



# WASHINGTON NEWSLETTER



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### LSCA - Senate Committee Markup

The Senate Human Resources Committee voted unanimously on May 6 to report out S. 602, the LSCA extension bill, with several amendments. After the committee issues its report later this week, the bill is expected to be scheduled promptly for Senate floor action. A House-Senate conference will follow to reconcile differences between S. 602 and the House-passed LSCA extension bill (HR 3712).

S. 602 is now a five-year extension of LSCA (through FY 1982) which contains several changes to existing law. Title I has been amended to provide additional aid to urban libraries, but in a somewhat different fashion than reported in the April 29 newsletter.

The formula for distribution to the states remains the same as reported on April 29. Title I funds above \$60 million would be based as follows: 50 percent of funds above \$60 million would be distributed to the states on a straight per capita basis, and the other 50 percent would be distributed on an urban per capita basis, with a floor built in to protect rural states. The urban half of the formula would be calculated on each state's population in cities 100,000 and over in relation to the total U.S. population in such cities. For purposes of this formula, each state would be deemed to have a city of 250,000 individuals or its actual urban population, whichever is greater.

The formula for distribution of funds within the state has changed. The portion of funds above \$60 million distributed to the states on the urban per capita basis is to be used to strengthen urban libraries. How funds are to be distributed among these libraries is not specified. The portion above \$60 million allotted on a straight per capita basis may be used for any other purpose of Title I. A major urban resource library is defined as one "which serves a major portion of the residents of a city having a population of one hundred thousand individuals." The committee bill includes provisions designed to require state maintenance of effort for urban libraries, and to assure that urban libraries serve users beyond their primary jurisdictional clientele. A state which does not have a major urban resource library would designate a city for this purpose.

In addition to the urban library provisions of Title I, the committee added a new program of discretionary grants to the states for urban library demonstration and pilot programs as Title V. This amendment was sponsored by Sen. A. Harrison Williams, Jr. (D-NJ), who chairs the committee. He felt that the urban formula in Title I was not sensitive to the needs of states like New Jersey, which is densely urbanized, but with few cities over 100,000, or to sparsely populated states with major urban centers like Utah or Louisiana. The new Title V would authorize \$20 million for FY 1978 and \$30 million for each succeeding fiscal year to fund special programs of a pilot or demonstration nature to improve urban library programs and to evaluate outcomes of such programs. Libraries would apply to the state library agency and grants would be made on a competitive basis to densely populated states or sparsely populated states with at least one developed or developing urban area.

An additional committee amendment changes the maintenance of effort provision for service to the institutionalized and handicapped. Under existing law states must expend from all sources for state institutional library services and services to the handicapped an amount not less than that expended during FY 1971. The committee bill changes this to the second preceding fiscal year.

Attached to this newsletter is a state table based on a printout provided by Sen. Jacob Javits (R-NY), estimating what each state would receive should Title I be funded at \$70 million. For each state, the first \$60 million is allotted on the present formula, and the additional \$10 million is allotted on the committee's new formula.

#### Appropriations, FY 1977 Supplementals

On May 4 President Carter signed the general supplemental appropriations bill for FY 1977 (HR 4877). Now PL 95-26, it includes \$3.5 million for the White House Conference on Library and Information Services, and funding for college library and training programs.

The FY 1977 economic stimulus supplemental (HR 4876), providing, among other things, \$4 billion to fund the Public Works Employment Act (HR 11) has been cleared for the President. After passing the House earlier (on March 15), it passed the Senate on May 2, and both House and Senate (on May 4 and 5) agreed to the conference report (H.Rept. 95-238). See page 5 for a report on action on the Public Works Employment Act.

