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LIBRARY SERVICES AND CONSTRUCTION ACT
AMENDMENTS OF 1983

MAY 16, 1983.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Perkins, from the Committee on Education and Labor, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 2878]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill inserts a new text which appears in italic type in the reported bill.

INTRODUCTION

H.R. 2878 reauthorizes and amends the Library Services and Construction Act [LSCA], Public Law 597, the 84th Congress. The Act provides for Federal funding of public library programs and construction. The Federal role in assisting public libraries began in 1957 with a $2 million appropriation under the newly enacted Library Services Act. Rural in its orientation, with funds available only to communities under 10,000 in population, the Act was soon expanded to become the Library Services and Construction in 1964 with the rural limitation removed and a construction title added. Since 1956, some 17 million Americans have received library serv-
ices for the first time, and another 90 million persons have benefited from improved services.

LSCA has four Titles: Title I, Services; Title II, Construction; Title III, Interlibrary Cooperation; and Title IV, Older Readers Services. The purpose of LSCA is 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 library construction. LSCA also assists in the improvement of library services for physically handicapped, institutionalized, disadvantaged, or elderly persons and with people with limited English-speaking ability. Other provisions contained in the Act provide for strengthening state library administrative agencies, and for promoting interlibrary cooperation among all types of libraries.

A requirement for Title I and II stipulates that the states and communities must match the Federal contribution on the basis of a ratio of the state's per capita income to the average per capita income of the United States. In no case can the Federal share be less than 33 percent or more than 66 percent of the cost of the program. The Federal share for Titles III and IV is 100 percent.

Under Title I of LSCA, grants are awarded to states to:

- Develop and improve library service in geographical areas and to groups of persons without such service or with inadequate service;
- Provided library services for patient and inmates of state-supported institutions, physically handicapped individuals, and disadvantaged persons in low-income areas, both urban and rural;
- Strengthen metropolitan public libraries which function as regional or national resource centers; and
- Strengthen the capacity of the State Library Agency to meet the library and information needs of all people.

Federal funds may be used for books and other library materials, equipment, salaries, other operating expenses, state-wide planning and evaluation of the programs, and for administration of the state plan which must be submitted in order to receive Federal funds.

The minimum basic allotment for each of the states, Puerto Rico and the District of Columbia is $200,000. For American Samoa, Guam, the Virgin Islands and the Trust Territories of the Pacific Islands, it is $40,000. To be eligible for any grant, maintenance of state and local effort is required.

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 of such buildings. Architects' fees and the cost of the acquisition of land are also eligible expenses. When appropriations are sufficient the basic allotment for each state is $100,000; and for each outlying territory, $20,000. Title II was not funded from 1972 until the current fiscal year. $50 million was appropriated for fiscal year 1983 under the Emergency Jobs Appropriation Act.

Title III, Interlibrary Cooperation, provides grants to states for the planning, establishment and maintenance of cooperative net-
works of libraries at the local, regional or inter-state level. Such co-operative networks must provide for the "systematic and effective coordination of the resources of school, public, academic and special libraries and information centers in order to improve supplementary services to the special clientele served by each type of library or center." Providing appropriations are adequate, the basic allotment for states is $40,000; and for each outlying territory, $10,000.

Grants for Title IV, Older Reader Services, are made to the states for the provision of library services for the provision of library services for the elderly—including the purchase of special library materials, payment of salaries for elderly persons who wish to work in libraries, provisions of in-home visits by library personnel to the elderly, and the furnishing of transportation to enable the elderly to have access to library services. Providing appropriations are sufficient, the basic allotment to each state is $40,000; and to each outlying territory, $10,000. However, Title IV included in the Older Americans Act of 1973 (Public Law 93-29), has never been funded.

In order to participate in any LSCA program, each state must have a basic state plan approved by the Secretary of Education, plus a long-range, five year plan on state priorities for meeting the information needs of the people withing the state. A plan must also be submitted for each Title of the Act in which a state participates.

