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National Library and Information Services Act

Senate Education Subcommittee Chair Robert Stafford (R-VT) reintroduced June 25 the National Library and Information Services Act (S. 1431) with only minor changes from last year's S. 2859. Hearings are expected later this year. Sen. Stafford's introductory remarks and the text of S. 1431 are attached to this Newsletter. Also attached is an ALA Council resolution passed in February supporting the concepts of a National Library and Information Services Act, which has been sent with a letter of thanks to the cosponsors of HR 1431.

Library Postal Rate Victory -- Thanks to Rep. Bill Ford

In the face of overwhelming odds, House Post Office and Civil Service Committee Chair William Ford (D-MI) managed to stave off the elimination of phasing for the fourth class library rate. As chair of the House-Senate conference on postal matters, he negotiated a compromise more favorable to the library rate than either the House or Senate passed reconciliation bills. House and Senate conferees, who met on July 16 to work out postal differences in the budget reconciliation bills, retained full phasing for the fourth class library rate until 1987. Free matter for the blind was retained intact.

ACTION NEEDED: Letters of appreciation should go immediately to Rep. Ford thanking him for his hard work on libraries' behalf. They should be sent to Rep. Ford at the U.S. House of Representatives, 239 Cannon House Office Building, Washington, D.C. 20515. Please send a blind copy to the ALA Washington Office.

The supply of the ALA Washington Office publication, Federal Grants for Library and Information Services, is exhausted. Recent developments have made much of it out of date. Any future editions will be announced through this Newsletter.

The total authorization for revenue foregone agreed to in conference is \$696 million for FY 1982 (with any shortfall in revenue foregone to be taken from the third class bulk nonprofit), \$708 million for FY 1983 and \$760 million for FY 1984. What these conferees agreed to will become part of the conference report on HR 3982 which will be voted on later by the House and Senate. Many thanks to all who sent data to the ALA Washington Office and to their Members of Congress about postal costs and library use of the various classes of mail. Once the conferees were announced, we assembled information from their states and were able to get it quickly to Rep. Ford for use in conference. Undoubtedly, he will continue to call on us for up to date information on the impact of postal rate increases on libraries.

Congressional Budget Reconciliation

The Senate on June 25 and the House on June 26 passed omnibus budget reconciliation measures (S. 1377 and HR 3982) which set new and much lower authorization levels for library and education programs and combine school library resources with over 20 other programs in an elementary and secondary education block grant (see following article). The bills mandate approximately 1000 changes in 250 disparate programs and 100 laws -- all at once. The scope of the legislation is truly unprecedented; it has taken Congress (and those who follow its activities) some time to figure out exactly what it has done. This is especially true in the House, where a Republican substitute to the Budget Committee's bill was still being drafted the night before it was passed. House and Senate passed levels for library programs are as follows:

	Authorization Levels Set by Budget Reconciliation Bills (in millions)							
	FY 1981		FY 1982		FY 1983		FY 1984	
	House	Senate	House	Senate	House	Senate	House	Senate
ESEA IV-B			\$161*			*		*
LSCA I	)		62.5)		62.5)		62.5	
II	)	74.5	-0-)	84.5	-0-	84.5	-0-	
III	)		12.0)		12.0		12.0	
HEA II-A		2.9	-0-	5.0	-0-	5.0	-0-	5.0
II-B		.9	10.2	1.2	10.2	1.2	10.2	1.2
II-C		6.0	5.0	8.0	5.0	8.0	5.0	8.0
NCLIS			.7		.7		.7	

*ESEA IV-B program included in block grant provision.

There are significant changes in the library provisions contained in the House-passed Republican substitute to HR 3982 known as "Gramm/Latta II" (as reported above) compared with the House Budget Committee version (as reported in the June 24 Newsletter). The substitute zeroes out the HEA II-A college library program and folds school libraries into a block grant, but it has a higher authorization level for LSCA I public library services and for HEA II-B library training and research than the Budget Committee version did. The substitute no longer combines HEA II-A and B, but it does provide that: "No funds available for carrying out parts A and B of such title for any such fiscal year shall be made available to any institution, organization, or agency which is eligible for assistance under part C of such title." Although open to interpretation, this seems to mean that a library school, for instance, located at a large university whose library might be eligible for a II-C research library grant, would not be eligible for a II-B training or research or demonstration grant. Current law provides only that II-C recipients may not receive II-A grants.

The Senate bill changes FY 1981 authorization levels while the House bill does not, and the Senate bill changes FY 1984 authorizations only for Higher Education Act programs. The Senate version does not change authorization levels for the National Commission on Libraries and Information Science. The House-passed bill

specifically reauthorizes the Library Services and Construction Act for FY 1983 and '84. The Senate report (S. Rept. 97-139) on its bill contains a declaration of intent that the Labor and Human Resources Committee will "reauthorize programs in subsequent years at levels fully consistent with the reconciliation marks for the outyears."

Although the Reagan Administration pressured the Senate to accept the House version of reconciliation to avoid a House-Senate conference, the Senate resisted this intrusion in Congressional procedures. Conferees have begun work on the significant differences in about 20 percent of the provisions in these mammoth bills. Conferees are also expected to correct as many as possible of the errors which resulted from very hasty drafting of bills so long and complex most Members admitted they had not read them.

On July 1 during the San Francisco Annual Conference, the ALA Council passed a resolution urging "House-Senate conferees on the budget reconciliation measures to accept the higher of the available figures for federal library program authorizations," and expressing "its concern to Congress about the revision of basic laws in such a hasty and ill-conceived manner." This resolution was transmitted to conferees on the library portions of the bills.

Elementary and Secondary Education Consolidation

Bypassing the usual process of public hearings and committee deliberation, Congress has enacted major and far-reaching changes in elementary and secondary education programs by approving block grants as part of the omnibus reconciliation measures. On June 25, the Senate passed S. 1377, including an elementary and secondary education consolidation as described in the June 24 Newsletter. Although the House reconciliation bill, HR 3982, did not originally include education block grants, a Republican substitute amendment ("Gramm/Latta II") accepted on the House floor June 26, included a very similar consolidation provision.

Both House- and Senate-passed bills include the ESEA IV-B school library resources program in the second part of the consolidation along with twenty-some other programs; the current categorical programs including ESEA IV are repealed. Both versions are based on and very similar to HR 3941, a consolidation bill introduced June 17 by Rep. John Ashbrook (R-OH), the ranking minority member of the House Education and Labor Committee. Fuller details will be provided after House-Senate conferees complete work on the differences between the two bills.

