maintenance of intrastate multitype library systems;

(8) an analysis of the State's needs for development and maintenance of links with State and national resource sharing resource sharing systems; and

(9) a description of how the evaluations required by section 6(d) will be conducted.

(d) libraries participating in resource sharing activities under this section may be reimbursed for their expenses in loaning materials to public libraries.

TITLE IV—OLDER READERS SERVICES

GRANTS TO STATES FOR OLDER READERS SERVICES

Sec. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.


USES OF FEDERAL FUNDS

Sec. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out States plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.
STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

Sec. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

Sec. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965.

TITLE IV—LIBRARY SERVICES FOR INDIAN TRIBES

FINDINGS AND PURPOSE; AUTHORIZATION OF GRANTS

Sec. 401. (a) The Congress finds that—

(1) most Indian tribes receive little or no funds under titles I, II, and III of this Act;

(2) Indian tribes and reservations are generally considered to be separate nations and seldom are eligible for direct library allocations from States;

(3) the vast majority of Indians living on or near reservations do not have access to adequate libraries or have access to no libraries at all; and

(4) this title is therefore required specifically to promote special efforts to provide Indian tribes with library services.

(b) It is therefore the purpose of this title (1) to promote the extension of public library services to Indian people living on or near reservations; (2) to provide incentives for the establishment and expansion of tribal library programs; and (3) to improve the administration of library services for Indians by providing funds to establish and support ongoing library programs.

(c) The Secretary shall carry out a program of making grants from allotments under section 5(c)(1) to Indian tribes that have submitted an approved application under section 403 for library services to Indians living on or near reservations.

(d) The Secretary shall carry out a program of making special project grants from funds available under section 5(c)(2) to Indian tribes that have submitted approved plans for the provision of library services as described in section 404.
USE OF FUNDS

SEC. 402. (a) Funds made available by grant under subsection (c) or (d) of section 401 may be used for—

(1) inservice or preservice training of Indians as library personnel;
(2) purchase of library materials;
(3) conduct of special library programs for Indians;
(4) salaries of library personnel;
(5) construction, purchase, renovation, or remodeling of library buildings and facilities;
(6) transportation to enable Indians to have access to library services;
(7) dissemination of information about library services;
(8) assessment of tribal library needs; and
(9) contracts to provide public library services to Indians living on or near reservations or to accomplish any of the activities described in paragraphs (1) through (8).

(b) Any tribe that supports a public library system, shall continue to expend from Federal, State, and local sources an amount not less than the amount expended by the tribe from such sources for public library services during the second fiscal year preceding the fiscal year for which the determination is made.

(c) Nothing in this Act shall be construed to prohibit restricted collections of tribal cultural materials with funds made available under this Act.

APPLICATIONS FOR LIBRARY SERVICES TO INDIANS

SEC. 403. Any Indian tribe which desires to receive its allotment under section 5(c)(1) shall submit an application which contains such information as the Secretary may require by regulation.

PLANS FOR LIBRARY SERVICES TO INDIANS

SEC. 404. Any Indian tribe which desires to receive a special project grant from funds available under section 5(c)(2) shall submit a plan for library services on or near an Indian reservation. Such plans shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall set forth a program for the year under which funds paid to the Indian tribe will be used, consistent with—

(1) a long-range program, and
(2) the purposes set forth in section 402(a).

COORDINATION WITH PROGRAMS FOR INDIANS

SEC. 405. The Secretary shall coordinate with the Secretary of the Interior programs under this title with the programs assisted under the various Acts and programs administered by the Department of the Interior that pertain to Indians.
(k)(1) In addition to other responsibilities of the Institute under this section, the Institute shall carry out, by grant to or cooperative agreement (subject to the provisions of the Federal Grant and Cooperative Agreement Act of 1977) with a nonprofit education organization, a National Assessment of Educational Progress which shall have as a primary purpose the assessment of the performance of children and young adults in the basic skills or reading, mathematics, and communication. Such a National Assessment shall—

(A) collect and report at least once every five years data assessing the performance of students at various age or grade levels in each of the areas of reading, writing, and mathematics;

(B) report periodically data on changes in knowledge and skills and such students over a period of time;

(C) conduct special assessments of other educational areas, as the need for additional national information arises; and

(D) provide technical assistance to State educational agencies and to local educational agencies on the use of National Assessment objectives, primarily pertaining to the basic skills of reading, mathematics, and communication, and on making comparisons of such assessments with the national profile and change data developed by the National Assessment.

