



# ALA Washington Newsletter

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Attachment: Reprint, HEA II-D Regulations and Application Forms from March 21, 1988, Federal Register

HEA II-D College Library Technology and Cooperation

The long-awaited draft regulations, the closing date notice, and the actual application package for the new Higher Education Act title II-D College Library Technology and Cooperation Grants were published in the March 21 Federal Register, pp. 9246-57. The deadline for comments on the proposed regs is May 5; the deadline for applications is May 16. The ALA Washington Office would welcome suggestions on the regs for ALA's response by April 22.

Since the time frame is very short, and II-D is a new program, an entire reprint of II-D materials from the March 21 Federal Register is attached to this newsletter. Please share it with your colleagues, and use it to comment on the regs, or to apply for a grant. Several hundred potential applicants have inquired of the Department of Education about this program, but only 89 grants are envisioned from the \$3.6 million available in FY 1988. Obviously, competition will be keen.

**ACTION NEEDED:** If you are interested in this program, tell your Representative and Senators why a II-D grant would help to improve library services, and urge continued funding with at least an inflationary increase for FY 1989.

Freedom of Information Day

Sen. Patrick Leahy (D-VT) gave a stirring defense of freedom of speech and the Freedom of Information Act as the keynote speaker at a press conference sponsored by the American Library Association to mark March 16 as Freedom of Information Day. Sen. Leahy said the FOIA was part of the First Amendment freedom to get knowledge, speak it, and use it. "No other country has such absolute guarantees." That, he said, is why he is concerned about threats over the last seven years to the FOIA.

None of these attacks on the FOIA were there because of threats to national security or to law enforcement, but because of a reluctance to admit mistakes or to cover intentional wrongdoing. Sen. Leahy later chaired the Senate Subcommittee on Technology and the Law at a hearing on information policy and competitiveness.

ALA released a new media "starter kit" on government information titled "Information: The Currency of Democracy." Kits contained a cumulation of ALA chronologies, "Less Access to Less Information By and About the U.S. Government: A 1981-1987 Chronology," and statements from some of the 43 organizational members of the ALA-developed Coalition on Government Information. Also speaking at the press conference was Muriel Spence, who with John Shattuck (both of Harvard University) had written a paper, "Government Information Controls: Implications for Scholarship, Science and Technology," to be published by Technology Review magazine, an MIT publication. Other speakers included Scott Armstrong of the National Security Archive and Michael Pertschuk of the Advocacy Institute, which issued an editorial memorandum discussing the significance of FOI Day (cosigned by ALA). Pertschuk summed up by saying a year-long campaign is needed to ensure that a year from now freedom of information is a reality, not just a promise.

On March 15, the House passed by voice vote and sent to the President S.J.Res. 126, the Senate-passed measure designating March 16, 1988, James Madison's birth date, as Freedom of Information Day. The House companion measure, H.J.Res. 408, which no longer requires action, had acquired a total of 175 cosponsors.

In Proclamation 5776 of March 16 for Freedom of Information Day 1988 (published in the March 18 Federal Register, pp. 8863-64), President Reagan said:

We Americans cherish our freedoms and use them; we thrive on the benefits of free exchanges with those who represent us in government and discharge the public trust. This interaction requires forthrightness in government and public access to most government information. Indeed, the responsible flow of such information to the public is entirely compatible with the necessary and proper protection of vital public interests such as national security, privacy, and effective law enforcement.

### Telecommunications

The Federal Communications Commission has decided to drop its proposal to impose access charges on enhanced service providers such as the major value-added networks (Telenet, CompuServe, etc.). The FCC, which has not commented officially yet, will reportedly take the rare step of drafting a letter or order to confirm its decision to close CC Docket 87-215. According to both Communications Daily and the Wall Street Journal of March 17, the action was taken in response to an announcement by House telecommunications subcommittee Chairman Edward Markey (D-MA) that he would introduce legislation to prohibit such access charges. Communications Daily said the FCC proposal generated a "firestorm of controversy," and noted the opposition from libraries, among others. Libraries would have paid an estimated \$4.47 per hour in added costs to access remote databases under the proposal, which was said to have generated the most letters to the FCC ever on a telephone issue.

### Postal Rates

The Postal Service Board of Governors announced on March 22 new and increased postal rates effective April 3. A first-class stamp will go from \$.22 to \$.25. For

other classes of mail the Postal Rate Commission on March 4 had recommended rates higher than U.S. Postal Service requested last year. However, the final decision for the fourth-class library rate was one penny less for the first pound than the PRC had recommended. Due mainly to new methods of calculating the needed revenue forgone appropriations, USPS now figures it has enough appropriations for preferred rates to put them at the old Step 16, the final step on a phased rate schedule leading to full attributable costs. Previously, an appropriations shortfall put rates higher than Step 16. The result for the library rate is slightly less of an increase than would otherwise go into effect April 3:

<u>Library Rate</u>	<u>Current Rate</u>	<u>New Rate as of April 3, 1988</u>
First pound	\$ .54	\$ .64
Each additional lb. through 7 lbs.	.19	.23
Each additional lb. over 7 lbs.	.10	.12

#### National Technical Information Service

The House Science, Research, and Technology Subcommittee held a hearing February 24 on the continuing move by the Department of Commerce, under pressure from the Office of Management and Budget, to privatize the National Technical Information Service (see January 28 ALA Washington Newsletter, p. 2). Both Chairman Doug Walgren (D-PA) and ranking minority member Sherwood Boehlert (R-NY) expressed opposition to privatizing NTIS, as did various witnesses, including Carla Newsome of Westinghouse Electric Corporation for the Special Libraries Association.

