

1989

## Library Services and Construction Act: Reauthorization (1989-1994): Report 13

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*Crawley/Rogers  
Combined draft*

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1989

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

REPORT

(to accompany S. 1291)

(Including cost estimate of the Congressional Budget Office)

The Committee on Labor and Human Resources, to which was referred the bill (S. 1291) to reauthorize the Library Services and Construction Act, having considered the same, reports favorably there on with an amendment and recommends that the bill as amended pass.

INTRODUCTION AND BACKGROUND

The Library Services and Construction Act was first enacted as the Library Services Act and was signed into law by President Eisenhower in 1956. It was established to assist states in extending and improving library services to rural and underserved areas. At that time it was found that only one in six Americans had adequate access to public library services.

In 1964, the name of the Act was changed to the Library Services and Construction Act when its purpose was broadened to include service to urban areas and assistance for public library construction projects. In succeeding years LSCA was further broadened to include improvement of library services to the physically handicapped, institutionalized, disadvantaged, elderly, persons with limited English-speaking ability and Indian tribes and Hawaiian natives. Provisions were also added to assist states in promoting interlibrary cooperation and to help them afford updated technological equipment. Libraries continue to use LSCA funds to respond to the user's needs in this new era of information, ethnic diversity, and the global economy. LSCA funds reach all fifty states and protectorates allowing each state the flexibility to meet its individual library needs and goals.

The Library Services and Construction Act was last reauthorized in 1984 (P.L. 98-480) and amended in 1988 (P.L. 100-569). S. 1291, the Library Services and Construction Act Amendments of 1989, extends the current authorization through FY 1994. S. 1291 also adds a new Title VII to the Act which provides funds for research and assessment of current public

library programs. The titles contained in S. 1291 are as follows:

Title I	Public Library Services
Title II	Public Library Construction
Title III	Interlibrary Cooperation
Title IV	Library Services for Indian Tribes
Title V	Foreign Language Materials Acquisition
Title VI	Library Literacy Programs
Title VII	Evaluation and Assessment

Titles I through III allocate grants to the states on the basis of a formula that includes a state matching requirement. Title IV is a set-aside of funds appropriated for Titles I through III to provide library services to American Indians and Native Hawaiians. Titles V and VI are discretionary grant programs administered by the Department of Education where awards are based on national competition. Title VII is administrative funds for the Department of Education.

#### LEGISLATIVE HISTORY

The Subcommittee on Education, Arts and Humanities held a joint hearing with the House Subcommittee on Postsecondary Education on April 11, 1989. Testimony was received from ten witnesses representing several different perspectives: the Administration, the Chief Officers of State Library Agencies, the American Library Association, Chicago Public Library, Seneca Nation of Indians and a number of public librarians from across the country. Additional written testimony was received from individuals and organizations representing a broad cross-section of the public library field including: the Association of Research Libraries, and Literacy Volunteers of America .

Senator Pell, Chairman of the Subcommittee on Education, Arts and Humanities, introduced S.1291 on July 11, 1989 on behalf of himself, Mrs. Kassebaum, Mr. Matsunaga, Mr. Cochran, Mr. Dodd, Mr. Simon, Mr. Jeffords, Mr. Kennedy, Mr. Hollings, and Mr. Glenn. On July 13, 1989 the Subcommittee on Education, Arts and Humanities held a mark-up on S. 1291 and favorably reported the bill with no amendments. The ~~full~~ Committee on Labor and Human Resources favorably reported S.1291 on July 20, 1989 with one amendment which was adopted by unanimous voice vote.

#### TABULATION OF VOTES IN SUBCOMMITTEE

The Subcommittee on Education, Arts and Humanities passed S. 1291, the Library Services and Construction Act Amendments of 1989, by unanimous voice vote on July 13, 1989 without amendments.

↑  
any

Senators present were as follows:

space ↗ Pell  
Simon  
Mikulski  
Kassebaum  
Cochran  
Hatch

#### TABULATION OF VOTES IN COMMITTEE

The Labor and Human Resources Committee passed S. 1291, the Library Services and Construction Act Amendments of 1989 on July 20, 1989 with one amendment offered by Senator Simon by unanimous voice vote. Senators present:

Kennedy  
Pell  
Metzenbaum  
Matsunaga  
Dodd  
Simon  
Harkin  
Adams  
Mikulski  
Hatch  
Kassebaum  
Jeffords  
Coats  
Thurmond  
Durenberger  
Cochran

#### SIMON AMENDMENT

Senator Simon offered an amendment that would recognize the increasing demand on libraries for foreign language materials, the escalating costs of these materials, and that major urban resource libraries have a disproportionate demand for such materials.

