



WASHINGTON NEWSLETTER



SEP 22 1977

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ISSN: 0001-1746

Vol. 29

September 16, 1977

No. 13

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LSCA Extension

On September 8, House-Senate conferees reached final agreement on a five-year extension of the Library Services and Construction Act (LSCA). Although the conference report has not been filed at this writing, it is expected in a matter of hours, with floor action likely the week of September 19. The bill (S. 602) authorizes funds as follows: Title I, library services, \$110 million for FY 1978, \$140 million for FY 1979, and \$150 million each year for FY 1980, '81 and '82; Title II, public library construction, such sums as necessary for FY 1978 through FY 1981, and \$97 million for FY 1982; Title III, interlibrary cooperation, \$15 million for FY 1978, and \$20 million for each of the four succeeding fiscal years; Title IV, older readers services, such sums as necessary for FY 1978 through FY 1982. The Senate bill's Title V program of discretionary grants to urban libraries was dropped by the conferees.

Aid to urban libraries, the major difference between the House and Senate bills, was resolved by retaining the existing formula for allocation of funds to the states, but amending Title I to require that when appropriations exceed \$60 million, a portion of the excess will be reserved for libraries in cities of over 100,000 population. The exact percentage of urban funds for each state is to be determined by comparing its aggregate urban population to the total state population using latest available census figures. For example, in a state with 30 percent of its population in cities of over 100,000, 30 percent of that state's allocation above \$60 million would go to libraries in those cities. It is to be used "for supporting and expanding library services of major urban resource libraries which, because of the value of the collections of such libraries to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands made for such services." No more than 50 percent of a state's allotment above \$60 million can be earmarked for urban libraries. In states with no cities of over 100,000 there is no earmarking formula for urban libraries. No urban library may receive a grant under this provision unless it provides services to users throughout the regional area in which the library is located. In carrying out the earmarking provision, states may not reduce the amount paid to an urban library below the amount it received the preceding year.

Other provisions of the LSCA extension legislation include an amendment requiring states to match from nonfederal funds their expenditures for administration under

LSCA, and one updating the floor for maintenance of effort on expenditures for the handicapped and institutionalized to the second preceding fiscal year. In addition, the bill specifically states the eligibility under Title II of construction or remodeling projects to remove architectural barriers and to reduce energy consumption.

Appropriations - FY 1978

Because House-Senate conferees on the FY 1978 Labor-HEW appropriations bill are having difficulty resolving their differences on the abortion issue, the measure is still tied up in conference. If this impasse continues past September 30, an increasingly likely possibility, all library, education, health and other programs funded by this bill will fall under the provisions of a continuing resolution. A continuing resolution is a stopgap money bill, allowing existing federal programs to be continued while Congress completes final action on the regular appropriations bill. The House and Senate appropriations committees are now saying that such a resolution will not be required this year unless the Labor-HEW bill remains stymied. Continuing resolutions usually provide minimum funding, sometimes at last year's level, other times at the President's budget level. Another (preferable) option would be for the resolution to allow funding at the level agreed to by the conferees. The effect of these options on the major library programs is shown below:

<u>FY 1978</u>	<u>Budget</u>	<u>House</u>	<u>Senate</u>	<u>Conference</u>
HEA II-A - College Libs.	9,975,000	9,975,000	9,975,000	9,975,000
II-B - Training	500,000	2,000,000	2,000,000	2,000,000
II-B - Demonstrations	1,000,000	1,000,000	1,000,000	1,000,000
LSCA I - Lib. services	56,900,000	56,900,000	56,900,000	56,900,000
III - Interlibrary coop.	3,337,000	3,337,000	3,337,000	3,337,000

Because ESEA IV-B is advance funded, its FY 1978 funding would not be affected by the continuing resolution. Funds for HEA II are generally released later in the fiscal year and would thus be affected only if the temporary money bill were extended well into FY 1978. The new research library program authorized by HEA II-C, however, could not be funded at all under a continuing resolution since the temporary funding bill covers only continuing programs.

The education community is working to see that the continuing resolution provides funding at the conference level, which may be an uphill battle. This is an important issue, for however it is resolved may tend to set a precedent for future years. Contact your legislators immediately, and urge them to see that the continuing resolution mandates spending for education and library programs at the levels adopted by the conferees on the FY 1978 Labor-HEW appropriations bill. Urge them also to take prompt action on the appropriations bill so that library programs are free from the constraints of the continuing resolution.

ESEA Extension

Congress has now passed and sent to the President a bill providing a one-year extension of expiring education programs which are advance funded (S. 1752). Included in this bill is ESEA Title IV-B, School Libraries and Learning Resources. This simple extension is needed so that FY 1980 funds for the advance-funded programs can be included in next year's FY 1979 appropriations bill. (FY 1979 dollars for these programs are provided in the FY 1978 bill.) Meanwhile, Congress is considering a longer extension bill which will amend as well as extend existing ESEA programs. Hearings on the Senate's five-year extension bill (S. 1753) are tentatively scheduled to begin the week of September 26 in the Subcommittee on Education, Arts, and the Humanities, chaired by Sen. Claiborne Pell (D.-R.I.). House hearings on ESEA have been in progress for several months in the Elementary, Secondary, and Vocational Education Subcommittee, chaired by Rep. Carl Perkins (D.-Ky.), and are expected to conclude in October and November.

