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Library Services and Construction Act:  
Reauthorization Technicals (1984-1985)

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# Library Services and Construction Act: Reauthorization Technicals (1984-1985): Memorandum 02

William A. Blakely

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## COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

320 CANNON HOUSE OFFICE BUILDING

WASHINGTON, D.C. 20515

SUBCOMMITTEE ON POSTSECONDARY EDUCATION

MEMORANDUM: LEGISLATIVE ASSISTANTS, Subcommittee on  
Postsecondary Education

SUBJECT: Conference Report on H.R. 2878, The Library  
Service and Construction Act Amendments

Please find attached a draft Joint State of the Managers for the Conference Committee Report on the LSCA reauthorization. It reflects the decisions arrived at during our two previous meetings with the Senate staff.

The numbers do not always match those in the side-by-side; however the substance is unchanged. All of the "differences", involved as separate items, which were technical in nature, were deleted.

Two items were undecided at our last meeting: (1) the provisions regarding the treatment of "Native Hawaiians" in the Inian sectaside and (2) the authorization for the National Center for Education Statistics (NCES) and the National Assessment of Educational Progress. Alan Lovesee (x50576) developed the compromise we have included in the bill and it has been cleared with both Hawaii House members. The Senate decided to recede on the NCES and National Assessment authorizations. The original House compromise proposal on the non-LSCA items has been adopted in the draft conference report.

We are making every effort to complete our work and file this report on Friday. If you have any questions or comments, please give me or Marsha Wice a call on x58881.

A handwritten signature in black ink, appearing to read "William A. Blakey".

William A. Blakey  
Counsel

cc: Jack Jennings  
Bob Williamson  
Electra Beahler  
Rose DiNapole

**DRAFT**

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2878) to amend and extend the Library Services and Construction Act, to authorize the construction of a library addition at the University of Hartford, a human development facility at the University of Kansas and to authorize founds for the Carl Vinson Institute at the University of Georgia and the John W. McCormack Institute at the University of Massachusetts, and to authorize an endowment grant program for Howard University, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

(1) The short title of the House bill is the "Library Services and Construction Act Amendments of 1983."

The short title of the Senate amendment is the "Library Services and Construction Act Amendments of 1984." The House recedes.

(2) The House bill and the Senate amendment have identical language in the findings section, except that the Senate omits the reference to literacy training. The Senate recedes.

(3) The House bill and Senate amendment have substantially similar provisions in the purpose section. The House includes assisting Indian tribes as a primary purpose, while the Senate lists Indian tribes and older Americans as groups for which library services should be improved.

The Senate omits the word "physically" before handicapped.

The Senate includes resource sharing and the need to keep up with rapidly changing technology as additional purposes.

The Senate recedes with an amendment that states that the primary purpose of the Act is to assist Indian tribes in planning and developing library services, and to assist with public library construction and renovation, improving state and local public library services for older Americans, handicapped, institutionalized, and other disadvantaged individuals; strengthening State library administrative agencies; promoting interlibrary cooperation and resource sharing among all types of libraries; strengthening major urban resource libraries; and increasing the capacity of libraries to keep up with rapidly changing information technology.

(4) Section 3 of the House bill includes definitions of Secretary, Indian tribe and includes the Northern Mariana Islands within the coverage of the Act. The Senate Amendment contains the same definitions, includes the Northern Mariana Islands, but also includes language referring to handicapped individuals which does not appear in the House bill. The terms "hard of hearing" and "deaf" are replaced by the term "hearing impaired" and "crippled" is replaced by the phrase "orthopedically impaired". The House recedes with an amendment that adds "speech impaired" to the list of handicapping conditions.

(5) The Senate amendment includes the "Office of Hawaiian natives" as an Indian tribe which the House bill does not, and the Senate Amendment defines the term "Hawaiian Native" and the House bill does not.

The House recedes with an amendment containing the following provisions:

- \* Instead of including Native Hawaiians within the definition of Indian tribe and with the title IV programs for Indian tribes, one-fourth of the Indian set-aside is reserved for a separate grant program for Native Hawaiians.
- \* The Secretary shall make grants from the reserved amounts to organizations primarily serving and representing Native Hawaiians that are recognized by the Governor of the State of Hawaii.
- \* Grants shall be made on the basis of applications and plans containing the same information as is required with respect to applications and plans submitted by Indian tribes, and funds made available to Native Hawaiians shall be used for the same purposes as funds made available to Indian tribes.

The House bill authorizes funding for fiscal years 1984 through 1988:

[In millions]

Title	I	II	III	V	VI	Total
Fiscal year:						
1984.....	\$65	\$50	\$15	\$1	\$5	\$136
1985.....	80	50	20	1	5	156
1986.....	85	50	25	1	5	166
1987.....	90	50	30	1	5	176
1988.....	95	50	35	1	5	186

The Senate amendment authorizes funding for fiscal years 1985-1989:

[In millions]

Title	I	II	III	Total
Fiscal year:				
1985.....	\$75	\$50	\$18	\$143
1986.....	80	50	21	151
1987.....	85	50	24	159
1988.....	90	50	27	167
1989.....	95	50	30	175

The House recedes with an amendment that authorizes funding for fiscal years 1985-1989:

(In millions)

Title	I	II	III	V	VI	Total
Fiscal year:						
1985.....	\$75	50	20	1	5	151
1986.....	80	50	25	1	5	161
1987.....	85	50	30	1	5	171
1988.....	90	50	35	1	5	181
1989.....	95	50	30			175

(6) The House bill authorizes two percent setaside of the amount appropriated for Titles I, II, and III for Indian programs (Title IV). The Senate amendments authorizes a one percent setaside in these Titles for Indian programs. The Senate recedes.

