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# Institute of Museum and Library Services Act (1996): Report 13

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# **LIBRARY SERVICES AND TECHNOLOGY ACT**

## **HIGHLIGHTS OF HOUSE-SENATE CONFERENCE RECOMMENDATIONS**

This document is a proposed House-Senate compromise on the library provisions of H.R. 1617 (S. 143), recommended by the inter-association Task Force on LSCA Reauthorization that developed the Library Services and Technology Act for consideration by Congress. These recommendations for consideration by the House-Senate conference committee on H.R. 1617 (S. 143) have been developed by the American Library Association, the Chief Officers of State Library Agencies, and the Urban Libraries Council.

ALA, COSLA, and ULC commend both the House and the Senate for development, with bipartisan cooperation, and passage, by significant margins, of an updated, reorganized, tightly focused federal role to stimulate technological innovation and improvement of library services for the American people. The intent of these recommendations is to combine the strengths of the House and Senate approaches.

**PURPOSE & TOP PRIORITY OF RECOMMENDATIONS:** Enactment of an effective, appropriate, and responsible program of federal stimulus to technological innovation in libraries and improvement of library services for the American people.

To achieve this result, the recommendations incorporate the following features:

1. Retains the state-based approach of both bills--sending most funds through state library agencies to allow maximum flexibility and encourage partnerships to meet differing needs for library service in the states and localities.
2. Retains the fuller federal role of S. 143--with an authorization level that accommodates a small amount of direct federal assistance for national needs and special projects in libraries, special demonstrations, education and training programs, and preservation of library materials. Retains ESEA III-F school library resources program as an authorized program.
3. Retains the Senate bill's structure, with library programs administered by an Institute of Museum and Library Services, in order to retain the Senate's more comprehensive federal role.
4. Shortens, simplifies, and reduces the bureaucratic requirements of the LSTA provisions, in order to retain the House bill's simplicity.
5. Retains House and Senate emphasis on workforce and economic development, and literacy and lifelong learning, while maintaining a balance between stimulating technology infrastructure for libraries, and assistance to those who need special help for access to library services and information technologies.

# LIBRARY SERVICES AND TECHNOLOGY ACT

Proposed House-Senate compromise  
on library provisions of H.R. 1617 (S. 143)  
recommended by  
the American Library Association,  
the Chief Officers of State Library Agencies,  
and the Urban Libraries Council

[Assumes administration of LSTA by Institute of Museum and Library Services, and inclusion of amendments to Museum Services Act as in Senate-passed S. 143]

## TITLE II--MUSEUM AND LIBRARY SERVICES SUBTITLE A--GENERAL PROVISIONS [as in Senate-passed S. 143]

### SUBTITLE B--LIBRARY SERVICES AND TECHNOLOGY

#### Sec. \_\_1. SHORT TITLE

This subtitle may be cited as the "Library Services and Technology Act of 1995."

#### Sec. \_\_2. PURPOSES

The purposes of this Act are--

- (1) to consolidate library service programs previously included in the Library Services and Construction Act and the Higher Education Act title II;
- (2) to stimulate excellence and promote equity and lifelong access to learning and information resources in all types of libraries;
- (3) to combine the ability of the Federal Government to stimulate significant improvement and innovation in library services with support at State and local levels, and with cooperative programs with other agencies and with public and private sector partnerships;
- (4) to promote library services that provide all users access to information through regional, State, national and international electronic networks;
- (5) to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.

### Sec. \_\_3. AUTHORIZATION OF APPROPRIATIONS

(a) In general.--There are authorized to be appropriated to the Secretary of Education for the purposes of this subtitle and for related administrative expenses, \$150,000,000 for fiscal year 1997, and such sums as may be necessary for each of fiscal years 1998 through 2002 to carry out the programs under this subtitle.

(b) Transfer.--The Secretary of Education shall transfer any funds appropriated under the authority of paragraph (a) to the Director to enable the Director to carry out this subtitle.

(c) Advance notice of funding.--For the purpose of affording adequate notice of funding available under this subtitle, an appropriation to carry out this subtitle is authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which such appropriation is 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 appropriations Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year. Until such time as such transitional appropriations are enacted, and notwithstanding other provisions of this Act, the programs authorized under this subtitle shall be current funded on the basis of a fiscal year beginning on October 1.