Library of Congress Appropriations

The House Appropriations Committee has approved \$192,585,000 of the \$197,611,000 requested by the Library of Congress for its FY 1982 budget. The committee's report (H.Rept. 97-170, issued July 9) on the Legislative Branch Appropriation Bill (HR 4120) indicates that the amount approved includes 32 positions for a three-year inventory project. It also suggests that management give "maximum attention" to "a mounting backlog of complaints, litigation, and other types of consultation in connection with collective bargaining contracts and the Civil Service Reform Act of 1978." House floor action on HR 4120 is expected shortly. On July 10 the Senate Legislative Branch Appropriations Subcommittee approved the House committee recommendation with a 10 percent cut in two areas -- Congressional Research Service and the Copyright Office.

Government Printing Office

FY 1982 Appropriations. The Legislative Branch Appropriation Bill, 1982 (HR 4120) includes \$27,120,000 for GPO's Superintendent of Documents, more than the FY 1981 amount of \$24 million, but less than the budget request of \$29,279,000. The House Appropriations Committee report (H.Rept. 97-170) explains:

The decrease consists of: a \$709,000 reduction which will require the Joint Committee on Printing to raise the subscription price of the Congressional Record to a level which will recover all costs; denying the \$450,000 requested for distribution of the General Accounting Office's Legislative History File until the GAO has had an opportunity to determine whether or not the law provides that this file can be distributed free of cost to depository libraries; and a \$1,000,000 savings due to a program of converting various documents from hardcopy to microform format.

An additional reduction of \$400,000 in the GPO Printing and binding budget is to be offset by "converting the bound Congressional Record normally sent to the depository libraries from hard copy to microfiche." The Senate Legislative Branch Appropriations Subcommittee met July 10 and made no change in the House committee recommendations. Because adequate appropriations are needed to comply with the Title 44, U.S. Code, requirements for depository library distribution, and because earlier this year Congress approved only \$400,000 of a \$2.5 million FY 1981 supplemental request for this purpose, the ALA Council on July 1 during the San Francisco Annual Conference approved a resolution on funding for the depository library program and a resolution on the GAO legislative history microfiche files. Both resolutions are attached.

ACTION NEEDED: HR 4120 will reach the House floor the week of July 20. Once the House has passed the bill, the Senate Appropriations Committee will meet to make its recommendations. Interested librarians should contact the Senate Committee (the list of members was attached to the 2/10 Newsletter) to urge adequate funding so that librarians can continue to be given a choice of the format most useful for their patrons.

Public Printer. The Senate Rules and Administration Committee held a hearing July 13 on the nomination of Danford L. Sawyer, Jr., to be Public Printer. Committee Chairman Charles Mathias (R-MD) asked Sawyer for his views on depository library distribution. Sawyer pledged his full support of this program as "one of the most expeditious and cheapest ways to meet the statutory requirement." ALA filed a statement for the hearing record in support of the depository library program and offering to work cooperatively with the new Public Printer. The statement included a resolution on continued free public access to federal information adopted by ALA Council July 1 in San Francisco. The text of the resolution is attached to this Newsletter.

NCES Library Statistics

The continued collection and publication of U.S. library statistics from the only current official source, the Department of Education's National Center for Education Statistics, seems in doubt. For instance, the next survey of college and university libraries, scheduled for this year, was first dropped and then postponed, and data from the last survey of public libraries in 1978 have not yet been published. Tight budgets have required some cutbacks in activity, but instead of conducting all surveys less often, some items considered low priority such as library surveys, have been dropped from the schedule altogether. In addition, it is not clear whether the NCES Learning Resources Branch will continue to be directed by a library professional. Because of these concerns, the ALA Council passed the attached resolution in support of the continued collection of library statistics by NCES on July 1 during the San Francisco Annual Conference.

ACTION NEEDED: To ensure continued regular collection of library statistics and their timely publication in sufficient quantity, it is necessary to document the fact that there is a market for NCES library statistics and that the data are used.

Although the resolution is directed to the Secretary of Education, those who make use of library statistics are urged to write to their own Members of Congress expressing their concern, enclosing the ALA resolution, giving specifics on how the data are used, and requesting a reply on action taken. Blind copies of such letters would be helpful to the ALA Washington Office in taking further action.

Copyright

Copyright Advisory Committee. The Library of Congress has established a national Copyright Advisory Committee to consult with and advise the Register of Copyrights and the staff of the Copyright Office. The Committee will meet at the call of the Register at least once a year or as often as needed. The first meeting took place April 13 in New York City and focused on international copyright issues.

ALA's Executive Director, Robert Wedgeworth, has been appointed to the Copyright Advisory Committee. Other members are Morton David Goldberg, Schwab, Goldberg & Dannay (Chairman); Eugene Aleinikoff, Dannenberg, Hazen & Lake; Jon Baumgarten, Paskus, Gordon & Hyman; E. Fulton Brylawski, Brylawski & Cleary; Leonard Feist, National Music Publishers Association; Jack Goldstein, Arnold, White & Durkee; Alan Hartnick, Colton, Weissberg, Hartnick & Yamin; Walter Josiah, Jr., Paramount Pictures Corp.; Irwin Karp, Authors Guild, Inc.; Alan Latman, Cowar, Liebowitz & Latman; Bella Linden, Linden & Deutsch; Paul Marks, American Society of Composers, Authors & Publishers; John Marshall, Christian Science Center; Ernest Meyers; Melville Nimmer, UCLA Law School; Harry Olsson, CBS Inc.; E. Gabriel Perle, Time Inc.; Barbara Ringer, Spencer & Kaye (and former Register of Copyrights); Harry Rosenfield; Stanley Rothenberg, Moses & Singer; Theodora Zavin, Broadcast Music Inc.; Harry Henn, Cornell University Law School; and Dan Lacy, McGraw Hill. Committee members serve as honorary consultants to LC without compensation for one-year terms.

Graphic Elements Rulemaking. The Copyright Office has terminated its proposed rulemaking regarding registration of claims to copyright in the graphic elements involved in the design of books and other printed publications, according to the June 10 Federal Register (pp. 30651-3). The Copyright Office had issued an advance notice of proposed rulemaking on August 14, 1979 (44 FR 47555), solicited comments, and held a hearing on October 10, 1979. As a result of comments and testimony:

The Copyright Office has concluded that existing practices and regulations accurately reflect established principles of statutory and case law. The Copyright Office makes subject matter determinations of registrability solely on the basis of the original creative expression (if any) embodied in the works submitted for registration. We recognize that designers may employ substantial effort and artistic skills in the planning and development of book designs. However, we believe that the arrangement, spacing, or juxtaposition of text matter which is involved in book design falls within the realm of uncopyrightable ideas or concepts.