Other witnesses included Harold Seidman for the National Academy of Public Administration, Fred Wood of the Office of Technology Assessment, Steve Kreisberg from the National Federation of Federal Employees, and Harry Lewis from Public Citizen/Congress Watch, a member of the Coalition on Government Information. Despite requests, no Administration witness appeared.

Rep. Boehlert spoke of "...the unrelenting obsession of the Office of Management and Budget, a place where the reasoning seems to be along the lines Lewis Carroll described in Alice in Wonderland: 'Sentence first, verdict afterwards.' NTIS--or really, its users--have been sentenced to privatization, despite the verdict of numerous studies, each determining that the agency should remain with the government."

Apparently, Chairman Walgren's bill (HR 2159) to recast NTIS as a government corporation may be used as a vehicle to oppose NTIS privatization. HR 2159, scheduled to be marked up by the Subcommittee on March 29, contains a provision to require the corporation:

to make its bibliographic information products (including but not limited to catalogs, indexes, abstracts, and newsletters) available in a timely manner to depository libraries as a part of the Depository Library Program of the Government Printing Office, to the extent that such information was being made available for this purpose on the date of enactment of this section.

#### FBI Visits to Libraries

In opening a March 17 oversight hearing on the Federal Bureau of Investigation, Rep. Don Edwards (D-CA), Chairman of the House Judiciary Subcommittee on Civil and

Constitutional Rights, announced that he was concerned about the FBI's "library awareness" program. Later he questioned FBI Director William Sessions, who said that in many cases people are recruited to do research for foreign governments in specialized and technical libraries. He hoped the Bureau was not being over-intrusive, but it was important for the FBI to know where these people are being recruited. Edwards said that "libraries are very precious institutions in the U.S." The FBI actions, he felt, could have a chilling effect on the use of libraries, and could lead to citizens being afraid to ask for certain materials. He urged Sessions to reexamine the "library awareness" program.

#### National Endowment for the Humanities

The House Interior Appropriations Subcommittee, chaired by Sidney Yates (D-IL) heard public witnesses March 17 on funding for the National Endowment for the Humanities. For the first time in eight years, the Administration has not recommended cutting the total for NEH, but requested level funding of \$140,435,000. However, ALA and the National Humanities Alliance distributed a joint statement at the hearing recommending restoration of Humanities Projects in Libraries, for which a 28 percent cut, from the current \$2.9 million to \$2.1 million, is proposed.

Witnesses included New York Public Library President Vartan Gregorian and Commission on Preservation and Access President Patricia Battin. Battin testified on behalf of the National Humanities Alliance and the Association of Research Libraries. She recommended increasing the current \$2-3 million for NEH preservation efforts (in addition to the NEH newspaper project) by \$2 million per year to a level of \$10 million annually. Chairman Yates asked questions about the use of permanent paper and speculated about possible incentives for publishers or paper mills to encourage its use.

In an attachment to her testimony, Battin outlined a "Cooperative National Preservation Microfilming Program," which over 20 years would preserve a significant core of presently embrittled materials (about 3 million volumes of more than 75 million that are deteriorating) and make them accessible through a central distribution facility. To accomplish this objective, the Commission proposes that a group of about 20 universities commit to filming 150,000 volumes each over the next 20 years (some 7,500 volumes annually), contributing master film copies to the central resource facility. The plan is expected to cost \$180 million over the 20-year period.

#### National Agricultural Library

Sen. Lawton Chiles (D-FL), with cosponsors Sens. Graham (D-FL), Conrad (D-ND), and Durenberger (R-MN), introduced on March 4 the National Agricultural Library Act, S. 2138. The bill would consolidate and expand the statutory authority for the National Agricultural Library, and clarify that its mission is "to serve as the Nation's primary agricultural information resource." S. 2138 is similar to HR 1435, introduced a year ago by Agriculture Committee Chairman E de la Garza (D-TX) and ranking minority member Edward Madigan (R-IL). Unlike HR 1435, S. 2138 would establish an NAL Advisory Council with representation from the library and information science communities.

Both bills would bring together legislative authority in various acts, strengthen NAL's position in the Department of Agriculture, consolidate the definition of functions of the library, define the relationship of NAL to the agricultural and information communities, and provide for recovery of costs in generating products and services and for NAL use of funds from fees and sales. Finally, the bills would

bring NAL closer to realization of all the goals recommended by the Blue Ribbon Panel in 1982. That panel resulted in the report, "Assessment of the National Agricultural Library--Final Report to the Secretary," prepared by the Interagency Panel on the NAL, published by USDA, Science and Education, August 1982.

#### Taxation - Manuscript Donations

Sen. Robert Kasten (R-WI) introduced on March 14 a bill, S. 2160, to restore a tax deduction for artwork or manuscripts donated by their creators to libraries and museums. Since 1969, such deductions have been limited to the cost of the materials rather than the fair market value of the items. Other bills pending on this subject include HR 2050, introduced by Rep. Thomas Downey (D-NY), and S. 1940, introduced by Sen. Daniel Moynihan (D-NY). Sen. Kasten's bill differs from others in allowing charitable organizations to sell donated artworks and use the proceeds for charitable purposes. See the March 14 Congressional Record, pp. S2159-60, for the text of S. 2160 and Sen. Kasten's introductory statement.