### Sec. \_\_4. RESERVATIONS AND ALLOTMENTS

(a) Reservations.--From the amount appropriated under the authority of Section \_\_3(a) for any fiscal year, the Director shall reserve--

(1) Administration.--Not more than 5 percent of the funds to pay for the Federal administrative costs of carrying out this subtitle.

(2) Joint projects.--Not less than 5 percent and not more than 7 percent of the funds for projects described in section \_\_\_\_.

(3) Indian tribes.--Not more than 1 1/2 percent to award grants in accordance with section \_\_10 [unless included elsewhere in bill].

(4) National leadership program.--Not more than 8 percent to carry out a national leadership program in library science in accordance with section \_\_11.

(b) Allotments.--

(1) In general.--From the sums appropriated under the authority of section \_\_3(a) and not reserved under subsection (a) for any fiscal year, the Director shall allot the minimum allotment as determined under paragraph (3) to each State. Any sums remaining after minimum allotments have been made for such year shall be allotted in the manner set forth in paragraph (2).

(2) Remainder.--From the remainder of any sums appropriated under the authority of section \_\_3(a) that are not reserved under subsection (a) and not

allotted under paragraph (1) for any fiscal year, the Director shall allot to each State an amount that bears the same relation to such remainder as the population of the State bears to the population of all the States.

(3) Minimum allotment.--

(A) In general.--For the purposes of this subsection the minimum allotment shall be--

(i) \$70,000 each to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

(ii) \$340,000 to each of the other States.

(B) Ratable reduction.--If the sums appropriated under section \_\_3(a) and not reserved under subsection (a) are insufficient to pay all of the allotments under subsection (A), each such allotment shall be ratably reduced.

(4) Determination of population of States.--For the purpose of this subsection, the population of each State, and the total population of all States, shall be determined by the Director on the basis of the most recent census data available to the Director, and the Director shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

(5) Administrative expenses.--In any fiscal year, a State library administrative agency may use not more than 5 percent of the total funds received under this subsection for administration.

(6) Of the remainder of a State's allotment not expended on administrative costs as provided in paragraph (5), a State shall expend 50 percent for the purposes of section \_\_7 of this subtitle, and 50 percent for the purposes of section \_\_8 of this subtitle.

## Sec. \_\_5. PAYMENTS TO STATES

(a) Payments.--The Director shall pay to each State library administrative agency having a State application approved under section \_\_6 the Federal share of the cost of the activities described in the State application.

(b) Federal share.--

(1) In general.--Except as provided in paragraph (3), the Federal share shall be 50 percent.

(2) Non-federal share.--The non-Federal share of payments shall be provided from State and local sources.

(3) Special rule.--The Federal share--

(A) for the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, shall be 66 percent; and

(B) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, shall be 100 percent.

(c) Maintenance of effort.--

(1) In general.--the amount otherwise payable to a State for a fiscal year under this subtitle shall be reduced if the level of State expenditures, as described in paragraph (2), for the previous fiscal year are less than the average of the total of such expenditures for the 3 fiscal years preceding that previous fiscal year. The amount of the reduction in allotment for any fiscal year shall be in exact proportion to the amount which the State fails to meet the requirement of this subsection.

(2) Level of state expenditures.--The level of State expenditures for the purposes of paragraph (1) shall include all State dollars expended by the State library administrative agency for library programs that are consistent with the purposes of this subtitle. All funds included in the maintenance of effort calculation under this subsection shall be expended during the fiscal year for which the determination is made. and shall not include capital expenditures, special one-time project costs, or similar windfalls.

(3) Waiver.--The Director may waive the requirements of paragraph (1) if the Director determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

## Sec. \_\_6. ANNUAL APPLICATIONS

(a) Submission.--A State library administrative agency that desires to receive a grant under this subtitle for a fiscal year shall submit to the Director, in such form and manner and before such deadline as the Director shall specify in regulations, an application for such year. Such application shall--

(1) establish goals and specify priorities for achieving within the State the purposes of this subtitle;

(2) describe activities that are consistent with such goals and priorities, the purposes of this subtitle, and the requirements of this subtitle, that the State library administrative agency will carry out during such year using such grant;

(3) describe the procedures that such agency will use to carry out such activities;

(4) describe the methodology that such agency will use to evaluate the success of such activities in achieving such goals and meeting such priorities;

(5) describe procedures that such agency will use to involve libraries and library users throughout the State in policy decisions regarding implementation of this subtitle, including establishing the State advisory council;

(6) provide assurances satisfactory to the Director that such agency will

make such reports, in such form and containing such information, as the Secretary may reasonably require to carry out this subtitle and to determine the extent to which funds provided under this subtitle have been effective in carrying out its purposes.