HEA II-A Grants

The final regulations for the Higher Education Act title II-A college library resources program as published in the June 17 Federal Register (pp. 31866-88) take effect 45 days after transmittal to Congress. The 45 days will not quite be up when Congress breaks for its August recess. The regs must be official before awards can be made, so grants will be delayed about a month. Grants of approximately \$1,000 should go out at the end of August based on the FY 1981 appropriation of \$2.9 million. Eligible academic libraries or other applicants who have not received an award by September 30 should contact ED's Office of Libraries and Learning Technologies.



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Senate

NATIONAL LIBRARY AND INFORMATION SERVICES ACT REINTRODUCED

(Page S7111)

By Mr. STAFFORD (for himself, Mr. KENNEDY, Mr. PELL, and Mr. RANDOLPH):

S. 1431. A bill to promote the further development of public library services, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL LIBRARY AND INFORMATION SERVICES ACT

● Mr. STAFFORD. Mr. President, today I am introducing on behalf of myself and Senators PELL, RANDOLPH, and KENNEDY the National Library and Information Services Act, a bill with a simple goal: To improve America's libraries. It would replace the Library Services and Construction Act, which expires next year.

This bill is virtually identical to S. 2859, a measure introduced in the 96th Congress by Senators JAVITS, KENNEDY, PELL, RANDOLPH, WILLIAMS, and myself, and based on recommendations of the 1979 White House Conference on Library and Information Services.

Reintroducing the proposal should help focus the attention of the 97th Congress on the role the Federal Government should fulfill in supporting public libraries, and on the relationship of State, local, and Federal jurisdictions in meeting library objectives. These include funds, interlibrary cooperation, planning and construction, and meeting the needs of special categories of users.

America's libraries have not kept pace with information needs and demands. Creativity and initiative are required to make better use of existing resources and to develop techniques for improved access to and sharing of information.

Local and public libraries across the country are in deep trouble. Cost increases, fueled by inflation, have combined with budget cuts to force staff layoffs, reduced hours and fewer purchases of books, periodicals and other materials. In States like California and Massachusetts, taxpayer revolts against property and sales taxes have created additional problems, increasing pressure to close library branches.

This retrenchment comes at a time when indicators suggest an increased demand for the variety of services a good public library offers.

My bill is an attempt to reverse a trend that threatens to erode the library's tradition as a public institution—a precept that is almost fundamental to our democratic system. Major provisions of the bill include the following:

Defining the responsibility of the U.S. Department of Education in coordinating library and information services.

Providing funds to connect—on a voluntary basis—all public and private libraries that care to participate.

Authorizing matching funds to support public library services.

Authorizing matching funds to spur construction or renovation of public libraries.

Specific authorization of Federal grants to meet the special needs of such library users as rural residents, the functionally illiterate, handicapped and otherwise disadvantaged people.

Support for State planning, public awareness programs and training of local people in library skills.

The act has five titles, broken down in this manner:

TITLE I. INTERLIBRARY COOPERATION

Federal funds appropriated under this title would be used for planning development, and maintenance of cooperative library networks on local, State, regional, and national levels. Resources of different kinds of libraries would be pooled, and research libraries with collections used by the general public would be eligible for financial assistance.

TITLE II. OPERATING FUNDS FOR PUBLIC LIBRARIES

The Federal share of matching funds would be based on the Hill-Burton formula, taking into account a State's economic resources. No more than 5 percent of the funds authorized by this title could be used to meet State administrative costs.

The balance would be distributed to local public libraries on the basis of population, with adjustments provided for by State regulation. Money would be used for general library operating expenses, including acquisitions, staff, heat, lighting, and similar costs. This support would continue from year to year, supplanting the short-term demonstration grants offered under current law.

TITLE III. PUBLIC LIBRARY CONSTRUCTION

There have been no Federal construction funds for libraries for several years. Construction grants would require State matching funds, again based on the Hill-Burton formula, and would permit acquisition of existing structures and conversion for library purposes.

TITLE IV. PUBLIC LIBRARY PROGRAMS TO MEET SPECIAL USER NEEDS

People who live in rural, sparsely populated and impacted areas would be

eligible for special library funds under this title. It also is intended to provide funds for special services—to combat such problems as illiteracy, high unemployment or inability to speak English.

Other programs would be aimed at people with physical handicaps, those who are institutionalized, economically and educationally disadvantaged people, and other groups with specific needs. These special library services grants would be financed entirely with Federal funds allocated under State plans.

TITLE V. PLANNING AND DEVELOPMENT

Grants under this title are to be used for planning and strengthening State library systems, public awareness programs, and training of library personnel in local communities, including trustees.

Mr. President, I hope that we may begin consideration of this legislation through hearings later this summer, and I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Library and Information Services Act".

DECLARATION OF POLICY AND PURPOSE

Sec. 2. (a) (1) It is the policy of the United States to establish, support, and expand educational opportunities for individuals of all ages and conditions through the promotion of universal library and information services; to provide all persons ready and convenient access to information relating to publicly supported programs designed to provide assistance to those in need, including particularly programs concerned with health, employment, social security, education, recreation, and the elderly; to implement the constitutional guarantees of free speech and free press through public access to all Government repositories of non-classified information, especially information about public processes and the various sides of public issues; and to provide to all persons, without regard to their educational attainment, individual ability or economic condition, free, equal, and open access to all publicly funded library and information services.

(2) In order to achieve the policy set forth in subsection (a) of this section, it is essential that a national program be established to insure that an adequate level of library and information services is made available in all communities, accessible to all residents thereof, and to encourage government agencies at all levels to work together toward the goal of library and information services for all.

(b) It is the purpose of this Act to assist the States (1) in promoting interlibrary cooperation among all types of libraries; (2) in the provision, extension, and improvement of public library services; (3) in public library construction; (4) in the provision, extension, and improvement of public library programs to meet special user needs, including library services for physically handicapped, institutionalized, functionally illiterate, unemployed, persons with limited English language skills, and economically and educationally disadvantaged individuals; and (5) in strengthening State library administrative agencies and library personnel.