(2)(A) The education organization through which the Institute carries out the National Assessment shall be responsible for overall management of the National Assessment. Such organization shall delegate authority to design and supervise the conduct of the National Assessment to an Assessment Policy Committee established by such organization. The Assessment Policy Committee shall be composed of—

(i) five members appointed by the education organization of whom two members shall be representatives of business and industry and three members shall be representatives of the general public, and

(ii) twelve members appointed by the education organization from the categories of membership specified in subparagraph (B).

(B) Members of the Assessment Policy Committee appointed in accordance with division (ii) of subparagraph (A) shall be—

(i) one chief State school officer;
(ii) two State legislators;
(iii) two school district superintendents;
(iv) one chairman of a State board of education;
(v) one chairman of a local school board;
(vi) one Governor of a State; and
(vii) four classroom teachers.

(C) The Director of the Institute shall serve as an ex officio member of the Assessment Policy Committee. The Director shall
also appoint a member of the National Council on Education Research to serve as a nonvoting member of the assessment Policy Committee.

(D) Members appointed in accordance with divisions (i) and (ii) of subparagraph (A) shall be appointed for terms of three years, except that (i) in the case of members appointed for fiscal year 1979, one third of the membership shall be appointed for terms of one year each and one third shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be for such terms as remain unexpired. No member shall be appointed to serve more than two consecutive terms.

(3) The Assessment Policy Committee established by paragraph (2) shall be responsible for the design of the National Assessment, including the selection of the learning areas to be assessed, the development and selection of goal statements and assessment items, the assessment methodology, the form and content of the reporting and dissemination of assessment results, and studies to evaluate and improve the form and utilization of the National Assessment.

(4) Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, subject matter specialists, local school administrators, parents, and concerned members of the general public. All items selected for use in the assessment shall be reviewed to exclude items which might reflect racial, sex, cultural, or regional bias.

(5) Participation in the National Assessment by State and local educational agencies selected as part of a sample of such agencies shall be voluntary.

(6) The Director of the institute shall provide for a review of the National Assessment at least once every three years. This review shall provide an opportunity for public comment on the conduct and usefulness of National Assessment and shall result in a report to the Congress and to the Nation on the findings and recommendations, if any, stemming from the review.

(7) There are authorized to be appropriated $10,500,000 for each fiscal year ending prior to October 1, 1983, to carry out the provisions of this subsection.

(7) There are authorized to be appropriated $4,600,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of this subsection.

NATIONAL CENTER FOR EDUCATION STATISTICS

Sec. 406. (a) There is established, within the Office of the Assistant Secretary, a National Center for Education Statistics (hereafter in this section referred to as the "Center"). The Center shall be headed by an Administrator who shall be appointed by the Assistant Secretary in accordance with the provisions of title 5, United States Code, relating to appointments in the competitive service.

(b) The purpose of the Center shall be to collect and disseminate statistics and other data related to education in the United States and in other nations. The Center shall—
(1) collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States;
(2) conduct and publish reports on specialized analyses of the meaning and significance of such statistics;
(3) assist State and local educational agencies, including State agencies responsible for postsecondary education, in improving and automating their statistical and data collection activities;
(4) review and report on educational activities in foreign countries; and
(5) conduct a continuing survey of institutions of higher education and local educational agencies to determine the demand for, and the availability of, qualified teachers and administrative personnel, especially in critical areas within education which are developing or are likely to develop, and assess the extent to which programs administered in the Education Division are helping to meet the needs identified as a result of such continuing survey.

(c)(1) There shall be an Advisory Council on Education Statistics which shall be composed of 7 members appointed by the Secretary and such ex officio members as are listed in subparagraph (2). Not more than 4 of the appointed members of the Council may be members of the same political party.

(2) The ex officio members of the Council shall be—
(A) the Commissioner of Education,
(B) the Director of the National Institute of Education,
(C) the Director of the Census, and
(D) the Commissioner of Labor Statistics.

(3) Appointed members of the Council shall serve for terms of 3 years, as determined by the Secretary, except that in the case of initially appointed members of the Council, they shall serve for shorter terms to the extent necessary that the terms of office of not more than 3 members expire in the same calendar year.

(4) The Assistant Secretary shall serve as the non-voting presiding officer of the Council.

(5) (A) The Council shall meet at the call of the presiding officer, except that it shall meet—
(i) at least four times during each calendar year; and
(ii) in addition, whenever three voting members request in writing that the presiding officer call a meeting.

(B) Six members of the Council shall constitute a quorum of the Council.

(6) The provisions of section 448(b) of part D of this title shall not apply to the Council established under this subsection.