#### Appropriations, FY 1978

On May 5, the House Labor-HEW Appropriations Subcommittee chaired by Rep. Dan Flood (D-PA) marked up the FY 1978 Labor-HEW Appropriations Bill which includes funds for the library programs administered by the Office of Education, the National Commission on Libraries and Information Science, and the National Library of Medicine. The subcommittee's recommendations are tentatively scheduled for consideration by the full House Appropriations Committee on May 26. Only after the full committee has completed its work will the bill be assigned a number and reported out of committee. Subcommittee recommendations for library programs are shown below in comparison with FY 1977 funding and the FY 1978 Carter budget.

|  | FY 1977<br>Appropriations | FY 1978<br>Carter<br>Budget | FY 1978<br>House<br>Subcommittee |
|--|---------------------------|-----------------------------|----------------------------------|
| <u>Library Services &amp; Construction Act</u>   | \$ 60,237,000             | \$ 60,237,000               | \$ 60,237,000                    |
| Title I - Public Library Services                | 56,900,000                | 56,900,000                  | 56,900,000                       |
| III - Interlibrary Cooperation                   | 3,337,000                 | 3,337,000                   | 3,337,000                        |
| Elem. & Sec. Education Act Title IV-B            | 154,330,000               | 154,330,000                 | 160,000,000                      |
| <u>Higher Education Act</u>                      |                           |                             |                                  |
| Title II-A - College Lib. Resources              | 9,975,000                 | 9,975,000                   | 9,975,000                        |
| II-B - Training                                  | 2,000,000                 | 500,000                     | 2,000,000                        |
| II-B - Demonstrations                            | 1,000,000                 | 1,000,000                   | 1,000,000                        |
| II-C - Research Libraries                        | -0-                       | -0-                         | 3,000,000                        |
| VI-A - Undergrad. Ed. Equip.                     | 7,500,000                 | 7,500,000                   | 7,500,000                        |
| <u>National Comm. on Lib. &amp; Inf. Science</u> | 492,575                   | 563,000                     | 563,000                          |
| <u>National Library of Medicine</u>              | 27,234,000                | 28,759,000                  | 28,759,000                       |
| <u>Medical Library Assistance Act</u>            | 8,000,000                 | 7,987,000                   | 7,987,000                        |

During the May 5 markup session, Chairman Flood noted that the legislation authorizing funds for public libraries (LSCA) was currently being rewritten, and that the appropriations subcommittee would have to take another look at LSCA funds after the authorizing committees complete their work. Flood also noted in another context that programs whose authorizations were currently in the process of being extended were included in the subcommittee markup, but that if the authorizations were still pending by mid-June when the money bill is scheduled for floor action, they would have to be dropped at that time and subsequently funded in a supplemental fill.

ACTION NEEDED NOW

The Senate Labor-HEW Appropriations Subcommittee is expected to mark up its version of appropriations for these programs in late May, about the same time the full House Appropriations Subcommittee will act. Action is needed now. Contact members of the full House Appropriations Committee and the Senate Labor-HEW Appropriations Subcommittee to urge adequate appropriations for all library programs.

Write about the program you know most directly. Give some facts about how its works in your local area, why additional funds are needed and what they can be expected to accomplish. A table showing the ALA FY 1978 appropriation requests for the above programs was included on page 4 of the April 6 newsletter. See also the Appropriations Committee lists attached to the January 31 (House) and February 28 (Senate) newsletters.

Civil Rights - Handicapped

Final regulations prohibiting discrimination against handicapped persons were signed April 28 by Health, Education and Welfare Department (HEW) Secretary Joseph Califano and published in the May 4 Federal Register (pp. 22676-22702). The regulations implement section 504 of the Rehabilitation Act of 1973 (PL 93-112) and become effective June 3, 1977.

Section 504 provides that "no otherwise qualified handicapped individual... shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." It is the first federal civil rights law protecting the rights of handicapped persons and reflects a national commitment to end discrimination and bring handicapped persons into the main-stream of American life. It applies to all recipients of federal assistance from HEW, including libraries.

A handicapped individual is defined as "any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment." Former HEW Secretary David Mathews left the regulations unsigned because he felt Congressional intent was unclear as to whether this definition included alcoholics and drug addicts. An April 12 opinion by Attorney General Griffin Bell stated that these persons are covered by the regulations.