Title V of LSCA provides grants to state and local libraries for foreign language material acquisition. This amendment waives the maximum grant amount available under Title V for major urban resource libraries (as defined in the Library Services and Construction Act). The amendment allows for no more than thirty percent of the total funds appropriated for Title V to provide grants to major urban resource libraries ~~which exceed the existing grant cap of \$15,000.~~ in excess of

Seventy percent of the sums appropriated will continue to be distributed to rural and urban communities alike.  
(Taken from 7/20/89 Sarah Malm memo.)

have a greater demand for

Recognizing the greater financial burden on MURLS

The amendment recognizes that major urban resource libraries provide ~~smaller libraries with~~ foreign language materials. For example, forty percent of all information requests to the Chicago Public Library from other libraries in the State of Illinois are for foreign language materials. <sup>encourage</sup> Therefore, the Committee adopted this language to afford major urban resource libraries with more flexibility in obtaining Title V funding. The Committee also recognizes that libraries serving smaller communities have a need for foreign language materials. To meet this need, the Committee encourages smaller libraries to apply for grants ~~provided~~ under Title V. <sup>to apply?</sup>

retained 70% of the Title V funding with the \$15,000 cap and

PURPOSE AND SUMMARY

As the Committee began its review of the Library Services and Construction Act in anticipation of this reauthorization, it was generally agreed that significant changes to the Act should await the recommendations of the White House Conference on Library and Information Services. This conference, which was authorized in the 100th Congress, is to be held not later than September 1991. Preliminary conferences in the states will occur at which important issues currently facing the library and information services communities will be discussed at length. The Committee believes that it is prudent to await the findings of this Conference so that its recommendations can be made part of any future Congressional discussion of this Act.

Consequently, in response to testimony received, the Committee decided to proceed with a reauthorization that provides minor adjustments in the existing program and makes necessary technical modifications. <sup>AWK</sup> The most noteworthy programmatic changes from current law concern an added emphasis on technology within the framework of LSCA I, II and III and on the preservation of library materials within LSCA II and III. In addition, Title I activities have been expanded to include literacy and <sup>child-centered</sup> activities; a new title VII ~~has been added~~ for the evaluation and assessment of LSCA by the Department of Education; and various technical amendments have been included to increase flexibility and efficiency. <sup>of what? of current LSCA programs.</sup>

should this be childcare center?

TECHNOLOGY ENHANCEMENT

The Committee ~~has~~ amended Title II of LSCA to expand its focus from the renovation and construction of public library facilities to include their enhancement through technology. Witnesses before the Subcommittee verified the need for access and upgrading of outdated equipment to meet the needs of the twenty-first century and a global economy.

The Committee amended Title II by the addition of "technology enhancement" to the name of the title, adding a definition of the term "technology enhancement", and expanding

} Isn't this new section by section

the meanings of the terms "construction" and "equipment". Jane Hatch, the Director of the Southwest Kansas Library System and → the Dodge City Public Library, noted in her testimony that the "agricultural producer, manufacturer or student in the very smallest rural community needs access to that global information network just as badly as anyone else." Yet the costs for the equipment that provides such access is high. "We are talking now about libraries that are used to using typewriters that are twenty years old, and now we are introducing technology that will have to be upgraded and replaced in four to five years to make it available and able to enter into this global market place."

Many libraries have not been able to allocate funds from their operating budgets sufficient to take full advantage of technological applications. Capitalization costs have imposed a significant barrier. It is the Committee's intent that substantial technological equipment necessary to provide access to information, that is, equipment in the nature of a capital investment, may be a permissible use of Title II funds, even though it may not be part of a construction or renovation project.

#### PRESERVATION COOPERATION

Dr. F. William Summers, President of the American Library Association, testified that a significant part of our nation's library resources is endangered and must be preserved. "The acidic nature of the paper used for books, magazines, newspapers, and government records since about 1850 will self-destruct. It turns yellow and brittle, and literally breaks or crumbles with use." Cramped and unsuitable shelving conditions in many libraries also endanger library materials which will be needed by future generations.

Mr. Summers' testimony went on to show that in several states small amounts of LSCA funds have been allocated for aspects of preservation. These initiatives have largely been undertaken under Title III as part of a state's resource sharing program in which the state library works with universities, all types of libraries, information centers, networks and others.

The Committee added language to Title III to authorize an optional statewide preservation cooperation program in which state library agencies would work with libraries, historical societies, archives, scholarly organizations and other agencies in a comprehensive program to ensure preservation of endangered library materials. States which choose this option would be required to develop a plan specifying the method by which the state library agency would work with these organizations to ensure that endangered materials are preserved.