#### Civil Rights

Legislation which would reverse the effects of the 1984 Supreme Court decision in Grove City College v. Bell has taken effect through congressional override of a presidential veto. On March 22, the Senate voted 73-24 and the House voted 292-133 to override President Reagan's action of March 16 in vetoing S. 557, the Civil Rights Restoration Act. S. 557 was passed by the House on March 2 by 315-98 and by the Senate on January 28 by 75-14, both margins large enough to override a veto. In 1984, the Supreme Court ruled 6-3 that federal anti-discrimination laws applied only to the specific "program or activity" that receives federal funds, and not to the entire institution. S. 557 restores the broad scope of coverage of four civil rights statutes--title IX of the Education Amendments of 1972, barring sex discrimination in education; the Age Discrimination Act of 1975; section 504 of the Rehabilitation Act of 1973, barring discrimination against the handicapped; and title VI of the Civil Rights Act of 1964, barring racial discrimination.

#### OMB Circulars on Grants Administration

OMB Circular A-102. A final revision of Office of Management and Budget Circular A-102, Grants and Cooperative Agreements with State and Local Governments, is effective upon publication (March 11 Federal Register, pp. 8028-32). Its purpose is to establish uniformity among federal agencies in the management of such grants and agreements with state, local, and federally recognized Indian tribal governments.

Uniform Rule under A-102. Federal grant-making agencies have published a final rule to implement OMB Circular A-102 and adopt uniform government-wide grants management terms and conditions, effective for grants and cooperative agreements awarded on or after October 1, 1988. Agencies covered include the Department of Education, the National Archives and Records Administration, the National Science Foundation, and the National Endowments for the Arts and the Humanities. See the March 11 Federal Register, pp. 8034-8103, for the rule, agency-specific preambles, and contact persons.

OMB Circular A-110. The Department of Education has published a final regulation implementing OMB Circular A-110, Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations, effective October 1, 1988. See the March 11 Federal Register, pp. 8106-24.

Captioned Films Loan Service

The Department of Education has proposed revised regulations for the Captioned Films Loan Service for the Deaf Program and Educational Media Loan Service for the Handicapped Program. The Education of the Handicapped Act Amendments of 1986 (PL 99-457) provide that the purpose of the two programs includes addressing problems of illiteracy among deaf individuals and individuals with other handicaps. The amendments also provide that public libraries may be used for the distribution of captioned films and educational media. Comments are due May 16. See the March 15 Federal Register, pp. 8608-09, or contact R. Paul Thompson, Office of Special Education Programs, ED, 400 Maryland Ave., SW, Washington, DC 20202, 202/732-1177.

Workplace Literacy

The Department of Labor, under the Job Training Partnership Act, is inviting applications by April 18 (or a postmark of April 12) for the Research, Evaluation, and Pilot and Demonstration Projects Program in Workplace Literacy. The program is directed at the literacy improvement efforts made by state and local governments and nonprofit community-based organizations. Grantees are to design and implement innovative projects providing literacy services through existing or new activities. See the March 18 Federal Register, pp. 8987-97.

The Department of Education has published an application notice and a complete application package for the Workplace Literacy Partnerships Grants Program in the March 21 Federal Register, pp. 9234-43. The deadline is June 6. Grants are for demonstration projects that teach literacy skills needed in the workplace through exemplary education partnerships between business, industry, or labor organizations, and education organizations.

IRS Fees

Independent Sector, a coalition of nonprofit organizations to which ALA belongs, reports that the 1987 budget reconciliation legislation included fees to be charged for Internal Revenue Service ruling letters, determination letters, and opinion letters. Initial applications for tax exemption under Section 501 will be \$150, or \$300 for organizations having or expecting annual gross receipts of over \$5,000. Requests for determination of private foundation status will cost \$200. These fees were effective February 1.

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Monday  
March 21, 1988

REGISTRATION  
FOR  
LIBRARIANS

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**Part VI**

**Department of  
Education**

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**34 CFR Part 779**

**College Library Technology and  
Cooperation Grants Program; Notice of  
Proposed Rulemaking and Notice**

**NOTE:** Blank pages 9252, 9254, and  
9256 are not included.

## DEPARTMENT OF EDUCATION

## 34 CFR Part 779

## College Library Technology and Cooperation Grants Program

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** These regulations implement the College Library Technology and Cooperation Grants Program authorized under Title II-D of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986. The program is designed to encourage resource-sharing projects among the libraries of institutions of higher education and to improve library and information services provided to them by public and nonprofit private organizations.

**DATES:** Comments must be received on or before May 5, 1988.

**ADDRESS:** All comments concerning these proposed regulations should be addressed to Frank Stevens or Louise Sutherland, Library Programs, Office of Educational Research and Improvement (OERI), Department of Education, 555 New Jersey Avenue, NW., Room 402, Washington, DC 20208-1430.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

**FOR FURTHER INFORMATION CONTACT:** Frank Stevens or Louise Sutherland, (202) 357-6315.

**SUPPLEMENTARY INFORMATION:** The College Library Technology and Cooperation Grants Program was designed to improve the sharing of library resources throughout the higher education community by the use of technology and networking. Funds may also be granted to conduct research or demonstration projects to meet special needs in using technology to enhance library and information sciences.

## Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

## Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

It is anticipated that approximately 82-120 grants will be made under this program to institutions of higher education and to public and nonprofit private organizations providing library and information services to institutions of higher education. The regulations do not impose burdensome requirements on any grantee participating in the program.