The Subcommittee on Postsecondary Education held a series of hearings across the Nation during the 97th Congress to review how well LSCA functioned in providing library programs. More than 200 witnesses testified or presented written testimony. Most of them agreed that LSCA was vital to the well being of public library programs. The original goal of providing libraries for all geographic locations throughout the country has been to a great extent achieved—with over 96 percent of the Nation having access to library services. However, with the information explosion that occurred since the 1950s the demand on public libraries increased dramatically. Libraries no longer serve as only repositories for books. They provide a wide range of information services and special programs for disadvantaged populations. Over the past 25 years the scope of LSCA has changed to allow for this expanded role. Today most libraries are serving not only the traditional needs of the community but are becoming information and referral centers which provide such diverse services as literacy training and outreach programs for the elderly.

The Subcommittee also found that as the economic situation has worsened and more and more people were seeking employment, libraries were utilized by both employees and employers. Moreover, as people found that they could no longer afford books and periodicals they turned to the library for those needs. Although LSCA had done a good job in providing programs for libraries and library users, it was clear that some major changes were needed if the role of the library in what is rapidly becoming an information society was to meet the challenges of the remainder of the decade.
Need for This Legislation

LSCA was last reauthorized in 1977 and was due to expire in October 1982. However, under the Omnibus Budget Reconciliation Act of 1981, LSCA was extended through the 1984 fiscal year. The Subcommittee conducted extensive oversight hearings in Washington and around the Nation during the last Congress to prepare for reauthorization. In general, LSCA programs were praised for the services they provided. However, certain areas of concern were raised:

The focus of LSCA needed to be changed from providing geographic access to a strong emphasis on providing access to services for a wide range of populations;
Libraries should be considered community information and referral centers, not just repositories for books;
There are no provisions for library services for America's Indian tribes;
Increased emphasis is needed on interlibrary cooperation;
Funding is desperately needed for Title II construction programs;
Although many libraries provided or coordinated extensive literacy training programs, no monies were specifically earmarked for literacy programs; and
Many libraries serve populations which spoke English as a second language but there was no LSCA funding available for the purposes of purchasing foreign language materials and in most cases projects involving foreign language materials were given a low priority by State library agencies.

The Committee believes these are compelling reasons why LSCA should be reauthorized at this time. Many of the needs outlined are directly tied to the Nation's economic, education, and employment well-being. Delaying the implementation of these changes only allows those problems to grow and become magnified.

The use of LSCA monies to provide for public library construction not only provides needed facilities for libraries, it also provides employment opportunities for those in the construction industry. Although $50 million has been provided for fiscal year 1983 by an Emergency Jobs bill for library construction, the authorization ceiling established in the Omnibus Budget Reconciliation Act of 1981 does not allow funding for the construction title. Unless that ceiling is changed by law, there probably will be no funding for fiscal year 1984.

Similarly, providing literacy training and library services for Indian tribes are both measures which help to alleviate serious employment and educational dilemmas. H.R. 2878 would provide for two new titles which would address these problems. Title IV of the bill calls for direct funding to Indian tribes to set up library service programs. Title VI allows libraries to apply directly to the Secretary of Education for funding to establish and coordinate literacy programs.

The expanded Title III will help state and local private and public libraries to share information and will ultimately increase services to library users, make information available from all
corners of the Nation to library users in diverse geographic locations, and will eventually reduce the costs of library programs.

Finally, expanding the role of libraries into community information and referral centers should be accomplished as expeditiously as possible. With the amount of knowledge individuals require growing on an almost daily basis, it is becoming critical that there be a source of information readily available to all citizens. That is the role that the LSCA reauthorization will enable public libraries play.