The added emphasis on preservation in S. 1291 parallels the Senate's recent action in passing S.J. Res. 57, a resolution that would establish a national policy to encourage the use of acid-free, permanent paper for books, records, and publications of enduring value. Forty-seven Senators joined in co-sponsoring this resolution which urgently recommends that federal agencies require the use of such paper for publications of enduring value and the use of archival quality papers for permanently valuable records. The resolution urges that similar action be taken in the private sector to curb the manufacture and use of acid papers in favor of nonacidic alkaline paper. Every book that is produced on acid free paper today reduces the total number of volumes requiring costly deacidification, and frees up preservation resources which can be used to attack the backlog of endangered publications dating back to 1850.

#### MAINTENANCE OF EFFORT

Current law includes provisions to insure state maintenance of effort in respect to annual financial contributions from state and local sources. Money that is spent each year cannot be less than the amount spent the previous two years and requires that these title I funds be matched by state and local sources. The Committee found that the "maintenance of effort" requirement has proven helpful in securing and maintaining state and local support for LSCA programs with some reporting expenditures in excess of that required by the Act.

LSCA programs have changed with successive reauthorizations, but there has been no updating of the "maintenance of effort" requirement. The Committee found that overmatching resulted in excessive paperwork and bookkeeping. Therefore, the bill permits state library agencies to review their state and local expenditures under the Act every five years. Then a current report must be filed with the Secretary to measure the "maintenance of effort". This provision can be used to measure the FY 1990 "maintenance of effort" using FY 1988 and 1989 data.

#### MAJOR URBAN RESOURCE LIBRARIES

Current law restricts the amount allocated to a major urban resource library (MURL) from falling below the amount the library received in the preceding year. When the LSCA title I appropriation exceeds \$60 million then, up to one half of the funds over \$60 million must be granted to the MURLS libraries. If an appropriation falls below the previous year's, the state is required to maintain the current level of funding to the major urban resource library despite a decrease in federal monies.

It is the intent of the Committee to address this inequity by permitting payments to MURLS libraries to be ratably reduced in proportion to the reduction in federal appropriations to the

state. The bill also authorizes a  
the 1990 census shows the populati

This is a dangling  
sentence - it

to occur if  
reased.

CHILD CARE AND INTERGENERA

needs a beginning or  
something

Research revealed  
that

The Committee found that child care services and facilities were an increasing need of families across the nation. More and more children are being left unattended in libraries afterschool. Library staff time is increasingly being spent in ensuring that these children do not disturb other patrons or damage library property, thus decreasing the time that can be spent serving the needs of all library visitors. According to a 1988 report prepared by the Service to Children Committee of the Public Library Association, "what to do with and about library latchkey children' has become one of the most rapidly developing public policy arenas."

\* Need  
connector  
here.

It sounds  
almost like  
this is the title  
of the book.

problems in the

The Committee found that  
One way to address this problem is through intergenerational programs. Using older volunteers to provide literacy and reading skills programs for children provides a meaningful way for older Americans to share their talents and greatly benefits the children who receive both assistance in developing reading skills and special attention from an older adult, and it helps the also staffs of public libraries who are taking time from their other duties to supervise latchkey children".

add space

The Committee recognizes that libraries are committed to helping children and believes that it is appropriate to provide assistance that will enable libraries to develop intergenerational programs in which older volunteers provide school literacy and reading skills programs for unsupervised school children during afterschool hours. It therefore found it appropriate to authorize the use of Title I funds for providing programs in which older volunteers aid in afterschool programs for unsupervised school children at local public libraries. these activities

The Committee also recognizes that libraries have long been in the forefront of providing books and other educational materials to young children. However, the Committee acknowledges that not all individuals are able to visit local libraries. The Committee hence found it appropriate to permit Title I funds to be used to assist libraries in providing bookmobiles, or other appropriate vehicles, to deliver library materials to licensed or certified family-based or group child-care providers, child care centers, or other providers that meet state eligibility requirements.

ILLITERACY

The Committee would also like to recognize the growing concern among Americans about the high rate of illiteracy in the United States. It therefore recommends that the maximum grant

Sandy -  
Can we  
shorten Glenn's  
language to 2  
paragraphs since  
we only give 1? It's  
BuschwitB also a lot  
longer than  
rest of  
sections.

award under title VI be raised to \$35,000 from \$25,000. It is anticipated that the larger grant size will have a greater impact in helping to address the profound problem of adult illiteracy in this country. These funds, which are made available on the basis of a national competition, are used for the operation of adult literacy programs in public libraries. The Committee also doubled the authorization amount for title VI from \$5 million to \$10 million to emphasize the concern it has for the high rate of illiteracy in our nation.