## Paperwork Reduction Act of 1980

Sections 779.20, 779.21 and 779.30 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: James D. Houser.

## Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

## Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. The Secretary specifically invites comments on proposed § 779.21(a)(1), a selection criterion relating to the sufficiency of an applicant's description of its project, and whether the point value awarded to that section should be diminished by the Secretary.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 402D, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall

requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

## Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

## List of Subjects in 34 CFR Part 779

Colleges and universities, Education, Grant programs—education, Libraries, Library and information science, Libraries—resource sharing, Networks, Reporting and recordkeeping requirements.

Dated: February 19, 1988.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.197, College Library Technology and Cooperation Grants)

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 779 to read as follows:

## Part 779—COLLEGE LIBRARY TECHNOLOGY AND COOPERATION GRANTS PROGRAM

## Subpart A—General

Sec.

779.1 What is the College Library Technology and Cooperation Grants Program?

779.2 What types of grants does the Secretary provide?

779.3 Who is eligible for an award?

779.4 What activities may the Secretary fund?

779.5 What priorities may the Secretary establish?

779.6 What regulations apply?

779.7 What definitions apply?

779.8 What is the time period for expenditure of grant funds?

## Subpart B—How Does One Apply for an Award?

779.10 What assurance must an applicant give regarding maintenance of effort?

## Subpart C—How Does the Secretary Make an Award?

779.20 How does the Secretary evaluate an application?

779.21 What selection criteria does the Secretary use?

**Subpart D—What Conditions Must Be Met After an Award?**

779.30 What agency must be informed of activities funded by this program?

Authority: 20 U.S.C. 1021 and 1047, unless otherwise noted.

**Subpart A—General****§ 779.1 What is the College Library Technology and Cooperation Grants Program?**

The College Library Technology and Cooperation Grants Program provides grants for technological equipment and other special purposes designed to encourage the use of technology to enhance library resource sharing.

(Authority: 20 U.S.C. 1047)

**§ 779.2 What types of grants does the Secretary provide?**

Under the College Library Technology and Cooperation Grants Program, the Secretary shall make competitive awards in each of the following four types of grants:

(a) *Networking Equipment Grant.* These grants are designed to plan, develop, acquire, install, maintain, or replace technological equipment necessary to participate in networks for sharing of library resources.

(b) *Joint-Use Grant.* These grants are designed to establish and strengthen joint-use library facilities, resources, or equipment.

(c) *Services to Institutions Grant.* These grants are designed to establish, develop, or expand programs or projects that improve the grantee's services to institutions of higher education.

(d) *Research and Demonstration Grant.* These grants are designed to conduct research or demonstration projects to meet specialized national or regional needs in utilizing technology to enhance library and information sciences.

(Authority: 20 U.S.C. 1047)

**§ 779.3 Who is eligible for an award?**

The following are eligible to receive an award under this program:

(a) For Networking Equipment Grants, institutions of higher education.

(b) For Joint-Use Grants, combinations of institutions of higher education.

(c) For Services to Institutions Grants, public or nonprofit private organizations which provide library and information services to institutions of higher education on a formal cooperative basis.

(d) For Research and Demonstration Grants, institutions of higher education.

(Authority: 20 U.S.C. 1047)

**§ 779.4 What activities may the Secretary fund?**

(a) The Secretary awards grants under this program to enable eligible recipients to develop or implement activities or services that the Secretary determines are likely to carry out a purpose specified in § 779.2.

(b) The following types of activities or services are illustrative:

(1) Networking membership fees and expenses;

(2) Acquisition of equipment and supplies, including computer hardware and software;

(3) Telecommunications expenses;

(4) Evaluation of the project; and

(5) Dissemination of information about the project.

(Authority: 20 U.S.C. 1047)

Cross Reference. (See 34 CFR Part 74, Appendix D.)

**§ 779.5 What priorities may the Secretary establish?**

(a) Each year, the Secretary may select as a priority one or more of the types of grants listed in § 779.2.

(b) The Secretary announces these priorities in a notice published in the *Federal Register*.

(c) Each year, the Secretary announces the approximate amount of funding available for each type of award.

(Authority: 20 U.S.C. 1047)

Cross Reference. (See 34 CFR 75.105 Annual priorities.)

**§ 779.6 What regulations apply?**

The following regulations apply to the College Library Technology and Cooperation Grants Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 78 (Education Appeal Board), and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 779.

(Authority: 20 U.S.C. 1021)

**§ 779.7 What definitions apply?**

(a) Definitions in EDGAR. The following terms used in this part are defined in 34 CFR 77.1:

Applicant  
Application  
Award  
Contract  
EDGAR  
Grant  
Grantee

Nonprofit

Private

Project

Project period

Public

Secretary

(b) *Other definitions.* The following definitions also apply to this part:

"Combination of institutions of higher education" means—

(1) Two or more institutions of higher education that have entered into a formal cooperative agreement for the purpose of carrying out a common objective; or

(2) A public or nonprofit private agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

"Institution of higher education" means a public or nonprofit private institution of higher education as defined in 34 CFR 668.3.

"Librarianship" means the principles and practices of library and information science, including the acquisition, organization, storage, retrieval, and dissemination of information resources.

"Library organization or agency" means a public or nonprofit private organization or agency that provides library services or programs.

"Network" means a system of sharing library resources that is developed, maintained, or operated by a library organization or agency and that possesses the following characteristics:

(1) The system is primarily or exclusively used by other library organizations or agencies.