Since they will affect most libraries, the regulations should be studied carefully. A brief summary of the main provisions follows:

- 1) Employers must make reasonable accommodation to qualified handicapped applicants or employees unless it can be demonstrated that the accommodation would impose an undue hardship on the employer.
- 2) All new facilities are to be constructed so as to be readily accessible to and usable by handicapped persons.
- 3) Activities or programs in existing facilities are to be made accessible to the handicapped within 60 days of the effective date. If structural changes are necessary to accomplish this, they must be made within three years.
- 4) Handicapped children are to be educated with nonhandicapped students to the maximum extent appropriate to their needs. The provision of appropriate educational service to handicapped children must be designed to meet their needs to the same extent that those of nonhandicapped children are met. Appropriate materials and equipment must be available.
- 5) Postsecondary institutions are to operate their programs and activities so that handicapped students are provided services in the most integrated setting appropriate. Students are not to be excluded from programs because of the lack of necessary auxiliary educational aids.
- 6) A final section of the regulations covers health, welfare and social services.

Reprints of the regulations from the May 4 Federal Register are available from the Office of Public Affairs, Office for Civil Rights, Department of HEW, 330 Independence Avenue, S.W., Washington, D.C. 20201.

#### Medical Libraries

Both House and Senate have passed an extension of the Medical Library Assistance Act (MLAA) and other expiring health authorities (HR 4975). Both bills are one-year extensions to allow a more substantial review of MLAA and related programs

next year by the new administration and other interested parties. The Senate version authorizes \$20 million for FY 1978 for MLAA, the same amount most recently authorized in FY 1976. The House bill drops the authorization to \$9.2 million. Concerning this amount the report (H.Rept. 95-117) of the Committee on Interstate and Foreign Commerce states: "The decrease in appropriations authorization levels in the Committee bill is not intended to be interpreted as an indication that funding for these programs be reduced. Rather it is intended to more appropriately and realistically reflect the current budgetary resources of these programs with additional increases for their growth and to offset increased costs due to inflation." The amount actually appropriated for MLAA for FY 1977 was \$8 million. Nevertheless, the lowering of the authorization level by the House is a matter for concern. Since the two versions differ, a conference will be required. Senate conferees are Senators Kennedy (D-MA), Hathaway (D-ME), Pell (D-RI), Nelson (D-WI), Javits (R-NY), Schweiker (R-PA), and Chafee (R-RI). House conferees have not yet been appointed.

#### Public Works

The Senate on April 29 and the House on May 3 agreed to the conference report (H.Rept. 95-230 on S.Rept. 95-110) on HR 11, which extends and amends the Public Works Employment Act. The measure, which authorizes an additional \$4 billion for local public works, now goes to the President who is expected to sign it shortly. Conferees retained the Senate state allocation formula -- 65 percent of the funds are to be allotted on the total number of unemployed and 35 percent on the relative severity of unemployment. A set aside is provided of \$70 million for projects not funded due to administrative error. Priority will be given to projects which will result in energy conservation, and this will apply to pending as well as new applications. See page 2 for appropriations action on public works.

#### Research Libraries

In response to a number of inquiries, draft regulations to implement the new research library program authorized by Title II-C of the Higher Education Act have not yet been published. Originally targeted for February by the Office of Libraries and Learning Resources, the regulations have been delayed by the change of administration and the lengthy review process within the Office of Education. They may be published in the Federal Register within the next few weeks. There will then be time allotted for comment on the draft before the regulations become final.

Attachment:

Estimated LSCA Title I Allotments - Senate Full Committee Formula  
(New formula applies only to funds above \$60,000,000; here \$70,000,000 assumed.)

\*New Urban Funds represent that share of a state's allotment derived from an urban per capita formula. Other New Funds represent the part of each state allotment derived from a straight per capita formula. Because of rounding and territories, allotments may not add up to totals.