LEGISLATIVE HISTORY

The Committee on Education and Labor Subcommittee on Post-secondary Education held oversight hearings on the Library Services and Construction Act on September 15, 1981 in Washington, D.C.; September 17, 1981, in Detroit, Michigan; September 23, 1981 in New Haven, Connecticut; October 19, 1981 in Cleveland, Ohio; November 9, 1981 in Kansas City, Missouri; and December 6, 1981 in San Francisco, California. Testimony was received from over 200 witnesses, including State librarians, local librarians, delegates to the White House Conference on Library and Information Services Members of the National Commission on Libraries and Information Science, State legislators and other State officeholders, and public library users. On December 9, 1982 in consultation with members of the library community the Subcommittee circulated a discussion draft of the legislation incorporating recommendations received during the hearings. On April 15, 16, and 17, 1983, the Subcommittee held legislative hearings on the proposed legislation. On May 3, 1981, Representative Paul Simon, the Subcommittee Chairman and other Members of the Subcommittee, introduced H.R. 2878 to reauthorize and amend the Library Services and Construction Act.

On May 5, 1982 the full Education and Labor Committee reported the bill with two amendments, unanimously by voice vote.

A companion bill has not yet been introduced in the Senate.

COMMITTEE EXPLANATION OF LEGISLATION

There were two main goals in the reauthorization of LSCA:

To reauthorize the Act for five years;
To expand the Act to meet the needs of populations which have previously been underserved and to allow libraries to enter into the new era of information that is progressing so rapidly.

In order to accomplish the second goal it was necessary to expand the definition of what a library was and what functions it should serve. Throughout the legislation the library is referred to as a community information and referral center. The purpose of this language is to allow libraries to expand the informational role that they can play in the community. The Committee intends that the purpose of the community information and referral centers is to, in addition to furnishing the information usually furnished by libraries, systematically refer inquiries to an organization, agency, or individual competent to provide the information required. This
expanded function can be vital to library users in search of community services or information related to services available outside of the library.

In order to ensure that as much money as possible reaches local public libraries, the Committee placed a cap on how much money can be spent by the State library in the form of administrative costs. Previously there was no limit. H.R. 2878 imposes a five percent or $50,000 (whichever is larger) cap on these expenses. In full Committee an amendment was offered by Mr. Coleman to stipulate that administrative cost funds must come from Titles I and II of the Act. In the original bill all administrative monies could be taken from Title I. In agreeing to the amendment the Committee’s intent was to ensure that if a state received funding under Title II of the Act the five percent allowable administrative cost related to Title II activities would have to come directly from Title II. As amended the bill requires that a state not spend more than five percent of the total amount appropriated under Titles I, II, and III on administration. The amounts allowable under Title I and Title III could be taken from Title I funds, but the amount allowable from Title II would have to be taken from that Title. If the five percent amounted to less than $50,000 the State could take up to $50,000 from Title I of the Act for administrative costs.

In recent years a problem has developed in disbursement of funds to states. As a result libraries have at times not received funding until the year was half over. This has caused programs to be eliminated even though eventually the funding became available. In order to prevent the reoccurrence of this funding problem the bill provides for forward funding of library programs.

In Title II of the Act the definition of what are allowable construction expenses is reiterated. In past years the Department of Education has issued regulations which precluded all but new construction of facilities as allowable. H.R. 2878 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 purchase of existing historic buildings for conversion into libraries but it is the intention of the Committee that this course of action should only be followed if the buildings are suitable for renovation into libraries. H.R. 2878 also permits libraries to sell buildings constructed with LSCA funds if the Federal government is recompensed in proportion to the amount it originally furnished for the construction. If the building is over 20 years old no compensation is due to the Federal government.

Title III of the Act is strengthened and expanded in terms of what states should be doing to participate in interlibrary cooperation and resource sharing. While the bill does not mandate that the States meet all the specifications in Title III it does require that state plans be developed which show that the state is attempting to eventually comply with the standards set forward in the Title.