(2) The system provides users with cooperative services or activities beyond traditional interlibrary loan services.

(3) The system is not restricted in access or use to units, departments, branches, or components that are part of the library organization or agency sponsoring the system.

(4) The system is constituted under a formal written instrument that describes services, activities, and membership offered by the system.

(Authority: 20 U.S.C. 1021)

**§ 779.8 What is the time period for expenditure of grant funds?**

Grant funds for these projects may be expended over a three-year period.

(Authority: 20 U.S.C. 1047)

### Subpart B—How Does One Apply for an Award?

#### § 779.10 What assurance must an applicant give regarding maintenance of effort?

An applicant shall, in its application, give satisfactory assurance that, if it is selected as a grantee, it will—

(a) Expend, for the same purpose as the purpose for which the grant is made, an amount not less than one-third of the grant during the three-year period for which the grant is made; and

(b) Make that expenditure from funds other than funds received under Title II of the Higher Education Act of 1965.

(Authority: 20 U.S.C. 1047)

### Subpart C—How Does the Secretary Make an Award?

#### § 779.20 How does the Secretary evaluate an application?

(a) The Secretary uses the general selection criteria in § 779.21(a) and the special program criteria in § 779.21(b) to evaluate applications for new grants.

(b) The maximum possible score for the general criteria is 60 points.

(c) The maximum possible score for the special criteria is 40 points.

(Authority: 20 U.S.C. 1047)

#### § 779.21 What selection criteria does the Secretary use?

(a) *General selection criteria.* An applicant may receive up to 60 points under the general selection criteria in this section, for each type of grant, as follows:

(1) *Project description* (10 points). The Secretary reviews each application to determine the quality of the applicants project, including—

(i) A concise description of the project;

(ii) A clear statement of the project objectives; and

(iii) Evidence of adequate planning.

(2) *Plan of operation* (15 points). The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The effectiveness of the plan of management to assure proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program; and

(iv) The quality of the applicant's plans to use its resources and personnel to achieve each objective.

(3) *Quality of key personnel* (15 points). The Secretary reviews each application to determine the quality of

key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraph (a)(3) (i) and (ii) of this section will commit to the project; and

(iv) Knowledge of librarianship and library technology.

(4) *Budget and cost-effectiveness* (10 points). The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(5) *Adequacy of resources* (5 points). The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(6) *Evaluation plan* (5 points). The Secretary reviews each application to determine the quality of the evaluation plans for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) Are objective and produce data that are quantifiable.

Cross Reference. (See 34 CFR 75.590 Evaluation by the grantee.)

(b) *Special program criteria.* An applicant may receive up to 40 points under the special program criteria in this section for each type of grant, as follows:

(1) *Networking Equipment Grant.* The Secretary reviews each Networking Equipment Grant application to determine the extent to which—

(i) The project strengthens the academic programs of the institution;

(ii) There is a need for special assistance as evidenced by the inability of the institution, because of fiscal constraints institutional size, or any other factors—

(A) To plan, develop, acquire, install, maintain, or replace technological equipment with its existing resources; and

(B) To participate in resource-sharing networks;

(iii) There is evidence of commitment to the project, capability to continue the project, and the likelihood that the applicant will build upon the project when the grant period ends;

(iv) There is evidence of strong and continuing institutional willingness to share library resources and to

participate in cooperative arrangements with other libraries;

(v) The project would increase local, regional, or national access to materials; and

(vi) The applicant possesses, or will possess, after an award of a grant under this program, equipment compatible with that of other members of the network.

(2) *Joint-Use Grant.* The Secretary reviews each Joint-Use Grant application to determine the extent to which—

(i) There is a need for special assistance as evidenced by the inability of the institution to establish and strengthen joint use of library facilities, resources, or equipment with its existing resources because of fiscal constraints, institutional size, or any other factors;

(ii) There is evidence of commitment to the project, capability to continue the project, and the likelihood that the applicant will build upon the project when the grant period ends;

(iii) There is evidence of willingness to share library resources and to participate in cooperative arrangements with other libraries;

(iv) The academic programs of the institutions of higher education described in the application would be strengthened by the project;

(v) Local, regional, or national resource sharing would increase;

(vi) Project equipment would be compatible with that of other networks; and

(vii) Technological expertise would be shared with the library community.

(3) *Services to Institutions Grant.* The Secretary reviews each Services to Institutions Grant application to determine the extent to which—

(i) The project would establish, develop, or expand local, regional, or national resource-sharing programs;

(ii) There is a demonstrated level of support from institutions of higher education that the project is needed and desired;

(iii) There is evidence of the applicant's commitment to the project and capability to continue the project, and of the likelihood that the applicant will build upon the project when the grant period ends; and

(iv) There is evidence that formal written cooperative agreements to provide library and information services exist between the applicant and the institutions of higher education identified in the application.

(4) *Research and Demonstration Grant.* The Secretary reviews each Research and Demonstration Grant

## DEPARTMENT OF EDUCATION

(CFDA No.: 84.197)

**Notice Inviting Applications for New Awards Under the College Library Technology and Cooperation Grants Program for Fiscal Year 1988**

*Purpose of Program:* To encourage resource-sharing projects among the libraries of institutions of higher education and to improve the services provided to them by public and nonprofit private organizations.