(7) The House bill uses the term "allocated" while the Senate amendment uses the word "reallocate." The House recedes.

(8) The House bill and the Senate amendment have virtually identical provisions for providing priority to programs and projects to least served populations except that the Senate amendment defines "least served populations" as those with limited English-speaking proficiency or handicapping conditions, and those living in urban and rural areas. The House recedes.

(9) Section 8 of the House bill requires that a State may expend funds received under Titles I and II of the Act for administrative costs, but those expenditures may not exceed 5 percent of the amount appropriated under those titles or \$50,000, whichever is greater. The Senate amendment has no comparable provision.

~~(10)~~ The Senate recedes with an amendment that raises the percentage of Title I and II funds that can be expended for state administrative costs to 6 percent and the amount to \$60,000, whichever is greater. (10) The House bill and Senate amendment has virtually identical language regarding submission of State annual plans, except that the Senate amendment provides accessibility to "handicapped" where the House specifies "physically handicapped". The House recedes.

(11) The House provides funds for community information and referral centers. The Senate amendment omits the word "and." The Senate recedes with an amendment that allows federal funds to be used to assist libraries to serve as community centers for information and referral.

(12) The Senate amendment but not the House bill inserts the phrase "and institutionalized individuals" after the word "handicapped" in clause (3) of Section 103 of the Act. The House recedes.

(13) The House bill directs that the states describe how they will use funds to carry out library activities to benefit the elderly, while the Senate Amendment requires that the states describe how the funds will be used to make library services more accessible to the elderly and to the handicapped in Section 103. The House recedes with an amendment that clarifies that while a description of the activities to be undertaken is required, the list of possible activities to be undertaken is merely illustrative.

(14) Section 12 of the House bill provides that construction funds may be used to renovate in accordance with the Architectural Barriers Act of 1968 or to accommodate new technologies or for the purchase of existing historic buildings for conversion to public libraries. The Senate amendment contains the same provision with regard to the Architectural Barriers Act. The Senate amendment does not allow for the use of funds for the purchase of existing historic buildings. The Senate recedes.

(15) The House bill and the Senate amendment have similar provisions concerning construction funding and recovery, except that the House bill limits the federal share of any project to one-half of total cost and the Senate amendment limits the federal share to one-third. The Senate recedes.

(16) Both the House bill and the Senate amendment amend Section 202(b) of the Library Services and Construction Act (LSCA) to require a limit on the percentage of Federal funds available for Title II construction projects. While this provision appears to conflict with Section 7 of LSCA which establishes a matching requirement for States receiving Title II funding, the two provisions do not conflict because they address different situations. The provision in current law determines how much money a State must provide in order to receive Title II funding from the Federal government. The amendments to Section 202(b) mandate what percentage of Federal dollars may be used by the recipient of a grant from the State.

For example, if State X is required by current law to provide a 40% match to receive funds under Title II, it would have the same requirement under the new language. However, under existing legislation, when the State reallocates Title II funds to individual projects, there is no requirement that the project must provide a share of the funding. The amendments will now require that each project must be funded with at least 50% non-Federal funds. It is important to note that there is no limitation on the amount of State funds which go into Title II LSCA that may be used for individual construction projects.

The rationale for this requirement is that it will allow Federal funding to go further in financing construction projects and will hopefully encourage private sector involvement in raising construction funds for libraries. The Senate recesses.

(17) Section 12(c) of the House bill gives priority in purchasing buildings to the acquisition of unused public school facilities where it is economically feasible. The Senate amendment has no comparable provision. The House recesses. However, the Conferees recommend that priority be given, when economically feasible, to the acquisition and conversion of historic buildings and unused public school buildings for use as libraries.

(18) The House bill specifies that the State plan be "directed toward eventual compliance with the provisions of this section."

The Senate amendment does not specify "eventual compliance." The Senate recesses.

(19) The House bill mandates what the states shall include in their long-range plans. The Senate uses the term "may include". The House recesses.

(20) Section 15 of the House bill provides that the Secretary will carry out a discretionary program for making grants available to state and local public libraries for the acquisition of foreign language materials. No grant can exceed \$15,000. The Senate amendment contains no comparable provisions. The Senate recedes.

(21) Section 15 of the House bill amends the Library Services and Construction Act by adding a Title VI which requires the Secretary to carry out a discretionary program for making grants to state and local public libraries for the purpose of supporting literacy programs. No grant can exceed \$25,000. There is no comparable Senate provision. The Senate recedes. The Conferees recommend that applicants for funding show that the proposed project is not in conflict with the State plan required under the Act, and shall show evidence of cooperation and coordination with other service providers as appropriate, including State adult education officials or their local representatives.

(22) The Senate amendment authorizes \$2 million in funds to provide matching grants to Howard University's endowment fund. The purpose of this provision is to encourage Howard University's self-sufficiency through increased fund raising activities. The period of any grant shall not exceed 20 years, during which time the University may not spend the principal. The House bill contains no comparable provision. The House recedes. The Conferees specifically intend that the University use up to \$2 million of the sums appropriated annually under the Act of March 2, 1867, for endowment building purposes as provided in Title II.

(23) The Senate amendment authorizes \$4.6 million for FY '85 and "such sums" for subsequent years ending October 1, 1989, for the National Assessment Programs. The House bill contains no comparable section. The Senate recedes.

(24) The Senate amendment authorizes \$9.3 million for FY '85 and "such sums" for subsequent years ending October 1, 1989, for the National Center for Education Statistics. The House bill contains no comparable section. The Senate recedes.

(25) The Senate amendment adds a new Title IV, "Higher Education Construction Projects." The House recedes with an amendment that strikes the word "construction" out of the title.