Under H.R. 2878, Title IV is directed to providing library services to Indian tribes. Previously Title IV was Older Readers Services. However, after ten years that Title had never been funded so the programs provided for older readers were incorporated as legitimate expenses under Title I of the bill. The new Title IV allows
Indian tribes to receive funding directly from the Secretary of Education for the purpose of developing library services. Each tribe recognized by the U.S. government is entitled to an equal grant from the Secretary. Additionally, funding is available for discretionary grants for long range library programs. Two percent of the funding for each of Titles I, II, and III is set aside to fund Title IV. Although Title IV funding goes directly to Indian tribes, it is the intention of the Committee that the tribes coordinate library service programs with State libraries in order to ensure maximum benefit from Federal library funds. The Committee also believes that Indian tribes should participate in resource sharing to the extent possible.

H.R. 2878 creates two new titles under LSCA. Title V provides for discretionary grants directly to libraries for the purpose of purchasing foreign language material. This will be particularly beneficial to libraries which have large numbers of users who speak English as a second language.

Title VI of H.R. 2878 allows libraries to apply directly to the Secretary of Education for grants to be used in the provision and coordination of literacy programs. Both State and local libraries are allowed to apply for the grants. In creating this Title, the Committee recognizes that libraries have already provided leadership in promoting literacy programs but that the problem is so serious nationwide that additional efforts are necessary.

COST OF H.R. 2878

In compliance with clause 2(i)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, as timely submitted prior to the filing of this report, is set forth as follows:

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimates for H.R. 2878, the Library Services and Construction Act Amendments of 1983, as ordered reported by the House Committee on Education and Labor on May 11, 1983.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimates.

Sincerely,

JAMES BLUM
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

4. Bill purpose: The purpose of this bill is to amend and extend through 1988 the Library Services and Construction Act. This bill is subject to subsequent appropriations action.
5. Estimated cost to the Federal Government:

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<td>45</td>
<td>117</td>
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The cost of this bill falls within function 500.

Basis of estimate: The costs of this bill are based on the authorization levels specifically stated in the bill. The final draft of the bill was not available at the time this estimate was prepared. The estimates were based on early bill drafts and discussions with committee staff. Public library services and interlibrary cooperation grants are currently authorized through 1984, in the Omnibus Reconciliation Act of 1981, at the amounts stated in this bill. Estimated total outlays assume full appropriations of authorized levels. The outlays reflect current program spending patterns.

6. Estimated cost to the State and local government: The library services grants have a state matching requirement ranging from 33 percent to 66 percent depending on state per capita income. The national average matching requirement is roughly 50 percent. In 1983 the required state match was approximately $60 million; however, states have far overmatched the requirement as federal funding is approximately 5 percent of total expenditures. Under existing authorization for 1984 the required match would be approximately $65 million, this would grow to $80 million in 1985 under this bill. In the light of the current level of state and local expenditures, these required matching levels would be met, for the most part, without further increases.

The library construction grant, with a minimum state match requirement of 50 percent, had not been authorized or funded in recent years until the Emergency Jobs Supplemental appropriations in March. In the supplemental, this program was funded at $50 million. Indications are that states and local governments have a backlog of construction projects and will be able to meet the $50 million state matching requirements over the next year. This bill extends these construction grants for five years with a required minimum state match of $50 million each year. It is not known
whether states will continue to fund library construction projects at the maximum federal fund level.

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

INFLATIONARY IMPACT STATEMENT

Pursuant to clause (2)(l)(4), rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2878 will have a modest inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the total Federal budget is negligible.

OVERSIGHT STATEMENT

In compliance with clause 2 (l)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Postsecondary Education established pursuant to clause 2(b)(1) of rule X of the House of Representatives and rule 18 (a) of the Rules of the Committee on Education and Labor.

In compliance with clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings or recommendations of the Committee on Government Operations were submitted to the Committee with reference to the subject matter specifically addressed by H.R. 2878.