(b) Approval.--

(1) In general.--The Director shall approve each application submitted under subsection (a) that satisfies the requirements of this subtitle and provides satisfactory assurances that the provisions of such application will be carried out.

(2) Public availability.--Each State library administrative agency receiving a grant under this subtitle shall make the State application available to the public.

(3) Rights of states upon disapproval.--If the Director determines that the State application does not meet the requirements of this section, the Director shall--

(A) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(B) offer the State library administrative agency the opportunity to revise its application;

(C) provide technical assistance in order to assist the State library administrative agency to meet the requirements of this section; and

(D) provide the State library administrative agency the opportunity for a hearing.

(c) For the purposes of this subtitle, "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.

(d) For the purposes of this section, "State advisory council" means the body broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities, and charged with advising and assisting the State library administrative agency in the development of the State application, policy matters arising in the administration of funds received under this subtitle, and in the evaluation of activities assisted under this subtitle.

## Sec. \_\_7. INFORMATION ACCESS THROUGH TECHNOLOGY

(a) Purpose.--The purpose of this section is to permit the use of funds for the improvement of library services so that all people have access to information delivered by libraries through new and emerging technologies, whether the information originates locally, from the State, nationally, or globally.

(b) Uses of funds.--A State library administrative agency receiving funds in accordance with this subtitle for purposes of this section may use such funds for statewide services and subgrants to public libraries, other types of libraries and library

consortia, or library linkages with other entities, in accordance with the State application. Such services and subgrants shall involve--

- (1) organization, access, and delivery of information;
- (2) lifelong learning, and workforce and economic development; or
- (3) support of technology infrastructure.

## Sec. \_\_8. INFORMATION EMPOWERMENT THROUGH SPECIAL SERVICES

(a) Purpose.--The purpose of this section is to permit the use of funds for the improvement of library and information services targeted to persons of all ages and cultures who have difficulty using a library and to communities which are geographically disadvantaged in access to libraries, who or which need special materials or services, or who or which will benefit from outreach services for equity of access to library services and information technologies, including children (from birth through age 17) from families living below the income official poverty line (as defined in section \_\_9).

(b) Uses of funds.--Except as provided in Section \_\_9, a State library administrative agency receiving funds in accordance with this subtitle for purposes of this section may use such funds for statewide services and subgrants to public libraries, other types of libraries and library consortia, or library linkages with other entities, in accordance with the State application. Such services and subgrants shall involve activities that--

- (1) increase literacy and lifelong learning;
- (2) serve persons in rural, underserved, or inner-city areas; or
- (3) support the provision of special services.

## Sec. \_\_9. SERVICES FOR CHILDREN IN POVERTY

(a) State level reservation.--

(1) In general.--From the total amount available to a State library administrative agency for the purposes of section \_\_8 in a fiscal year, such agency shall reserve the amount of funds determined under paragraph (2) to provide assistance to public libraries in the State to enable such libraries to enhance the provision of special services to children described in such paragraph who are served by such libraries.

(2) Amount.--

(A) In general.--Except as provided in subparagraph (B), the amount of funds a State library administrative agency shall reserve under paragraph (1) shall be equal to the sum of--

- (i) \$1.50 for every preschooler (birth through age 5) in the State from a family living below the income official poverty line (as defined by the Office of Management and Budget, and revised

annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2) applicable to a family of the size involved); and

(ii) \$1.00 for every school-age child (ages 6 through 17) in the State from such a family.

(B) Maximum.--The maximum amount that a State library administrative agency may reserve under paragraph (1) for any fiscal year shall not exceed 15 percent of the total amount available to such agency for purposes of section \_\_ 8 for such year.

(b) Within State distribution.--

(1) In general.--Except as provided in paragraph (2), each State library administrative agency shall provide the assistance under this section to a public library within the State that has complied with the requirements of subsection (c) on the basis of the number of children described in subsection (a)(2) served by such library compared to the number of such children served by all such libraries in the State. In the event that the reservation provided under this section is reduced by the provisions in paragraph (a)(2)(B), the award to each eligible public library under this section shall be reduced by a like percentage.