*Deadline for Transmittal of Applications:* May 16, 1988

*Deadline for Intergovernmental Review:* July 15, 1988

*Available Funds:* \$3,590,000

*Estimated Average Size of Awards:* Networking Equipment Grant—\$30,000, Joint-Use Grant—\$125,000, Services to Institutions Grant—\$25,000, Research and Demonstration Grant—\$100,000.

*Estimated Number of Awards:* Networking Equipment Grant—67, Joint-Use Grant—5, Services to Institutions Grant—10, Research and Demonstration Grant—7.

*Project Period:* 12-36 months. The Department is not bound by any estimates in this notice.

*Application:* This notice is a complete application package containing all the necessary information, application forms, and instructions needed to apply for a grant under this program.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), Part 78 (Education Appeal Board) and Part 79 (Intergovernmental Review of Department of Education Programs and Activities); (b) The regulations governing the College Library Technology and Cooperation Grants Program as proposed to be codified in 34 CFR Part 779.

Applications are being accepted based on the notice of proposed rulemaking which is published in this issue of the **Federal Register**. If any substantive changes are made in the final regulations for this program, applicants will be given the opportunity to revise or resubmit their applications.

*Intergovernmental Review of Federal Programs:* The regulations implementing Executive Order 12372, "Intergovernmental Review of Federal Programs", are in 34 CFR Part 79.

The objective of Executive Order 12372 is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes

for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the Single Point of Contact for each State and follow the procedure established in those States under the Executive Order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on November 18, 1987, pages 44338-44340.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA #84.197, U.S. Department of Education, M.S. 6355, 400 Maryland Avenue, SW., Washington, DC 20202.

In those States that require review for this program, applications are to be submitted simultaneously to the State Review Process and the U.S. Department of Education.

Proof of mailing will be determined on the same basis as applications.

*Instructions for Transmittal of Applications:* (a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and three copies of the application on or before the deadline date to:

U.S. Department of Education,  
Application Control Center, Attention:  
(CFDA No.: 84.197), Washington, DC  
20202

or

(2) Hand deliver the original and three copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to:

U.S. Department of Education,  
Application Control Center, Attention:  
(CFDA No.: 84.197), Room 3633,  
Regional Office Building Number 3,  
Seventh and D Streets, SW.,  
Washington, DC 20202

*Note to Applicants:* Although 34 CFR 75.109(a) requires only an original and two copies, an additional copy is requested for this program.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(2) A mail receipt that is not dated by the U.S. Postal Service.

*Notes:* (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. (2) An applicant wishing to know that its application has been received by the Department must include with the application a stamped, self-addressed post card containing the CFDA number and title of this program. (3) The applicant *must* indicate on the envelope the CFDA number—and letter, if any—of the competition under which the application is being submitted.

*Application Instructions and Forms:* These forms and instructions are found in the appendix to this notice. No grants may be awarded unless a completed application form has been received.

*For Further Information Contact:* Frank A. Stevens or Louise V. Sutherland, U.S. Department of Education, Office of Educational Research and Improvement, Library Programs, 555 New Jersey Avenue, NW., Room 402M, Washington, DC 20208-1430. Telephone Number: (202) 357-6315.

*Assessment of Educational Impact:* The Secretary requests comments on whether any information collection in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

*Program Authority:* 20 U.S.C. 1021 *et seq.*

Dated: March 16, 1988.

Chester E. Finn, Jr.,

Assistant Secretary and Counselor to the Secretary.

**Appendix***Form Approved*

[OMB No. 1850-0622]

Expiration Date 1/1991

application to determine the extent to which—

(i) The applicant proposes an innovative approach in utilizing technology for library services;

(ii) There is evidence from library users, library educators, or library administrators that the research or demonstration project is desirable;

(iii) The project would meet a special national or regional need in utilizing technology to enhance library or information sciences; and

(iv) The project has been developed in consultation with leading experts and has taken account of current research.

(Authority: 20 U.S.C. 1047)

**Subpart D—What Conditions Must Be Met After an Award?**

**§ 779.30 What agency must be informed of activities funded by this program?**

Each institution of higher education that receives a grant under this part shall inform the State agency designated

under section 1203 of the Higher Education Act, as amended, of its activities under this part.

(Authority: 20 U.S.C. 1022)

[FR Doc. 88-6137 Filed 3-18-88; 8:45 am]

BILLING CODE 4000-01-M

**Department of Education, Office of Educational Research, and Improvement***Washington, DC 20208***Application Instructions—Fiscal Year 1988 College Library Technology and Cooperation Grants Program****General**

The application is divided into 3 parts. Applications to be submitted should follow this organization.

The Sections are as follows:

**PART I: Federal Assistance Face Sheet (Form SF 424)**

**PART II: Budget Data**

**PART III: Program Narrative—General and Special**

No grants may be awarded unless a completed application form has been received (20 U.S.C. 1021, 1041; 34 CFR 779).

Submit the original application and three copies to:

U.S. Department of Education,  
Application Control Center, Attention:  
84.197, 400 Maryland Avenue, SW  
Washington, DC 20202

**Note:** In addition to the instructions listed below, joint applicants should refer to sections 75.127 through 75.129 of the Education Department General Administrative Regulations (EDGAR) which explains group applications.

*Instructions for Part I—Federal Assistance Face Sheet (SF-424)*

This is a standard form used by applicants as a required face sheet for applications.

The applicant completes only items 1-23. Items 24-33 are completed by Federal agencies.

Items 1, 6, 7, 11, 14, 17 and 19 are reprinted.

Items which are not applicable have been marked "N/A".