| State          | First<br>\$60,000,000 | Additional<br>\$10,000,000 | *New<br>Urban Funds | Other<br>New Funds |
|----------------|-----------------------|----------------------------|---------------------|--------------------|
| Alabama        | \$ 1,033,000          | \$ 147,000                 | \$ 63,501           | \$ 83,499          |
| Alaska         | 287,000               | 30,000                     | 21,569              | 8,431              |
| Arizona        | 716,000               | 122,000                    | 70,908              | 51,092             |
| Arkansas       | 679,000               | 69,000                     | 20,264              | 48,736             |
| California     | 5,089,000             | 1,103,000                  | 613,372             | 489,628            |
| Colorado       | 787,000               | 113,000                    | 54,308              | 58,692             |
| Connecticut    | 908,000               | 127,000                    | 55,397              | 71,603             |
| Delaware       | 332,000               | 34,000                     | 20,626              | 13,374             |
| D.C.           | 359,000               | 79,000                     | 62,554              | 16,446             |
| Florida        | 2,113,000             | 335,000                    | 143,819             | 191,181            |
| Georgia        | 1,329,000             | 188,000                    | 74,105              | 113,895            |
| Hawaii         | 402,000               | 47,000                     | 26,951              | 20,049             |
| Idaho          | 389,000               | 40,000                     | 21,221              | 18,779             |
| Illinois       | 2,751,000             | 560,000                    | 301,374             | 258,626            |
| Indiana        | 1,405,000             | 244,000                    | 121,281             | 122,719            |
| Iowa           | 852,000               | 92,000                     | 25,917              | 66,083             |
| Kansas         | 725,000               | 100,000                    | 47,337              | 52,663             |
| Kentucky       | 979,000               | 118,000                    | 39,768              | 78,232             |
| Louisiana      | 1,073,000             | 166,000                    | 78,090              | 87,910             |
| Maine          | 443,000               | 45,000                     | 20,562              | 24,438             |
| Maryland       | 1,142,000             | 170,000                    | 74,791              | 95,209             |
| Massachusetts  | 1,520,000             | 232,000                    | 97,709              | 134,291            |
| Michigan       | 2,268,000             | 411,000                    | 200,556             | 210,444            |
| Minnesota      | 1,101,000             | 161,000                    | 70,433              | 90,567             |
| Mississippi    | 735,000               | 75,000                     | 20,928              | 54,072             |
| Missouri       | 1,286,000             | 223,000                    | 112,893             | 110,107            |
| Montana        | 371,000               | 38,000                     | 20,769              | 17,231             |
| Nebraska       | 553,000               | 77,000                     | 41,337              | 35,663             |
| Nevada         | 338,000               | 35,000                     | 21,372              | 13,628             |
| New Hampshire  | 387,000               | 40,000                     | 21,245              | 18,755             |
| New Jersey     | 1,867,000             | 261,000                    | 91,624              | 169,376            |
| New Mexico     | 465,000               | 48,000                     | 21,576              | 26,424             |
| New York       | 4,309,000             | 1,177,000                  | 759,484             | 417,516            |
| North Carolina | 1,443,000             | 179,000                    | 53,325              | 125,675            |
| North Dakota   | 346,000               | 36,000                     | 21,287              | 14,713             |
| Ohio           | 2,629,000             | 494,000                    | 246,045             | 247,955            |
| Oklahoma       | 828,000               | 122,000                    | 59,289              | 62,711             |
| Oregon         | 729,000               | 85,000                     | 32,245              | 52,755             |
| Pennsylvania   | 2,895,000             | 506,000                    | 232,060             | 273,940            |
| Puerto Rico    | 870,000               | 128,000                    | 56,489              | 71,511             |
| Rhode Island   | 411,000               | 42,000                     | 20,462              | 21,538             |
| South Carolina | 847,000               | 86,000                     | 20,956              | 65,044             |
| South Dakota   | 356,000               | 37,000                     | 21,270              | 15,730             |
| Tennessee      | 1,157,000             | 210,000                    | 113,613             | 96,387             |
| Texas          | 3,037,000             | 644,000                    | 361,352             | 282,648            |
| Utah           | 479,000               | 49,000                     | 21,213              | 27,787             |
| Vermont        | 308,000               | 32,000                     | 21,098              | 10,902             |
| Virginia       | 1,343,000             | 216,000                    | 100,950             | 115,050            |
| Washington     | 1,021,000             | 154,000                    | 71,795              | 82,205             |
| West Virginia  | 614,000               | 63,000                     | 21,447              | 41,553             |
| Wisconsin      | 1,247,000             | 180,000                    | 74,004              | 105,996            |
| Wyoming        | 289,000               | 30,000                     | 21,315              | 8,685              |
| Total          | \$60,000,000          | \$10,000,000               | \$5,000,000         | \$5,000,000        |