(c)(1) It is further the purpose of this Act to preserve the tradition of local control over the selection and purchase of library materials and the furnishing of library and information services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and the units of local government of the States.

(2) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility for the conduct of library services.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Annual program" means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. The annual programs shall be submitted in such detail as required by regulations promulgated by the Secretary.

(2) "Basic State plan" means the document which provides assurances—

(A) that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; and

(B) that the policies, priorities, criteria, and procedures of the State necessary to the implementation of all programs under the provisions of this Act will be established and implemented; and which is submitted for approval as required by regulations promulgated by the Secretary.

(3) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(4) "Criteria for determining adequacy of public library services" means the standards adopted by the State and approved by the Secretary to determine services or resources of public libraries which are inadequate and for which funds under this Act may be expended.

(5) "Disadvantaged persons" means persons who have educational, socioeconomic, cultural, or similar disadvantages that prevent them from receiving the benefits of library services.

(6) "Functionally illiterate" means persons who do not possess the necessary skill to read, write, and comprehend sufficiently to fulfill their own objectives as family and community members, citizens, consumer-job-holders, and members of social, religious, and other associations of their choosing.

(7) "Interlibrary cooperation" means the establishment, expansion, and operation of

local, regional, and interstate cooperative library networks.

(8) "Library" means any school, public, academic, or special library or information center which provides library services, whether publicly or privately funded.

(9) "Library materials" means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, and processed video and magnetic tapes; printed, published audiovisual materials, and nonconventional library materials designed specifically for the handicapped, and materials of a similar nature.

(10) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and to making the materials and information of a library available to a clientele.

(11) "Long-range program" means the comprehensive five-year program which identifies the library needs of the State and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Each long-range program shall be developed by the State library administrative agency and shall specify the policies, criteria, priorities, and procedures of the State consistent with this Act as required by the regulations promulgated by the Secretary. Each long-range program shall be updated as library progress requires.

(12) "Network" means a formal arrangement under which materials, information, and services provided by a variety of types of libraries and other organizations are made available to all potential users and is designed to provide for the systematic and effective coordination of the resources of school, public, academic and special libraries and information centers to achieve improved service to the users thereof. A network may serve a community, metropolitan area, region covering portions of more than one State, or region within a State, or be statewide, multi-State, national, or international in scope.

(13) "Office" means the Office of Libraries and Learning Resources in the Department of Education.

(14) "Physically handicapped" means persons who have restricted physical capabilities which impair their ability to use library materials, including the blind, visually handicapped, and hearing impaired persons.

(15) "Public library" means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds, and is not an integral component of an institution of higher education.

(16) "Public library services" means library services furnished by a public library free of charge.

(17) "Resource library" means any library which—

(A) makes its services available to the public free of charge;

(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through other public libraries;

(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

(D) is not an integral part of an institution of higher education.

A public library which is also a resource library has the same basic entitlement to funds under this Act as any other public library.

(18) "Secretary" means the Secretary of Education.

(19) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(20) "State advisory council on libraries" means an advisory council for the purposes of clause (3) of section 9(a) of this Act which shall—

(A) be broadly representative of the public, school, academic, and special libraries in the State, and of persons intended to be served by such libraries, including disadvantaged persons within the State;

(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plans, and programs; and

(C) assist the State library administrative agency in the evaluation of activities assisted under this Act.

(21) "State institutional library services" means the providing of books and other library materials, and of library and information services, which would normally be provided by a public library, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hearing impaired, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired individuals who by reason of such impairment require special education) operated or substantially supported by the State.

(22) "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, and which has adequate authority under the laws of the State to administer State plans and annual programs in accordance with the provisions of this Act.

(23) "Strengthening the State library administrative agency" means improving the capacity of the agency in the administration of programs and projects assisted under this Act to meet Federal requirements.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) (1) There are authorized to be appropriated for the purpose of making grants to States to carry out interlibrary cooperation programs under title I, \$20,000,000 for the fiscal year 1983 and for each of the succeeding fiscal years ending prior to October 1, 1987.

(2) There are authorized to be appropriated for the purpose of making grants to States for public library services under title II, \$90 million for the fiscal year 1983, \$100 million for the fiscal year 1984, \$110 million for the fiscal year 1985, \$125 million for the fiscal year 1986, and \$150 million for the fiscal year 1987.

(3) There are authorized to be appropriated for the purpose of making grants to States for public library construction under title III, \$40 million for the fiscal year 1983, and for each of the succeeding fiscal years ending prior to October 1, 1987.

(4) There are authorized to be appropriated for the purpose of making grants to States for public library programs to meet special user needs under title IV \$20 million for the fiscal year 1983 and for each of the succeeding fiscal years ending prior to October 1, 1987.

(5) There are authorized to be appropriated for the purpose of making grants to States to carry out planning and development, public awareness, and library personnel training programs under title V, \$15 million for the fiscal year 1983 and for each of the succeeding fiscal years ending prior to October 1, 1987.

(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums shall—

(1) be included in the Act making appropriations for the fiscal year prior to the fiscal year in which such sums are obligated.

(2) be made available for expenditure prior to the beginning of such fiscal year, and

(3) subject to regulations of the Secretary promulgated in carrying out the provisions of section 5 (b), remain available for obligation and expenditure for the year specified in the appropriation Act and until the close of the following fiscal year.

ALLOTMENTS TO STATES

SEC. 5. (a) (1) From the sums appropriated pursuant to paragraph (1), (2), (3), (4), or (5) of section 4 (a) for any fiscal year the Secretary shall allot the minimum allotment as determined under paragraph (3) of this subsection to each State. Any sums remaining after minimum allotments have made shall be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a) for any fiscal year, the Secretary shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the "minimum allotment" shall be—

(A) with respect to appropriations for the purposes of title I, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(B) with respect to appropriations for the purposes of title IV, \$100,000 for each State, except that it shall be \$40,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(C) with respect to appropriations for the purposes of title III, \$100,000 for each State, except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands;

(D) with respect to appropriations for the purposes of title IV, \$100,000 for each State except that it shall be \$20,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(E) with respect to appropriations for the purposes of title V, \$40,000 for each State, except that it shall be \$10,000 in the case of Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

If the sums appropriated pursuant to paragraph (1), (2), (3), (4), or (5) of section 4 (a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be ratably reduced.

(4) The population of each State and of all the States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him.

(5) There is authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress deems necessary for the fiscal year 1983, and for each of the succeeding fiscal years ending prior to October 1, 1987.