Energy Conservation

Congress has nearly completed consideration of President Carter's comprehensive national energy policy. In the House the various parts of the energy package were parceled out to several committees and then put together into one omnibus bill, the National Energy Act (HR 8444, H.Rept. 95-543), by an Ad Hoc Committee on Energy chaired by Rep. Thomas Ashley (D.-Ohio). This bill was passed by the House on August 5. School, college, and public libraries should be eligible for assistance under Part III of HR 8444 which is an energy conservation program for schools and health care facilities and buildings owned by units of local government.

For schools, colleges and health care facilities, Part III authorizes a total of \$900 million to be spent over a period of three years to pay up to 50 percent of a three-phase program--1) preliminary energy audits to be conducted in schools, colleges, and health care facilities by the states, 2) grants for technical assistance programs, and 3) project grants to install energy conservation measures. State energy agencies must submit state plans which, among other things, establish priorities among eligible applicants. About 90 percent of the eligible facilities may receive preliminary audits, but technical assistance and project grant funds are expected to reach only about 33 percent.

For buildings owned by units of local government, \$65 million is authorized over a two-year period to provide grants to states and units of local government to conduct preliminary energy audits and to pay for technical assistance program costs for these buildings. The program would be administered through state energy agencies. Grants in one state in one year may not exceed 12.5 percent of the year's total appropriation. This provision was an amendment sponsored by Rep. Barbara Mikulski (D-Md.) and adopted by the Ad Hoc Committee on Energy. Rep. Mikulski explained that her amendment was needed because, "The function of a local government is really to provide service. I think when we think about our town or our home town, we think of the library on the corner or the firehouse that is so familiar to us. One of the problems ... is that there has been very little attention paid to the impact that this energy package will have on the cost of running a local government." (Congressional Record, August 2, H8301, daily edition.) The House passed her amendment on August 2 by a vote of 317-105.

The Senate is handling the energy package in a series of separate bills. Aid to schools, colleges, and health care facilities was passed by the Senate on July 20 as S. 701 (see July 28 newsletter). Several other parts of the package are included in the National Energy Conservation Policy Act (S. 2057, S.Rept. 95-409) passed by the Senate on September 13. This bill did not originally contain aid for buildings owned by units of local government, but an amendment by Sen. Henry Jackson (D-Wash.), Chairman of the Energy and Natural Resources Committee, adding such a provision was adopted by the Senate on September 12. It authorizes \$65 million over two years to provide grants to states and units of local government to assist in identifying and implementing energy conservation maintenance and operating procedures and measures to reduce the energy use and anticipated energy costs of buildings owned by units of local government. "A major gap in this program," according to Sen. Jackson, "is the absence of any program to assist local government in beginning the task of upgrading the efficiency of the more than 100,000 buildings other than schools and hospitals which are owned and operated by local government. This category includes, among other things, office buildings, libraries, museums, and custodial facilities." (Congressional Record, September 12, S14663, daily edition.) Both S. 2057 and S. 701 have been attached to HR 5037, an unrelated House bill, to facilitate going to conference with the House on the energy package.

Civil Rights - Handicapped

The House Subcommittee on Select Education, chaired by Rep. John Brademas (D-Ind.), held hearings on September 9, 13 and 16 on implementation of Section 504 of

the Rehabilitation Act of 1973 (PL 93-112) which prohibits recipients of federal aid from discriminating against the handicapped. Final regulations implementing Section 504 were published in the May 4 Federal Register (pp. 22676-22702) and require that facilities and programs be made accessible to the handicapped. The regulations, which apply to most libraries, are available from the Office for Civil Rights, HEW, 330 Independence Avenue, S.W., Washington, D.C. 20201. (See the May 10 newsletter for a brief summary of the main provisions.)

Rep. James Jeffords (R-Vt.), a member of the subcommittee, has introduced a bill (HR 7626) authorizing \$6 billion to implement the Section 504 regulations with one-third of the funds to be earmarked for educational purposes. Subcommittee Chairman John Brademas was skeptical of requests for funds from witnesses who admitted they did not know exactly what the regulations required, and questioned the accuracy of compliance cost estimates. The subcommittee heard an impassioned plea from several associations of the handicapped who emphasized the importance and the justice of extending full civil rights to all segments of society. They felt the expense of complying with the regulations had been overestimated, and testified that handicapped persons do not want to be thought of as "the handicapped" needing special services, but as persons due equal rights. It was their view that any funding Congress might provide should not be a prerequisite for compliance, a point with which Mr. Brademas agreed.

ALA will be submitting a statement for the hearing record and needs additional information. The Washington Office would like to hear from libraries which have recently completed surveys of the costs of compliance, or have made architectural or other modifications to serve the handicapped and can provide data on the costs and/or effectiveness of such modifications.

Telecommunications

The House Communications Subcommittee, chaired by Rep. Lionel Van Deerlin (D.-Calif.), is continuing its series of hearings leading up to major revision of the Communications Act of 1934. Panel discussions on public broadcasting were held on September 7, 8 and 9; cable television hearings are scheduled for September 29 and 30, with hearings on domestic common carrier policy and international communications also coming up this fall. The subcommittee expects to have a first draft of legislation ready by January.

A key document in this legislative effort is a subcommittee staff-produced volume titled Options Papers (now out of print) on needed changes on all aspects of telecommunications. Several members of ALA's Information Science and Automation Division are preparing reactions to the various options discussed in the Options Papers. Their work will serve as the basis for an ALA statement on telecommunications to be submitted to the subcommittee.