Joint applications must include a separate face sheet (SF 424) for each cooperating institution and must designate a primary applicant as fiscal agent. (See EDGAR 75.127-129)

Below is a list of instructions to assist you in completing the form.

Item 4. Indicate the legal name of applicant, the name of the primary organization unit which will undertake the assistance activity, complete the address of applicant, and the name and telephone number of the person who can provide further information about this request.

Item 5. Employer identification number assigned by Internal Revenue Service (IRS). If the applicant organization has been assigned an ED entity number consisting of the IRS employer identification number prefixed

by "1" and suffixed by a two-digit number, enter the full ED entity number in item 5.

Item 12. For joint applications, the total amount of funding requested for the project should be given in Item 12, of the primary applicants; this item should be blank on the SF 424's of the other institutions. Section IV "Remarks" of the SF 424's should state that a joint application is being submitted and list the institutions.

Item 16. Indicate the proposed length of the project. This may be one, two or three years.

Item 22. The applicant certifies that they have complied with all state regulations and procedures required under E.O. 12372.

Item 23. Give the name and title of the person authorized by the applicant to sign applications for Federal assistance.

Designation of Different Payee: If the payee will be other than the applicant, enter the following information in Section IV—Remarks, of the SF 424: the payee's name, complete address, and Employer Identification number or ED entity number. If an individual's name and/or title is desired on the payment instrument, the name and/or title of the designated individual must be specified.

(BILLING CODE 4000-01-M)

OMB Approval No. 0348-0006

<b>FEDERAL ASSISTANCE</b>		2. APPLICANT'S APPLICATION IDENTIFIER	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER
1. TYPE OF SUBMISSION (Mark appropriate box) <input type="checkbox"/> NOTICE OF INTENT (OPTIONAL) <input type="checkbox"/> PREAPPLICATION <input checked="" type="checkbox"/> APPLICATION			b. DATE Year month day 19	NOTE TO BE ASSIGNED BY STATE	b. DATE ASSIGNED Year month day 19
		<i>Leave Blank</i>			
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name b. Organization Unit c. Street/P.O. Box d. City e. County f. State g. ZIP Code h. Contact Person (Name & Telephone No.)				5. EMPLOYER IDENTIFICATION NUMBER (EIN)	
				6. PROGRAM (From CFDA)	a. NUMBER 84 197 b. TITLE College Library Technology & Cooperation Grants Program
7. TITLE OF APPLICANT'S PROJECT (Use section IV of this form to provide a summary description of the project.)				8. TYPE OF APPLICANT/RECIPIENT A—State B—Institution C—Substate D—County E—City F—School District G—Special Purpose District H—Community Action Agency I—Higher Educational Institution J—Indian Tribe K—Other (Specify): Enter appropriate letter <input type="checkbox"/>	
9. AREA OF PROJECT IMPACT (Names of cities, counties, states, etc.)			10. ESTIMATED NUMBER OF PERSONS BENEFITING	11. TYPE OF ASSISTANCE A—Basic Grant B—Supplemental Grant C—Loan D—Insurance E—Other Enter appropriate letter(s) <input type="checkbox"/> A	
12. PROPOSED FUNDING		13. CONGRESSIONAL DISTRICTS OF:		14. TYPE OF APPLICATION A—New B—Renewal C—Revision D—Continuation E—Augmentation Enter appropriate letter <input type="checkbox"/> A	
a. FEDERAL \$ .00	b. APPLICANT .00	a. APPLICANT	b. PROJECT	17. TYPE OF CHANGE (For 14c or 14e) A—Increase Dollars B—Decrease Dollars C—Increase Duration D—Decrease Duration E—Cancellation F—Other (Specify): NA Enter appropriate letter(s) <input type="checkbox"/>	
c. STATE .00	d. LOCAL .00	15. PROJECT START DATE Year month day 19	16. PROJECT DURATION Months		
e. OTHER .00	f. Total \$ .00	18. DATE DUE TO FEDERAL AGENCY Year month day 19			
19. FEDERAL AGENCY TO RECEIVE REQUEST a. ORGANIZATIONAL UNIT (IF APPROPRIATE) Application Control Center c. ADDRESS 400 Maryland Avenue, S.W. Washington, D.C. 20202-3561 b. ADMINISTRATIVE CONTACT (IF KNOWN) U.S. Department of Education				20. EXISTING FEDERAL GRANT IDENTIFICATION NUMBER	
				21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	
22. THE APPLICANT CERTIFIES THAT: To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.		a. YES, THIS NOTICE OF INTENT/PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. NO, PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW <input type="checkbox"/>			
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE b. SIGNATURE					
24. APPLICATION RECEIVED 19		25. FEDERAL APPLICATION IDENTIFICATION NUMBER		26. FEDERAL GRANT IDENTIFICATION	
27. ACTION TAKEN <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. RETURNED FOR E.O. 12372 SUBMISSION BY APPLICANT TO STATE <input type="checkbox"/> e. DEFERRED <input type="checkbox"/> f. WITHDRAWN		28. FUNDING a. FEDERAL \$ .00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$ .00		29. ACTION DATE Year month day 19 30. STARTING DATE Year month date 19 31. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)	
				32. ENDING DATE Year month date 19 33. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	

NSN 7540-01-008-8162  
PREVIOUS EDITION IS NOT USABLE

424-103

STANDARD FORM 424 PAGE 1 (Rev 4-84)  
Prescribed by OMB Circular A-102

BILLING CODE 4000-01-C

*Instructions For Part II—Budget*

Sections A, B, C, and D are to be completed by the applicant. Please check the appropriate box at the top of the budget form indicating the type of grant requested.