(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), (3), (4), or (5) of section 4 (a) which the Secretary determines will not

be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallocation from time to time on such dates during such year as the Secretary shall fix. Such amount shall be available for reallocation to other States in proportion to the original allotments for such year to such States under subsection (a) but without such proportionate amount for any such other States being reduced to the extent that it exceeds the amount which the Secretary estimates the State needs and will be able to use for such period of time for which the original allotments were made. The total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

PAYMENTS TO STATES

SEC. 6. (a) From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), (3), (4), or (5) of section 4(a), the Secretary shall pay, to each State which has a basic State plan approved under section 9(a)(1), an annual program and a long-range program, an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (2) for the purposes of title II to any State (other than the Trust Territory of the Pacific Islands and the Northern Mariana Islands) for any fiscal year unless the Secretary determines that—

(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

(2) there will be available for expenditure for the purposes of the programs from State and local sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

(b) (1) For the purpose of this section, the Federal share for title I of this Act shall be 100 per centum of the cost of carrying out the State plan.

(2) (A) For the purpose of this section, the Federal share for title II and title III of this Act shall be 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands), except that (i) the Federal share shall in no case be more than 66 per centum or less than 33 per centum, and (ii) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 86 per centum and (iii) the Federal share for the Trust Territory of the Pacific Islands and the Northern Mariana Islands shall be 100 per centum.

(B) The Federal share for title II and title III for each State shall be promulgated by the Secretary within sixty days after the beginning of the fiscal year ending September 30, 1982, and of every second fiscal year thereafter, on the basis of the average per

capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

(3) For the purpose of this section, the Federal share for title IV shall be 100 per centum of the cost of carrying out the State plan.

(4) For the purpose of this section, the Federal share for title V shall be 100 per centum of the cost of carrying out the State plan.

OFFICE OF LIBRARIES AND LEARNING TECHNOLOGIES

SEC. 7. (a) (1) There is established in the Department of Education an Office of Libraries and Learning Technologies.

(2) The Office shall be headed by a Deputy Assistant Secretary.

(b) In order to carry out the purposes of this Act, the Secretary, through the Office, shall—

(1) carry out financial assistance programs authorized by titles, I, II, III, IV, and V of this Act;

(2) encourage and assist comprehensive planning, coordination and development of multitype library and information networks and exchange programs, including—

(A) both profit and not-for-profit libraries from the public and private sector,

(B) the Library of Congress,

(C) a national periodicals system, and

(D) a national lending library for print and nonprint materials,

in cooperation with State library agencies and such other agencies, organizations, or libraries as are involved in such networks and programs, except that the operation of such networks shall be controlled at the State or regional level and shall be accessible equally to benefit all individuals;

(3) (A) encourage and assist interlibrary cooperation among libraries of all kinds, including national and regional library and information resource centers, State library agencies, creation of interinstitutional catalogs, exchange of library materials, transmission of bibliographic information, and joint operation of communications facilities, and

(B) encourage and support low rates for postal and telecommunication charges for such services;

(4) encourage and assist the transmission of information to public libraries for the benefit of individual users concerning Federal and State publicly supported programs designed to provide assistance to individuals in need, including particularly programs concerned with health, employment, social security, education, recreation, and the elderly;

(5) encourage and assist the development and implementation of procedures to insure convenient, speedy and free access to all nonclassified information and materials in Government repositories, especially information about public processes and the various sides of public issues, including information and materials maintained by federally funded libraries and information services, whether operated by Federal agencies or established under Federal law;

(6) encourage and assist the development and implementation of procedures to facilitate participation by all federally supported libraries and information services and appropriate Federal agencies in the development, review, adoption, and implementation of national and international standards for publishing, producing, organizing, storing, and transmitting information using estab-

lished and recognized procedures and institutions;

(7) encourage and assist the establishment and implementation of standards which address hardware and software compatibility computer and communications network protocols, and machine-readable information;

(8) encourage and conduct research programs into development of new technologies to permit convenient and economic media conversion between conventional print and other formats for storage, retrieval, and transmission, including formats specially designed to serve hearing impaired, blind, and other physically handicapped persons;

(9) encourage and assist the establishment of cooperative library exchange programs with foreign libraries, including the translation and distribution of library materials and the international exchange of library and information services, including international networking;

(10) encourage and assist the development and improvement of the library resources of the United States, including acquisition of foreign materials, establishment of special collections to preserve local history and ethnic and cultural heritage, including American Indian culture, improved cataloging procedures, conservation and archival preservation of library materials, and technological advances;

(11) plan and implement campaigns and programs to increase public awareness of library and information services on the national level in coordination with the States as appropriate;

(12) encourage and assist measures to improve library-community interaction, including community needs assessment projects, cultural awareness projects, age-level consultant projects, and youth incentive projects;

(13) cooperate with and assist the Bureau of Indian Affairs in their establishment and operation of a National Indian Library Center and, upon request of the Bureau, assist in—

(A) the preservation, production, collection, and distribution of materials to Indian libraries;

(B) the operation of a clearinghouse and referral center for collections of Indian cultural, language, and historical materials;

(C) the provision of technical assistance to Indian libraries;

(D) the provision of network services to Indian libraries, including access to information on Government assistance programs for Indians, including health, social services, economic development and job training; and

(E) the provision and coordination of pre-service and inservice training and certification of Indian library workers, in collaboration with higher education agencies and the several Indian tribes, Alaska Natives and Aleuts;

(14) encourage and assist the planning and implementation of a national plan for the distribution of Government publications to insure convenient access to all Government publications by all citizens, including financial assistance to participating libraries to aid in the maintenance collections, facsimile transmission, and other technical facilities where appropriate, and the maintenance of a low price structure for the purchase of Government publications;

(15) coordinate the collection and dissemination of statistical data relating to library services;

(16) establish and operate a National Clearinghouse on Library and Information Services to—

(A) plan and implement demonstration programs and research in innovative and improved library programs and information services,

(B) collect information on innovative and improved library programs and information

services in the United States and elsewhere in the world,

(C) publish and distribute information of special value in developing or improving library programs and services, and

(D) encourage and assist the exchange and circulation of cultural programs, exhibits, and other special materials to enrich library service to the public;

(17) advise and assist Federal departments and agencies which have responsibility for the institutional care, treatment or custody of persons, including correctional facilities and hospitals, to plan for and provide adequate library and information services to individual residents in such institutions; and

(18) administer grants authorized for the purpose of assisting in the implementation of the foregoing purposes.