Recognizing the need to improve efforts to curb the high incidence of adult functional illiteracy, the Committee has added library literacy centers as an allowable purpose for Title I monies. These centers could operate in existing local libraries under the direction of the State Library Administrative Agency in conjunction with other bodies such as the State Educational Agency, the State Employment Agency and public television. Funds could be used to produce video cassettes to be distributed by the local library or to be viewed by the public within the library itself.

#### EVALUATION AND ASSESSMENT

The Committee also felt that there was a need for accountability in the funds expended under the Act. It thus added a new title to the original Act, Title VII -- Evaluation and Assessment, with an authorization amount of \$500,000. The purposes of these funds are to provide a review of programs supported under the authority of the Library Services and Construction Act and the degree of their effectiveness in reaching their intended target populations. The Committee found there is no large body of evaluation research from which to evaluate programs and to promote them to the library community for replication. In a series of regional technical assistance workshops conducted by the Department of Education's Office of Library Programs, over 100 state library staff members indicated a need for assistance in improving the quality of evaluation of LSCA funded projects. Title VII will aid the library profession in following a more scientific approach in demonstrating program effectiveness, efficiency, practical and statistical significance.

#### COST ESTIMATE

→ Insert CBO cost estimate here.

#### REGULATORY IMPACT STATEMENT

The Committee has determined that there will be no increases in the regulatory burden imposed by this bill.

Won't there be a slight regulatory burden bk of effort, maintenance of effort, and preservation.

SECTION-BY-SECTION ANALYSIS OF THE LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1989

Section 1

This section specifies the short title <sup>of the bill</sup> as the Library Services and Construction Act Amendments of 1989 and clarifies that all references in this legislation refer to the Library Services and Construction Act. (20 U.S.C. 351 et seq.)

Section 2

<sup>Don't we want to use Section 3 instead of "definitions" since we use the same word 5 words later?</sup>  
 This section amends the definitions section <sup>of the Act</sup> by expanding the definition of "construction" by striking "and initial equipment" in paragraph (2) and inserting "and for the purchase, lease, and installation of equipment"; by striking "to conserve energy" in paragraph (2) and inserting "to ensure safe working environments and to conserve energy" and striking "includes machinery" and inserting "includes information and building technologies, video and telecommunications equipment, machinery". Section 2 also ~~adds two new paragraphs that define~~ <sup>includes</sup> "handicapped individual" and "network". <sup>definitions</sup>

Section 3(a)

This section authorizes the Titles at the following levels for fiscal year 1990 and such sums as may be necessary for each of the fiscal years 1991 through 1994:

Title I	Public Library Services	\$100,000,000
Title II	Public Library Construction	55,000,000
Title III	Interlibrary Cooperation	35,000,000
Title IV	Indian Library Services	(2% of appropriations
	for Titles I, II and III)	
Title V	Foreign Language Materials	1,000,000
Title VI	Library Literacy Programs	10,000,000
Title VII	Evaluation and Assessment	500,000

Section 3(b)

This section amends Section 4(b) of the Act to permit a carryover of funds until such time as they are expended.

Section 4(a)

<sup>Section 5(c) of the Act to change</sup>  
 This section amends <sup>the</sup> the internal allocation of funds under Title IV, Library Services for Indian Tribes. One half of the funds available would be used for basic grants with each tribe submitting an application to the Department of Education to receive an equal share of the funds appropriated ~~from the~~ <sup>Add 2 spaces</sup> remaining appropriated funds, special project grants would be

Sandy -  
We might want to  
combine this paragraph  
with the 1st one to  
hide it from Stevens  
and the Alaskans.

submitting an application and who received a

The Secretary is also required to promulgate regulations which prevent groups with overlapping memberships from receiving dual payments for the same individuals.

Section 4(b)

This section inserts language after section 5(c)(2) of the Act to conform with previous changes.

Section 5

This section amends section 6 of the Act by requiring the Secretary of Education to provide the State Library Agency with the opportunity to comment on any application for Title V and VI funds prior to the awarding of such grants so that such awards will be consistent with the long range plans required under section 6(d) of the Act.