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

Section 1

This section gives the title of the Act “Library Services and Construction Act Amendments of 1983”, and gives the Congressional findings relative to the Act. Those findings are as follows:

The role of libraries have expanded to include providing programs to meet the needs of special populations, providing literacy training programs for illiterate and functionally illiterate adults and sharing resources materials among a wide variety of libraries;

The role of libraries as information centers for their communities needs to be expanded to meet increasing needs for informational and educational resources;

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 2

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 population without such services; assist Indian tribes in
planning and developing library services to meet their needs; assist
with library construction and renovation; improve library services
for special populations such as the handicapped and institutionalized;
assist in strengthening state library administrative agencies;
promote interlibrary cooperation; and strengthen major urban re-
source libraries.

Section 3

This section amends the definitions to include Indian tribe which
is defined as "any Indian tribe, band, nation, or 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 eligi-
gle 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 4

This section authorizes the following appropriations: For title I,
$65 million for fiscal year 1984, $80 million for fiscal year 1985, $85
million for fiscal year 1986, $90 million for fiscal year 1987, and $95
million for fiscal year 1988; for Title II, $50 million for fiscal years
1984 through 1988; for Title III, $15 million for 1984, $20 million
for 1985, $25 million for 1986, $30 million for fiscal year 1987; and
$35 million for fiscal year 1988; for Title IV—a setaside equal to 2
percent of that appropriated for Title I, II, and III; for each of fiscal
years 1985 through 1988; for Title V, $1 million for each of fiscal
years 1985 through 1988; and for Title VI $5 million for each of
fiscal years 1985–1988. This section also provides that LSCA appro-
priations be forward funded.

Section 5

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 6

This section amends requirements for state plans and programs
to include priority for projects that improve access to library facili-
ties for the least served populations in the state and for programs
that serve the elderly and combat illiteracy. The section further
specifies that any Indian tribes 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 7

This section mandates that the Secretary pay each Indian tribe
which has an approved application an amount equal to that tribes
allotment. If an Indian tribe receives a discretionary grant, Federal
Section 8

This section amends the matching provisions for states and requires instead that administrative costs may not exceed 5 percent of the amount of the total state allotment or $50,000 whichever is greater.

Section 9

This section amends Section 101 of LSCA, "grants to states for library services." Grants to states may be used for extending library services to areas and populations that are underserved, adapting public library services to meet special needs of individuals in the state, for assisting libraries to serve as community information and referred centers, providing literacy training for the public, and for improving and strengthening library administrative agencies and major urban resource libraries.

Section 10

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

Section 11

This section amends Section 103 of LSCA, "state library service programs." The use of Federal funds to provide programs for the elderly is 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 the library services.

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

Section 12

This section amends the use of library funds for purposes of construction. The construction of public libraries means "remodeling to meet standards under the Architectural Barriers Act of 1968, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries." The Federal share of the cost of construction shall not exceed one-half of the total cost. If within twenty years after the completion of construction of a library facility with 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.

Section 13

This section amends the resource sharing title of LSCA. The new name of the title is "Interlibrary Cooperation and Resource Sharing". The following specifications are included in the annual state plan and the long-range plan:

- 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;
- Identification mechanism: which will be required to provide users 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;
- Description of the methods for periodic evaluations of the state's success in meeting the requirements listed.

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

Section 14

This section amends Title IV of LSCA to read "Title IV—Library Services for Indian Tribes." The Congress found 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; 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 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: inservice 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 service; 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 in paragraphs 1 through 8.

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

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

The Secretary 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.

Section 15

This section amends the Act by adding two new titles: Title V, Foreign Language Materials Acquisition and Title VI, Library Literacy Programs.

Under Title V, the Secretary shall carry out a program of making grants to State and local libraries for the purpose of acquiring foreign language materials. The maximum grant is $15,000.

Under Title VI, the Secretary shall carry out a program of making grants to State and local libraries for the purpose of supporting literacy programs State libraries may use the grants for coordinating and planning library literacy programs and for making arrangements for training librarians and volunteers to carry out the programs. Local libraries may use the grant for acquisition of literacy materials, promoting volunteer literacy programs, and using library facilities for literacy programs.