ADMINISTRATIVE PROVISIONS

SEC. 8. (a) In order to carry out the functions of this Act, the Secretary is authorized to—

(1) prescribe such regulations as he deems reasonably necessary;

(2) appoint and fix the compensation of such personnel as may be necessary;

(3) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it will be used for the purposes of the Office, and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Office under this Act;

(4) receive, and use, sell, or otherwise dispose of, in accordance with paragraph (3) money and other property donated, bequeathed, or devised to the Office with a condition or restriction including a condition that the Office use other funds of the Office for the purpose of the gift;

(5) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as the Secretary deems desirable to advise the Office with respect to its functions under this Act, which advisory committee or committees shall have the same representative composition and functions on the national level as the State Advisory Council on Libraries have pursuant to section 3 of this Act;

(6) secure from any Federal agency, including any independent establishment or instrumentality of the United States, or from any State or political subdivision thereof, information, estimates and statistics required in the performance of functions under this Act;

(7) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(8) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses including per diem as authorized by section 5703 of title 5, United States Code;

(9) enter into contracts, grants, or other arrangements, or modifications thereof to carry out the provisions of this Act;

(10) provide for the making of such reports (including fund accounting reports) and the filing of such applications in such form and containing such information as the Secretary may reasonably require;

(11) make advances, progress, and other payments which the Secretary deems necessary to carry out the provisions of this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(12) Make other necessary expenditures.

(b) Each member of a committee appointed pursuant to paragraph (5) of subsection (a) of this section who is not an officer or employee of the Federal Government shall receive an amount not to exceed the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States

Code, as determined by the Secretary for each day he is engaged in the actual performance of his duties (including travel time) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(c) Upon written request made by the Secretary of Education, each Federal agency, independent establishment or instrumentality is authorized and directed to furnish such cooperation, assistance, access, information, estimates, and available statistics, to the greatest practicable extent, to the Office in the performance of its functions.

STATE PLANS AND PROGRAMS

SEC. 9. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall—

(1) have in effect for such fiscal year a basic State plan which meets the requirements set forth in subsection (b),

(2) submit an annual program for the purposes for which allotments are desired, meeting the appropriate requirements set forth in title I through V,

(3) submit, not later than July 1, 1982, a long-range program for carrying out the purposes of this Act as specified in subsection (d), and

(4) establish a State Advisory Council on Libraries which meets the requirements of section 3(20).

(b) A basic State plan under this Act shall—

(1) (A) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

(B) provide assurances that the State will pay from non-Federal sources, State and local, the non-Federal share of the sums expended under the State plan, the long-range program and the annual program;

(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Secretary may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in achieving the State's criteria for adequate services, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(4) set forth the criteria to be used in determining the adequacy of public library services in various geographical areas and for various groups of persons in the State for titles I through V.

(c) (1) The Secretary shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

(A) the plan fulfills the conditions specified in section 3 (20) and subsection (b) of this section and the appropriate titles of this Act;

(B) the Secretary has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are contained in the plan to insure that any assurances and provisions of such plan will be carried out, including the receipt and acceptance of re-

ports as required by subsection (b)(3) of this section.

(2) The State plan shall be made public as finally approved.

(3) The Secretary shall not finally disapprove any basic State plan submitted pursuant to subsection (a)(1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

(d) The long-range program of any State for carrying out the purposes of this Act shall—

(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(4) set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs, and for cooperation among local libraries to meet the needs of the people of the community.

Such program shall be developed with the advice of the State Advisory Council and in consultation with the Secretary and shall be made public as it is finally adopted.

(e) Whenever the Secretary, after giving reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—

(1) that the program has been so changed that it no longer complies with the provisions of this Act, or

(2) that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provisions contained in the basic State plan,

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, the Secretary shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

(f) (1) If any State is dissatisfied with the Secretary's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence. The Secretary may

thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

TITLE I—INTERLIBRARY COOPERATION AND NETWORK SUPPORT GRANTS TO STATES FOR INTERLIBRARY COOPERATION AND NETWORK SUPPORT PROGRAMS

SEC. 101. The Secretary shall carry out a program of making grants to States which have an approved basic State plan under section 9(c) and have submitted a long-range program under section 9(d) and an annual program under section 103 for interlibrary cooperation and network support programs among school, public, academic, and special libraries and information centers.

USES OF FEDERAL FUNDS

SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5 (a) for the purposes of paying the Federal share of the cost of carrying out State plans submitted and approved under sections 9 and 103. Such grants shall be used for—

(1) planning for, and taking other steps leading to the development and maintenance of, cooperative library networks on an intrastate, statewide, regional, multistate, and national basis;

(2) establishing, expanding, and operating intrastate, statewide, regional, multistate, and national cooperative networks of libraries to provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers to achieve improved service to the users thereof, including bibliographic access, communications, and delivery systems, and including the conversion of existing collections and catalogs to machine-readable data bases; and

(3) special financial assistance for collection maintenance or development to resource libraries identified in the State plan, including research libraries, major academic libraries, and where appropriate, privately funded library collections which are heavily used as library resources by public libraries in the State.

(b) Notwithstanding any other provision of this Act, the Secretary is authorized to set aside not to exceed 15 per centum of the funds appropriated under paragraph (1) of section 4(a) for the purpose of making discretionary grants for assistance to regional, multistate, national, or international cooperative networks which benefit the libraries in one or more States but which extend beyond the jurisdiction of any single State, including research, system development, operations, and capital costs.

(c) No school, public, academic, special library or information center, or resource library may receive assistance or network services under this title unless the school, public, academic, special library or information center, or resource library has agreed to share its own library and information resources on a fair and equitable basis with other participating libraries in the appropriate cooperative network program.

STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION AND NETWORK SUPPORT

SEC. 1023. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 9, submit for that fiscal year an annual

program for interlibrary cooperation and network support. Such program shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation, and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 102, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE II—PUBLIC LIBRARY SERVICES

GRANTS TO STATES FOR PUBLIC LIBRARY SERVICES

SEC. 201. The Secretary shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 9(c) and have submitted a long-range program under section 9(d) and an annual program under section 203 for the provision, extension, and improvement of public library services.

USES OF FEDERAL FUNDS

SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under sections 9 and 203. In order to provide, extend, and improve public library services, each State library administrative agency shall distribute funds received under this title for public library services.