XX  
What about  
interlibrary  
& sharing  
and  
requiring  
the Sec. to  
coordinate  
programs?

adding a new subsection  
which

Section 6

This section amends section 7 of the Act by providing for periodic review and revision of maintenance of effort requirements under subsections (a)(1)(B) and (a)(2) of the Act to allow states to report levels of state and local expenditures ~~more closely related to the LSCA program in the state. Review and revision would occur every five years.~~

~~the Sec.~~

Section 7

This section amends Section 101 of the Act by adding a new paragraph (4) to permit Title I funds to be used for the development of Intergenerational Library programs for unsupervised school children during afterschool hours.

Section 8

This section amends Section 101 of the Act by adding a new paragraph (5) to permit Title I funds to be used for assisting libraries in providing bookmobile services to eligible childcare providers.

Section 9

This section amends Section 101 of the Act by adding a new paragraph (6) to permit Title I funds to be used to establish and support model Library Literacy Centers.

Section 10

↑  
move to next page

This section amends Section 102(a) of the Act by inserting a new sentence which permits states to subgrant to library systems or networks other than public libraries.

Section 11

This section amends Section 102(c) of the Act by inserting a new paragraph which permits states to ratably reduce grants to Major Urban Resource Libraries (MURLS) if the federal appropriation falls below the level of the previous year or the 1990 Census shows the population of a city has decreased.

Section 12

This section amends Section 103 of the Act by ~~striking redundant and confusing language and leaves the purposes more appropriately stated under Section 102, Uses of Federal Funds.~~

Section 13(a)

This section amends Section 3 of the Act by inserting a new paragraph to define "technology enhancement" to include the acquisition, installation, maintenance, or replacement, of substantial technological equipment necessary for new information and communications technologies.

Section 13(b)

*This section*  
~~Section 13(b)~~ amends section 101 of the Act by inserting a new paragraph (10) to include the use of technology.

Section 13(c)

*This section*  
~~Section 13(c)~~ amends Title II of the Act by retitling the title as "Public Library Construction and Technology Enhancement", amending section 201 of the Act by inserting after "Construction" "and Library and Information Technology Enhancement"; by amending sections 201, 202(a), 202(b), 203(1), 203(2) and 203(3) of the Act by inserting "and technology enhancement" after "construction" each place it appears; by amending section 202(a) of the Act by striking "section 3(2)" and inserting "sections 3(2) and 3(19)), respectively" and by amending section 203 of the Act by inserting "and technology enhancement" after "construction".

Section 13(d)

*This section*  
~~Section 13(d)~~ amends section 302(a) of the Act by expanding the use of Title III funds to include "developing the technological capacity of libraries for interlibrary cooperation and resource sharing."

Section 14

This section amends section 203 of the Act by inserting a new paragraph which ensures that public libraries are constructed with future preservation needs in mind.

Section 15

This section amends Sections 301 and 304(a) of the Act by striking "eventual" and inserting "attaining".

Section 16(a)

*This section*  
~~Section 16(a)~~ amends title III of the Act by inserting a new section 305 which permits long-range programs and annual programs of each state to include optional statewide preservation cooperation plans and the identification of preservation objectives.

Section 16 (b)

*This section*  
~~Section 16(b)~~ requires states choosing this option to specify the methods by which the state library will work with the entities in preserving endangered library and information resources and to develop such a plan "in consultation with such parties and agencies as the State archives, historical societies, scholarly organizations and other interested parties".

Section 16 (c)

*This section*  
~~Section 16(c)~~ permits states that have a statewide preservation cooperation plan to use up to 40 percent of title III funds for this activity.

Section 16 (d)

*This section*  
~~Section 16(d)~~ permits the state library agency to contract all or part of its preservation program to other institutions.

Section 17

This section amends section 601(e) of the Act by striking "\$25,000" and inserting "\$35,000".

Section 18

This section amends Title V by exempting major urban resource libraries from the maximum grant limitation of \$15,000. In addition, the Secretary of Education is directed to provide no more than 30% of funds appropriated under this title to major urban resource libraries in excess of the amount of ~~this~~ limitation.

*\$ 15,000 grant*

Section 19(a)

This section amends the Act by adding a new "Title VII - Evaluation and Assessment" that authorizes \$500,000 for the Secretary of Education to carry out a program for the purpose of evaluation and assessment of programs authorized under this Act.

Section 19(b)

This section amends section 5(a) of the Act by striking paragraph (5).

Section 20(a)

This section amends Title I of the Act by inserting "public" before "library" in the heading.

Section 20(b)

This section amends Section 101 of the Act by inserting "public" before "library" in the heading.

Section 21

This section states that the provisions of this Act shall take effect on October 1, 1989.

CHANGES IN EXISTING LAW ?

In compliance with paragraph (11) <sup>11 or 12</sup> 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):