

1989

Library Services and Construction Act: Reauthorization (1989-1994): Report 14

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LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS OF 1989

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

REPORT

(to accompany S. 1291)

(Including cost estimate of the Congressional Budget Office)

INTRODUCTION

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 that is so critical in the field of information science. 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. The Act is unique in that it allows each state the flexibility to meet its individual library needs and goals.

S. 1291 reauthorizes and amends LSCA which was last reauthorized in 1984 (P.L. 98-480) and amended in 1988 (P.L. 100-569). The current authorization extends through FY 1989 and includes six titles:

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

For titles I through III, grants are allocated by statutory formula 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.

LEGISLATIVE HISTORY

The Subcommittee on Education, Arts and Humanities held a joint hearing with the House Subcommittee on Postsecondary Education on April 11, 1989, at which testimony was received from ten witnesses appearing before the Subcommittees. Additional written testimony was received from individuals and organizations representing a broad cross-section of the public library field. The organizations included the Association of Research Libraries, the Chief Officers of State Library Agencies, Literacy Volunteers of America and the American Library Association.

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 reported the bill out with no amendments. The full Committee on Labor and Human Resources held a mark-up on S. 1291 on July 20, 1989, and reported the bill with one amendment which was adopted by unanimous voice vote.

TABULATION OF VOTES IN COMMITTEE

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

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

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 by unanimous voice vote.

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.

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. 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.

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 outcome of this Conference so that its findings can be part of any future Congressional discussion of LSCA.

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. 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 child-centered 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.

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. to accomplish this, 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 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 an eligible 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 is compatible with the Senate's recent action in passing S.J. Res. 57, a resolution that would establish a national policy to encourage the publication on acid free permanent paper of 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 publications dating back to 1850.

MAINTENANCE OF EFFORT

The law requires that there be available from state and local sources for each year not less than the total amount actually expended in the second preceding year. The law also requires that LSCA Title I funds be matched by state and local funds. The maintenance of effort requirement has proved helpful in securing and maintaining state and local support for LSCA programs. States are maintaining their support of LSCA programs and in many cases the states expend and report expenditures far in excess of that required for participation in LSCA.

As LSCA programs have changed to accommodate different needs identified in successive reauthorizations, there has been no provision for reassessing and updating the reporting of matching

expenditures. Overmatching results in excessive paperwork and bookkeeping. S. 1291 provides that every five years the state library agency may review its state and local expenditures under the program and file with the Secretary a current, revised expenditure level to be used for measuring the maintenance of effort in future years. The review and revision authorized in the bill may be made of the FY 1988 and FY 1989 expenditures, providing a basis for measuring effort in FY 1990 and beyond.

MAJOR URBAN RESOURCE LIBRARIES

The paragraph that follows subsection (7) of Section 103 of the law provides that "no State shall, in carrying out the provisions of clause (2) of this section, reduce the amount paid to an urban resource library below the amount that such library received in the year preceding the year for which the determination is made under clause (2)". The MURLS provision goes into effect when the the LSCA Title I appropriation exceeds \$60 million, requiring that up to one half the funds available of the "excess" must be granted to the MURLS libraries. In FY 1989 the LSCA Title I appropriation is \$81 million. If the appropriation for FY 1990 were to be decreased by \$5 million, the state would have to maintain MURLS payments in FY 1990 at the FY 1989 level even though the allocations would be reduced substantially.

S. 1291 would address this by providing that the payments to MURLS libraries could be ratably reduced to the extent that federal allocations to the State are reduced. S. 1291 would also authorize a ratable reduction to the extent that the 1990 census shows the population of a city has decreased.

INTERGENERATIONAL LIBRARY SERVICES

Title I purposes as reflected in annual programs would be expanded to include "assisting libraries in developing intergenerational library programs that will match older volunteers with libraries interested in developing after school literacy and reading skills programs for unsupervised school children during afterschool hours."

Across our nation, more and more children are being left unattended in libraries afterschool due to the lack of adequate, affordable day care. 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."

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; it greatly benefits the children who receive both assistance in developing reading skills and special attention from an older adult; and it helps the staffs of public libraries who are taking time from their other duties to supervise "latchkey children".