STATE ANNUAL PROGRAM FOR PUBLIC LIBRARY SERVICES

SEC. 203. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 9, submit for that fiscal year an annual program for public library services. Such program shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation, and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year will be used, consistent with its long-range program, to provide, extend, and improve public library services on a fair and equitable basis to all citizens including children, students, adult learners, and older readers throughout the State;

(2) set forth a program for any statewide public library services to be performed by or furnished by the State library administrative agency, including public library services in areas of the State not adequately served by existing public libraries;

(3) set forth a program for allocating funds paid to the State from appropriations pursuant to paragraph (2) of section 4(a), which shall insure that (A) the funds will be distributed among public libraries in the State on the basis of population, subject to such adjustments as may be provided for in reasonable standards and regulations adopted by the State library administrative agency, and (B) the State will expend from State and local sources an amount not less than the amount expended by the State from such sources for library services during the second preceding fiscal year;

(4) provide assurances that any public library receiving funds from appropriations made pursuant to paragraph (1) of section 4(a) will share its resources on an exchange basis with other public libraries in the State, and set forth procedures for the establishment of a statewide library network based upon the sharing of such resources;

(5) provide assurances that the State will use not more than 5 per centum of the funds

received by the State under this Act to pay the costs of activities required by this Act for a State to qualify for assistance and necessary for meeting Federal reporting and compliance requirements;

(6) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program;

(7) include an extension of the long-range program, taking into consideration the results of evaluations; and

(8) provide assurances that the State will submit a substantially complete annual program for each title of this Act under which funds are being sought within ninety days after the Secretary has notified the State of the availability of funds, and that such reports as may be due will have been submitted to the Secretary before the annual program is to be considered.

TITLE III—PUBLIC LIBRARY CONSTRUCTION

GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

SEC. 301. The Secretary shall carry out a program of making grants to States which have had approved a basic State plan under section 9(c) and have submitted a long-range program under section 9(d) and an appropriately updated annual program under section 303 for the construction of public libraries.

USES OF FEDERAL FUNDS

SEC. 302. Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried out under State plans submitted and approved under sections 9 and 303. Such grants shall be used solely for the construction of public libraries as defined in section 3 and for the remodeling of public libraries necessary to meet standards adopted pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968, for the acquisition and conversion of existing structures for use as libraries, and for remodeling designed to conserve energy in the operation of public libraries under approved State plans.

STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

SEC. 303. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 9, submit such projects as the State may approve and are consistent with its long-range program. Such projects shall be submitted at such time and contain such information as the Secretary may require by regulation and shall—

(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (3) of section 4(a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency; and

(4) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE IV—PUBLIC LIBRARY PROGRAMS TO MEET SPECIAL USER NEEDS

GRANTS TO STATES FOR PUBLIC LIBRARY PROGRAMS TO MEET SPECIAL USER NEEDS

SEC. 401. The Secretary shall carry out a program of making grants to States which have an approved basic State plan under section 9(c) of this title and have submitted a long-range program under section 9(d) and an annual program under section 403 of this title for public library programs to meet special user needs.

USES OF FEDERAL FUNDS; FEDERAL SHARE

SEC. 402. Funds appropriated pursuant to paragraph (4) of section 4(a) of this title shall be available for grants to States from allotments under section 5(a) of this Act for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under sections 9 and 403. Such grants may be used for—

(1) library services for rural, sparsely populated, and impacted areas to supplement services funded under title II;

(2) literacy training programs for the functionally illiterate;

(3) job information services and career counseling in high unemployment areas;

(4) English language instruction;

(5) library services for the aging, the developmentally disabled, those with learning disabilities, the blind and visually handicapped, and those with hearing disabilities;

(6) extension library services for patients, residents and inmates of mental and general hospitals, correctional facilities, and other publicly supported institutions, which may include State institutional library services;

(7) outreach programs and other services to serve the economically and educationally disadvantaged;

(8) technical and reference services to serve business, employee, scientific, or other special groups;

(9) information and referral centers established in cooperation with other community and educational institutions and public and private agencies;

(10) assistance to library and information services in Indian country; and

(11) library programs developed in cooperation with public agencies; public broadcasting; nonprofit arts, cultural, archival, and historic preservation organizations; and publicly supported museums, schools, colleges, and adult education programs.

STATE ANNUAL PROGRAM FOR PUBLIC LIBRARY PROGRAM TO MEET SPECIAL USER NEEDS

SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 9, submit for that fiscal year an annual program for public library programs to meet special user needs. Such annual program shall be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) of this Act will be used, consistent with its long-range program for the purposes set forth in section 402 of this title, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

COORDINATION WITH OTHER FEDERAL PROGRAMS

SEC. 404. In carrying out the program of grants authorized by this title, the Secretary shall consult with the heads of other appropriate Federal agencies for the purpose of coordinating, wherever practicable, the pro-

grams assisted under this title with the activities of such agencies.

TITLE V—PLANNING AND DEVELOPMENT

GRANTS TO STATES FOR PLANNING AND DEVELOPMENT

SEC. 501. The Secretary shall carry out a program of making grants to States which have an approved basic State plan under section 9(c) and have submitted a long-range program under section 9(d) and an annual program under section 503 for planning and development.

USES OF FEDERAL FUNDS

SEC. 502. (a) Funds appropriated pursuant to paragraph (5) of section 4(a) shall be available for grants to States for allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 503. Subject to such limitations and criteria as the Secretary shall establish by regulation, grants under this title may be used for—

(1) meeting the costs of State library administrative agencies for planning and evaluation, studies and research, coordination with other Federal library grant programs, planning for State network development, and coordination with regional and national networks;

(2) strengthening the capacity of State library administrative agencies for meeting the needs of the people of the State, including development of staff, which may include specialists in adult, young adult, and children's services, and the continuing education of State library administrative agency personnel;

(3) funding statewide public awareness programs to educate the citizens of the State as to the availability and use of library and information services and the value of such services in meeting individual needs, such public awareness programs to be coordinated with any similar programs undertaken on the national or local community levels; and

(4) providing in-service training, continuing education, and career incentive programs for local library personnel, supplementing programs under the Higher Education Act, and including the recruitment and training on the local level of community liaison workers, public information officers, learners' advisers, literacy instructors, information specialists, trustees, and other library personnel who are representative of the constituencies in the community being served.

(b) Funds provided under this title may be transferred for use by institutions of higher education to carry out programs described in subsections (a) (2) and (4) of this section.