(7) The Council shall review general policies for the operation of the Center and shall be responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

(d)(1) The Assistant Secretary shall, not later than June 1 of each year, submit to the Congress an annual report which—
(A) contains a description of the activities of the Center during the then current fiscal year and a projection of its activities during the succeeding fiscal year;
(B) sets forth estimates of the cost of the projected activities for such succeeding fiscal year;

(C) includes a statistical report on the condition of education in the United States during the two preceding fiscal years and a projection, for the three succeeding fiscal years, of estimated statistics related to education in the United States; and

(D) clearly sets forth areas of critical need for additional qualified education personnel in local education agencies and, after discussion and review by the Advisory Council on Education Statistics, identifies priorities within rejected areas of need, and includes recommendations of the Council with respect to the most effective manner in which the Nation and the Federal Government may address such needs.

(2) The Center shall develop and enforce standards designed to protect the confidentiality of persons in the collection, reporting, and publication of data under this section. This subparagraph shall not be construed to protect the confidentiality of information about institutions, organizations, and agencies receiving grants from or having contracts with the Federal Government.

(e) In order to carry out the objectives of the Center, the Assistant Secretary is authorized, either directly or by grant or contract, to carry out the purposes set forth in subsection (b), and for that purpose the Assistant Secretary is authorized to make grants to, and contracts with public and private institutions, agencies, organizations and individuals.

(f)(1)(A) The Center is authorized to furnish transcripts or copies of tables and other statistical records of the Office of Education, the Assistant Secretary, and the National Institute of Education to, and to make special statistical compilations and surveys for, State or local officials, public and private organizations, or individuals. The Center shall furnish such special statistical compilations and surveys as the Committees on Labor and Human Resources and on Appropriations of the Senate and the Committees on Education and Labor and on Appropriations of the House of Representatives may request. Such statistical compilations and surveys, other than those carried out pursuant to the preceding sentence, shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies, the Assistant Secretary may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Assistant Secretary: Provided, That the purposes of such projects are otherwise authorized by law.

(B) All funds received in payment for work or services enumerated under subparagraph (A) shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

(2)(A) The Center shall participate with other Federal agencies having a need for educational data in forming a consortium for the purpose of providing direct joint access with such agencies to all educational data received by the Center through automated data processing. The Library of Congress, General Accounting Office, and the Committees on Labor and Human Resources and Appropriations of the Senate and the Committees on Education and
Labor and Appropriations of the House of Representatives shall, for the purposes of this subparagraph, be considered Federal agencies.

(B) The Center shall, in accordance with regulations published for the purpose of this paragraph, provide all interested parties, including public and private agencies and individuals, direct access to data collected by the Center for purposes of research and acquiring statistical information.

(3) The Commissioner and the National Institute of Education are directed to cooperate with the Center and make such records and data available to the Center as may be necessary to enable the Center to carry out its functions under this subsection.

(g)(1) The amount available for salaries and expenses of the Center shall not exceed $5,000,000 for the fiscal year ending June 30, 1975, $10,000,000 for the fiscal year ending June 30, 1976, and $14,000,000 for each of the fiscal years ending prior to October 1, 1983.

(2) The amount available for grants and contracts by the Assistant Secretary under subsection (e) shall not exceed $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for each of the fiscal years ending prior to October 1, 1983.

(3) Sums appropriated for activities and expenses of the Center which are not limited by paragraph (2) of this subsection shall be appropriated apart from appropriations which are so limited, as separate line items.

(h) There are authorized to be appropriated $9,300,000 for the fiscal year 1985 and such sums as may be necessary for each of the succeeding fiscal years ending prior to October 1, 1989 to carry out the provisions of this section (other than subsection (h)).

(i) In addition to its other responsibilities, the National Center for Education Statistics shall, in consultation with the Department of Education, collect uniform data from the States on financing of elementary and secondary education. Each State receiving funds under the Elementary and Secondary Education Act of 1965 shall cooperate with the National Center in this effort.

(A) The National Center shall, in consultation with the Department of Education, publish by no later than September 30, 1979, and by no later than September 30 of each second fiscal year thereafter, a composite profile of each State showing the degree to which each has achieved equalization of resources for elementary and secondary education among the school districts within the State. A summary of these profiles shall show this equalization among the States.

In compiling the profiles required by this paragraph, the National Center shall list the degree of equalization both within and among the States according to the following standards:

(i) the disparity in expenditures among school districts;
(ii) the disparity from wealth neutrality; and
(iii) such other measures as the National Center considers appropriate, including a consideration of price differentials and pupil-teacher ratios.
(3) There are authorized to be appropriated such sums as may be necessary for any fiscal year to assist the National Center in carrying out its responsibilities under this subsection.