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.

The Committee wishes to emphasize the increasing problem of unsupervised school children in public libraries afterschool. Libraries are encouraged to design and apply for literacy program grants to establish intergenerational programs in which older volunteers help these children with literacy and reading skills.

The Committee has also raised the maximum amount of a literacy grant under Title VI from \$25,000 to \$35,000. These funds, which are made available on the basis of national competition, are used for the operation of adult literacy programs in public libraries. It is anticipated that the larger grant size will have greater impact in helping to address the profound problem of adult illiteracy in this country.

CHILDCARE LIBRARY OUTREACH

(to be added by Senator Boschwitz)

LIBRARY LITERACY CENTERS

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

(to be added by Senator Kassebaum)

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

Section 1

This section specifies the short title 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.

Section 2

This section amends the definitions section by amending the definition of "Construction" to allow for the purchase, lease, and installation of equipment; adds the phrase "ensure safe working environments and to conserve energy" and broadens the reference to machinery to include new forms of library technologies. Section 2 also adds two new paragraphs that define "handicapped individual" and "network".

Section 3

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 4

This section amends the internal allocation of funds under Title IV, Library Services for Indian Tribes. One half of the setaside for Indian tribes would be used for basic grants with the amount of the basic grant being determined by dividing this half by the number of tribes that submit an approved application. The other half would be used for special project grants. Under current law, the basic grant equals the 1.5% setaside divided by the total number of tribes. All funds not applied for successfully are reallocated as special project grants.

To avoid applications from overlapping entities serving the same area, the bill requires that implementing regulations "prevent an allocation from being made to serve the same population by any two or more of the following: an Alaskan native village, a regional corporation or a village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act."

Section 5

This section requires the Secretary of Education to provide the State Library Agency with the opportunity to comment on any application for Title V and VI funds as it relates to the overall state plan.

Section 6

This section provides for periodic review and revision of maintenance of effort requirements 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.

Section 7

This section amends Title I purposes as reflected in annual programs to include Intergenerational Library Services.

Section 8

This section amends Title I purposes as reflected in annual programs to include Childcare Library Outreach.

Section 9

This section amends Title I purposes as reflected in annual programs to include Library Literacy Centers.

Section 10

This section amends Title I by recognizing that grants of Title I funds to library systems or networks result in improved library services.

Section 11

This section amends Title I to make it possible to ratably reduce grants to Major Urban Resource Libraries (MURLS) should there be a drop in federal appropriations or in the population of cities which qualify.

Section 12

This section deletes redundant and confusing language and leaves the purposes more appropriately stated under Section 102, Uses of Federal Funds.

Section 13

This section amends Title II to include the following: a new definition is added to define "technology enhancement", Title I purposes as reflected in annual programs would be expanded to include use of technology, LSCA Title II is retitled "Public Library Construction and Technology Enhancement", "Technology Enhancement" is added as an allowable use of Title II funds, and the use of Title III funds is expanded to include "developing the technological capacity of libraries for interlibrary cooperation and resource sharing."

Section 14

This section amends Title II to ensure that public libraries constructed under this title are constructed with future preservation needs in mind.

Section 15

This section substitutes the "attaining" for the word "eventual" Section 301 and 304 of the Act.

Section 16

This section amends Title III by providing for an optional statewide preservation cooperation plan and the identification of preservation objectives. States choosing this option are required to develop such a plan "in consultation with such

parties and agencies as the State archives, historical societies, scholarly organizations and other interested parties". The plan must specify the methods by which the state library will work with the entities in preserving endangered library and information resources. The state library agency may contract all or part of its preservation program to other institutions. States with preservation cooperation plans are permitted to use up to 40 percent of Title III funds to carry them out.

Section 17

This section amends Title VI by raising the amount of a literacy program grant from \$25,000 to \$35,000.

Section 18

This section adds a new Title VII to the Act that would authorize \$500,000 for the Secretary of Education to carry out a program for the purpose of evaluation and assessment of LSCA programs.

Section 19

This section changes the references from "library services" to "public library services" in Title I.

Section 20

This section states that the amendments made by this Act shall take effect on October 1, 1989