STATE ANNUAL PROGRAM FOR PLANNING AND DEVELOPMENT

SEC. 503. Any State desiring to receive a grant from its allotment to the purpose of this title for any fiscal year shall, in addition to having submitted and having had approved a basic State plan under section 9, submit for that fiscal year an annual program for planning and development. Such program should be submitted at such time, in such form, and contain such information as the Secretary may require by regulation and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (5) of section 4(a) would be used, consistent with its long-range program for the purposes set forth in section 502, and

(2) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE VI—MISCELLANEOUS PROVISIONS

EFFECTIVE DATE

SEC. 601. The provisions of this Act shall take effect October 1, 1981. ●

RESOLUTION ON A NATIONAL LIBRARY AND INFORMATION SERVICES ACT

WHEREAS, all types of libraries share resources for the benefit of a wide constituency; and

WHEREAS, the spread of information provides a base for increased productivity in many sectors of society; and

WHEREAS, the citizens of the states and territories made clear their strong support for improved library and information services at the 1979 White House Conference on Library and Information Services; and

WHEREAS, both the National Library and Information Services Act and adequate funding of the existing federal library programs are responsive to the resolutions of the White House Conference on Library and Information Services, and the national legislative program of the American Library Association as adopted in Chicago on January 24, 1980; now

THEREFORE BE IT RESOLVED that the American Library Association reaffirms its support for the concepts of a National Library and Information Services Act, to be modeled on S. 2859 of 1980; and

BE IT FURTHER RESOLVED that the American Library Association supports public hearings on such a bill and urges its members to make their views known at such hearings in order to strengthen and improve the proposed legislation; and

BE IT FURTHER RESOLVED that the American Library Association continues its strong support of adequate funding for the existing Library Services and Construction Act, the Elementary and Secondary Education Act, and the Higher Education Act library programs.

Adopted by the Council of the
American Library Association
Washington, D. C., February 4, 1981

RESOLUTION IN SUPPORT OF THE CONTINUED COLLECTION OF LIBRARY STATISTICS
BY THE NATIONAL CENTER FOR EDUCATION STATISTICS

- WHEREAS, libraries are an essential component of both formal and informal education in the United States; and
- WHEREAS, the National Center for Education Statistics (NCES) within the U.S. Department of Education was created by Congress to be the primary agent for the collection, analysis, and dissemination of statistical data about all aspects of education in the United States; and
- WHEREAS, accurate, comprehensive, and up-to-date statistics are essential to the evaluation of library services and the observation of trends in all types of libraries; and
- WHEREAS, NCES has not yet published the results of the 1978 Public Library Survey and plans to cease further collection of college and university library statistics;
- NOW THEREFORE BE IT RESOLVED, that the American Library Association request the Secretary of Education to instruct the National Center for Education Statistics to continue the up-to-date collection, analysis and publication of statistical data about all types of libraries; and
- BE IT FURTHER RESOLVED, that the ALA request the Secretary of Education to direct the National Center for Education Statistics to issue all library statistical publications on a timely basis and to make them widely available to industry, government, educational agencies and individuals through both the depository library program and the Government Printing Office sales program.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1981
(Council Document #71)

RESOLUTION ON CONTINUED FREE PUBLIC ACCESS TO FEDERAL INFORMATION

- WHEREAS, a democratic government has an obligation to make available to its citizens the results of its actions, including its information collecting activities and its research and development efforts; and
- WHEREAS, the full benefit of Federal compilation of information is derived only when the material is made available to the widest possible audience; and
- WHEREAS, the Depository Library Program is an efficient and cost-effective channel for the widespread dissemination of federal government information to libraries in local communities for effective public access; and
- WHEREAS, the United States Congress is considering legislation concerning government information policies and practices, in particular, H.R. 3137, the Information Science and Technology Act of 1981, which would create an Institute for Information Policy and Research; and
- WHEREAS, the Office of Information and Regulatory Affairs of the Office of Management and Budget is developing policies and regulations for information resources management in furtherance of the mandate of PL 96-511, the Paperwork Reduction Act of 1980; and
- WHEREAS, specific full cost recovery provisions, such as that considered for the National Library of Medicine in S. 800, would have long lasting and deleterious effects upon equal access to federal information for both the private and public sectors; and
- WHEREAS, the distribution of federally generated information results in universally recognized benefits which contribute to the strength of this country;
- NOW THEREFORE BE IT RESOLVED, that the American Library Association communicate to the United States Congress and the President our conviction that in the development of information dissemination policies and procedures the underlying principle of any legislative or executive action continue to be free and equal public access to the data collected, compiled, produced, and published in any format by the government of these United States.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1981
(Council Document #71.2)

RESOLUTION ON FUNDING FOR THE DEPOSITORY LIBRARY PROGRAM

WHEREAS, federally-generated information is a national resource of major and continuing economic and social importance; and

WHEREAS, all citizens and institutions in the public and private sectors require adequate access to this information; and

WHEREAS, the Depository Library Program managed by the Government Printing Office provides an efficient and cost-effective means of assuring access to federal publications and information in 1,351 locations throughout the United States; and

WHEREAS, federal budgets are presently being scrutinized;

NOW THEREFORE BE IT RESOLVED, that the American Library Association urge the United States Congress and its appropriations committees to provide adequate funding for the Government Printing Office to acquire, disseminate and catalog all federal government publications mandated by Title 44 of the U.S. Code in the format most useful to the public served by the Depository program.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1981
(Council Document #71.3)

RESOLUTION ON THE GAO LEGISLATIVE HISTORY MICROFICHE FILES

- WHEREAS, the General Accounting Office legislative history files contain valuable resource material, comprising bills, committee hearings and prints, documents and reports, and other references to specific legislation, much of which has never been distributed to depository libraries; and
- WHEREAS, the House and Senate appropriations committees are considering mandating that the General Accounting Office legislative histories not be a part of the depository program; and
- WHEREAS, 355 depository libraries serving the 50 states have selected these publications after notification of their availability; and
- WHEREAS, much of the master silver microfiche, the most expensive part of the conversion process, has been completed and is ready for the production of duplicate copies; and
- WHEREAS, all federal government information of public interest and educational value, according to Title 44, U.S. Code, is to be included in the depository library program;
- NOW THEREFORE BE IT RESOLVED, that the American Library Association urge the United States Congress and the Comptroller General of the United States to make these microfiche files a depository library publication and provide funds for their duplication and distribution.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1981
(Council Document #71.4)