**Section A—Detailed Budget by Categories**

Line 1. Indicate salary and wages to be paid to personnel employed in the project only.

Fees and expenses for consultants are to be included in line 6.

Line 2. Include contributions for Social Security, employees insurance, pension plans, etc. Leave blank if fringe benefits applicable to direct salaries and wages are treated as part of the indirect cost note.

Line 3. Indicate travel of employees only. Travel of consultants, resources persons, evaluators, etc., should not go on this line, nor should local transportation (i.e., where no out-of-town trip is involved).

Line 4. Indicate the cost of non-expendable personal property. Such property means tangible personal property having a useful life of more than two years and an acquisition cost of \$500 or more per unit.

A grantee may use its own definition of non-expendable personal property provided that such definition would at least include all personal property as defined above.

Line 5. Include cost of consumable supplies and materials to be used in the project. These should be items which cost less than \$500 per unit with a useful life of less than two years.

Line 6. Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies or equipment listed above); and (2) subgrants or payments for consultants and secondary recipient organizations such as affiliates, cooperating institutions, delegate agencies, etc.

Line 7. Indicate all direct costs not clearly covered by lines 1–6 above.

Line 8. Show totals for lines 1 through 8.

Line 9. Indicate the amount of indirect cost. Indirect costs must be the institution's federally negotiated rate.

Line 10. Total lines 8 and 9.

**Section B—Estimate of Expenditures**

Lines 1, 2 and 3. If project is more than one year, indicate expenditure of funds for each year the project is planned.

**Section C—Budget Narrative**

Attach a budget narrative which explains amounts for individual direct costs categories including the indirect cost rate and base. This narrative should not exceed five double-spaced pages.

Include in the narrative details about the following items:

Section A, Salaries and Wages from Line 1:

Show the total commitment of time and the salary to be charged to the project for each key member of the project staff.

Equipment and Supplies from Lines 4 and 5:

List items of equipment and supplies in the following format: Item, Number and Units, Cost per Unit, Total cost.

Contractual Services from Line 6:

Indicate the names of the agency or organization that will receive each proposed contract, if available. If not, clearly indicate what factors the number on line 6 is based upon.

Other from Line 7:

Provide itemized breakdown of all items figured into the number on line 7.

Indirect costs from Line 9:

Attach a copy of the approved negotiated rate agreement.

**Section D—Maintenance of Effort**

Sign and date the assurance of maintenance of effort as required under 779.9 of the program regulations.

*Instructions for Part III—Program Narrative*

The narrative should address how the project will meet the objectives of the program as stated in the regulations. The narrative portion of the application should not exceed 20 double-spaced typewritten pages.

It should be typed on one side only of standard 8½" 11" paper, consecutively paginated, and stapled at the upper left corner. The application should not be bound or enclosed in a folder. The type of grant requested, either Networking Equipment Grant, Joint-Use Grant, Services to Institutions Grant or Research and Demonstration Grant, should be clearly stated on the first page of the program narrative.

The program narrative must include a response to the General Selection Criteria in Section 779.21 (a) and the Special Program Criteria in Section 779.21 (b) of the program regulations. *Please be careful to respond to the Special Program Criteria in § 779.21 (b) which relate directly to the type of grant you are seeking.* Applicants may provide other relevant information, including pertinent exhibits, but each application must be a self-contained document.

It is advisable to respond to each of the criterion in the order presented.

In responding to the criteria under 779.21 (a)(4) *Budget and Cost Effectiveness*, applicants are encouraged to submit an itemized breakdown and justification of the proposed budget.

It is suggested that single-page abstract be prepared which summarizes the content of the proposed project. The abstract should be used as a cover page to the program narrative and provide the following information: (a) Name and address of applicant; (b) title of project; (c) project director's name, title address, and telephone number; (d) funding level being requested; (e) beginning and ending date of the project period; and (f) a single-spaced statement of 150 words or less summarizing the proposed project.

Narratives for joint applicants (a single application submitted by combinations of institutions) should detail the activities that each member of the group plans to perform (see § 75.127 through § 75.129 of the Education Department General Administrative Regulations, which explains group applications)

BILLING CODE 4000-01-M

PART II - BUDGET INFORMATION  
FY 88

## CHECK TYPE OF GRANT REQUESTED

- A. Networking Equipment       C. Services to Institutions Grant  
 B. Joint-Use Grant             D. Research and Demonstration Grant

## Section A - Detailed Budget by Categories

1. Salary and Wages	\$
2. Fringe Benefits	
3. Travel	
4. Equipment	
5. Supplies	
6. Contractual Services	
7. Other (itemize)	
8. Total Direct Costs (lines 1 to 7 totaled)	
9. Total Indirect Costs	
10. Total Project Costs (lines 8 - 9)	

## Section B - Estimate of Expenditures

1. Year One	\$
2. Year Two	
3. Year Three	

## Section C - BUDGET NARRATIVE - see Budget Information.

## Section D - Maintenance of Effort

An assurance of maintenance of effort is required under section 779.9 of the program regulations. Please certify that:

If selected as a grantee, the applicant will expend, for the same purpose as the grant, an amount not less than one-third the grant during the period for which the grant is sought; and make that expenditure from funds other than funds received under Title II of the Higher Education Act.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Title \_\_\_\_\_