The maximum allowable grant shall not exceed $25,000.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, 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 proposed 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 serv-
ices 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 and to assist Indian tribes in planning and developing library services to meet their needs. 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 physically handicapped, institutionalized, and other disadvantaged persons; (3) strengthening State library administrative agencies; (4) promoting interlibrary cooperation among all types of libraries; and (5) strengthening major urban resource libraries.

(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.

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.

(3) "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). 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. Such term includes remodeling to meet standards under the Architectural Barriers Act of 1968, remodeling designed to conserve energy, renovation, or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries.

(4) "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.

(5) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit 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, or 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 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 library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general—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) 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 adminis-
ter 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.

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:

(12) 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 the fiscal year 1978, $140,000,000 for the 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.
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.

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.

There shall be available for the purpose of making grants under title IV for each of the fiscal years 1985, 1986, 1987, and 1988, 2 percent of the amount appropriated pursuant to each paragraphs (1), (2), and (3) thereof, 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.

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 AND INDIAN TRIBES

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 Island, 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, and the 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] Sec-
retary 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 if 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 subsection (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 amounts 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 allocated 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 [Commissioner] Secretary may find necessary to assure the correctness and verification of such reports; and

(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;

(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 the 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] Secretary 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 the 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)(2) 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 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 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 purpose, 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 Northern Mariana Islands, 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, the Northern Mariana Islands, 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.

(2) The "Federal share" for each State shall be promulgated by the 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, the Virgin Islands, the Northern Mariana 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 last 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 additional 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.

**ADMINISTRATIVE COSTS**

**Sec. 8.** A State may expend funds received under titles I and II for administrative costs in connection with programs and activities carried out under titles I, II, and III, but such administrative expenditures under such titles for any fiscal year may not exceed the greater of (1) 5 per centum of the sum of the amounts allotted to such State under such titles for such fiscal year, or (2) $50,000.

**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 persons who, by reason of distance, residence, physical 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 persons within the States;

3. for assisting libraries to serve as community information and 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 State 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 and 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

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 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, dissemi-
nation 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 li-
brary administrative agencies for meeting the needs of the people
of the States.

(c)(1) Subject to such criteria as the [Commissioner] Secretary
shall establish by regulation, in any fiscal year in which sums ap-
propriated 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 [Commission-
er] 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 re-
served 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 ag-
gregate 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 [Commission-
er] 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 [Commission-
er] Secretary shall not be subject to the provisions of this subsec-
tion.

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] Secre-
tary may 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 pro-
gram, 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 appli-
cable, 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 during the second fiscal year preceding the fiscal year for which the determination is made;

(4) describe the extent to which such funds will be used for (A) the training of librarians to work with the elderly; (B) the conduct of special library programs for the elderly; (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;

[(4)](5) 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)](6) 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 amounts 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 (3) 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-half of the total cost of such project.

(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.

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 Secretary 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] section 6, 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.

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 paragraph (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 which is directed toward eventual compliance with the provisions of this section.

(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 and shall 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 bases 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 for 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 multi-type library systems;

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

(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 State 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 cent 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) in-service 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.
TITLE V—FOREIGN LANGUAGE MATERIALS ACQUISITION

GRANTS FOR FOREIGN LANGUAGE MATERIAL ACQUISITION

Sec. 501. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(4) to State and local public libraries for the acquisition of foreign language materials.

(b) Recipients of grants under this title shall be selected on a competitive basis.

(c) No grant under this title for any fiscal year shall exceed $15,000.

TITLE VI—LIBRARY LITERACY PROGRAMS

STATE AND LOCAL LIBRARY GRANTS

Sec. 601. (a) The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(5) to State and local public libraries for the purposes of supporting literacy programs.

(b) Grants to State public libraries under this title shall be for the purpose of

   (1) coordinating and planning library literacy programs; and
   (2) making arrangements for training librarians and volunteers to carry out such programs.