(2) Exception.--

(A) In general.--If a State library administrative agency determines that the amount available under paragraph (1) for a fiscal year for 2 or more public libraries is too small to be effective, then such agency may aggregate such amounts for such year.

(B) Requirements.--Each State library administrative agency aggregating amounts under subparagraph (A) for a fiscal year--

(i) shall only aggregate the amount available under paragraph (1) for a public library for a fiscal year if the amount so available for such year is \$3,000 or less; and

(ii) shall use such aggregated amounts to enhance the library services provided to the children described in subsection (a)(2) served by the public libraries for which such agency aggregated such amounts for such year.

(c) Requirements.--Each public library desiring assistance under this section shall submit information for the expenditure of funds under this section to the State library administrative agency. Such information shall include a description of how the library will--

- (1) identify the children described in subsection (a)(2);
- (2) collaborate with community representatives to ensure planning and implementation of appropriate, helpful library services; and
- (3) establish indicators of success.

(d) Priorities.--Priorities for the use of funds under this section may include activities for children described in subsection (a)(2) such as--

- (1) development of after-school homework support and summer and

vacation reading programs;

(2) development of family literacy programs;

(3) extension of branch hours to provide space and resources for homework;

(4) development of coalitions and training programs involving libraries and other service providers in the State;

(5) development of technological resources;

(6) hiring specialized outreach staff; and

(7) development of peer tutoring programs.

## Sec. \_\_10. SERVICES FOR INDIAN TRIBES

[as in Senate-passed S. 143, unless included elsewhere in bill]

## Sec. \_\_11. NATIONAL LEADERSHIP PROGRAM

(a) In General.--From the amounts reserved under subsection \_\_4(a)(4) for any fiscal year, the Director shall establish and carry out a program of national leadership and evaluation activities to enhance the quality of library services nationwide. Such activities may include--

(1) education and training of persons in library and information science, particularly in areas of new technology and other critical needs, including graduate fellowships, traineeships, institutes, or other programs;

(2) research and demonstration projects related to the improvement of libraries, education in library and information science, enhancement of library services through effective and efficient use of new technologies, and dissemination of information derived from such projects; and

(3) preservation or digitization of library materials and resources, giving priority to projects emphasizing coordination, avoidance of duplication, and access by researchers beyond the institution or library entity undertaking the project.

(b) Grants or contracts.--

(1) In general.--The Director may carry out the activities described in subsection (a) by awarding grants to, or entering into contracts with, library entities, agencies, or institutions of higher education.

(2) Competitive basis.--Grants and contracts described in paragraph (1) shall be awarded on a competitive basis.

(c) Special rule.--The Director shall make every effort to ensure that activities assisted under this section are administered by appropriate library and information science professionals or experts.

## Sec. \_\_ 12. STATE AND LOCAL INITIATIVES

Nothing in this subtitle shall be construed to interfere with State and local initiatives 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 subtitle, the determination of the best uses of the funds provided under this subtitle, shall be reserved to the States and their local subdivisions.

## Sec. \_\_ 13. REPEAL OF LIBRARY SERVICES AND CONSTRUCTION ACT

The Library Services and Construction Act (20 U.S.C. 351 et seq.) is repealed. Any funds appropriated under that Act and still available for obligation and expenditure on the day prior to the effective date of this Act shall remain available for obligation and expenditure pursuant to the purposes of the Library Services and Construction Act as originally appropriated until September 30, 1998. Any Library Services and Construction Act funds remaining available for obligation after that date shall be expended in accordance with this subtitle consistent with section 412(b)(2) of the General Education Provisions Act.

### SUBTITLE C - MUSEUM SERVICES [as in Senate-passed S. 143]

#### NOTE:

Assumes repeal of Library Services and Construction Act, which subtitle B would amend and replace, and of Higher Education Act title II, which subtitle B would partially replace. However, assumes continuation of authorization of assistance for school library media resources--Part F of the Technology for Education Act of 1994 (contained in title III of the Elementary and Secondary Education Act). House-passed H.R. 1617 would repeal this program; Senate-passed S. 143 would not. **STRONGLY OPPOSE** repeal of this program.

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