(c) Grants to local public libraries shall be for the purposes of—

   (1) promoting the use of the voluntary services of individuals, agencies, and organizations in providing literacy programs;
   (2) acquisition of materials for literacy programs; and
   (3) using library facilities for such programs.

(d) Recipients of grants under this title shall be selected on a competitive basis.

(e) No grant under this title for any fiscal year shall exceed $25,000.
DISSENTING VIEWS ON H.R. 2878

H.R. 2878, which reauthorizes the Library Services and Construction Act [LSCA] for fiscal years' 1985-88, would provide costly and unnecessary federal funds to public libraries. The bill would authorize $684 million for public libraries over those four fiscal years.

Despite our support of public libraries, of all they bring to our citizenry, and the contributions they have made to our society, we cannot support this bill because it continues to authorize federal funding of libraries. We are opposed to federal funds being spent for public libraries, which are mostly, and should be totally, funded by the local community.

Since 1956, the federal government has provided more than $2 billion to extend and improve library services in areas of states which were without such services and to develop interlibrary cooperation. Twenty-five years of federal support have helped state and local agencies to provide basic library service, particularly to groups and individuals previously unserved. As a result of the assistance provided through these programs, public library services have been extended to nearly every area of the Nation and to various target populations. These funds have also improved the ability of states to extend services through resource sharing and networking.

Library construction and renovation programs under title II have been funded under the Emergency Jobs bill for the first time in ten years. The Appropriations Committee and Congress have not seen fit to fund this program since 1973, realizing that scarce funds could be better used elsewhere. Funding the construction program this fiscal year is a result of the Congress' decision to provide jobs to American workers affected by unemployment, not a result of the Congress' decision to fund library construction and renovation on its own merits.

LSCA has, for practical purposes, met its national goal of improving access to library services. We believe that states and local governments should not bear the full responsibility for assuring that the quality of service is not diminished. Today, over $1.5 billion is expended annually on public libraries on which the federal proportion stands at about 5 percent. The growth of state aid to public libraries over the twenty-five year life of LSCA indicates the willingness of most states to assume increased responsibility for public library services. Specifically, in 1981, 46 states provided a total of $180.8 million, as compared with only 23 states providing about $5 million in 1956. As these numbers indicate, local and private sources continue to be the mainstay of support for our library systems.

The Administration has requested no funds for federal library programs for fiscal years 1983 and 1984. Their position is that the very small amount of money provided to public libraries by the fed-
eral government is not essential to public libraries, and can be better used in other programs that rely more heavily on federal support and do not have a strong, local funding base.

H.R. 2878 also would create two new federally funded programs, one (title V) for the purchase of foreign language materials at an authorization of $1 million per year and the other (title VI) for literacy projects at an authorization of $5 million per year. We strongly oppose creation of these new titles of LSCA. Both activities are currently authorized under title I, and many libraries are conducting such activities. We certainly cannot support creating new authorizations for programs already permitted and conducted under current law. We must subtract from the federal deficit, not add to it.

In addition to our concerns regarding federal funding of libraries, we are concerned about section 4(b) of the bill which would shift the LSCA to forward-funding beginning in fiscal year 1985. To shift the program to forward-funded would require a double appropriation of funds in fiscal year 1985, an action to which the Appropriations Committee and the Administration are generally opposed. Libraries do not run on an academic year and do not need to contract with teachers, as schools do. Therefore, it is not necessary for libraries to receive their funds on a forward-funded basis. We hope that when H.R. 2878 is considered by the House this provision will be removed from the bill.

Libraries receive almost 95 percent of their funding from state and local sources. Clearly, libraries are not going to disappear if federal funding is withheld. We believe that LSCA has served its purpose and that libraries should be maintained by the communities they serve.

For these reasons, will oppose passage of H.R. 2878 if it is brought to the House for consideration.

John N. Erlenborn.
Howard C. Nielson.