

IMLS GRANTS TO STATES PROGRAM

In 1956, Congress passed the Library Services Act (LSA) to stimulate use of State and local funds for library improvement throughout the nation. Pub. L. 84-597. The legislative history reflects that the Act was "designed to assist in remedying a serious deficiency in the educational program of the United States" -- the lack of adequate library services. The LSA encouraged States to implement comprehensive programs to meet the library services needs of their residents by establishing "State Library Administrative Agencies" with authority under State law to administer State-wide library development programs. Fifty-nine state agencies now ensure that library services reach individuals throughout the United States and its territories.

The Library Services legislation has been continually reauthorized by Congress since its inception. In 1996, Congress modified the priorities of the Federal program. Congress enacted the Library Services and Technology Act (LSTA) of 1996, Subchapter II of the Museum and Library Services Act, Pub. L. 104-208, which recognized the opportunities afforded by new technologies in promoting access to learning and information resources in all types of libraries for individuals of all ages. Most recently, Congress enacted the Museum and Library Services Act of 2010 (Pub. L. 111-340, codified at 20 U.S.C. § 9101 *et seq.*), which also incorporates Library Services and Technology Act (LSTA). The LSTA's purposes are to:

- (1) enhance coordination among Federal programs that relate to library and information services;
- (2) to promote continuous improvement in library services in all types of libraries in order to better serve the people of the United States;
- (3) to facilitate access to resources in all types of libraries for the purpose of cultivating an educated and informed citizenry;
- (4) to encourage resource sharing among all types of libraries for the purpose of achieving economical and efficient delivery of library services to the public;
- (5) to promote literacy, education, and lifelong learning and to enhance and expand the services and resources provided by libraries, including those services and resources relating to workforce development, 21st century skills, and digital literacy skills;
- (6) to enhance the skills of the current library workforce and to recruit future professionals to the field of library and information services;
- (7) to ensure the preservation of knowledge and library collections in all formats and to enable libraries to serve their communities during disasters;
- (8) to enhance the role of libraries within the information infrastructure of the United States in order to support research, education, and innovation; and

- (9) to promote library services that provide users with access to information through national, State, local, regional, and international collaborations and networks.

20 U.S.C. § 9121. The LSTA also incorporates the ongoing Grants to States program. 20 U.S.C. § 9141.

Under the Grants to States program, the LSTA authorizes the Director of the Institute of Museum and Library Services (“IMLS”) to provide funds to a State Library Administrative Agencies (“SLAA”). 20 U.S.C. § 9133(a). The statute defines an SLAA as “the official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.” 20 U.S.C. § 9122(4). Each State must certify that its designated SLAA has the fiscal and legal authority and capacity to administer all aspects of the LSTA. 20 U.S.C. § 9122(5). In addition, each State must identify the State's library needs, describe activities to be supported with the assistance of Federal funds, and assure IMLS that the State will establish policies, priorities, criteria and procedures to implement the LSTA Grants to States program. *Id.* To assist it in carrying out the LSTA program, each State may establish a State advisory council which is broadly representative of the library entities in the State, including public, school, academic, special, and institutional libraries, and libraries serving individuals with disabilities. 20 U.S.C. § 9151.

To ensure that the State provides comprehensive library services to its residents, each State is responsible for leveraging non-Federal, State, and local funds to match the Federal funds it receives. 20 U.S.C. § 9133(b). In addition, each State must sustain a "Maintenance of Effort" level of State spending on libraries and library programs to ensure that Federal funds do not replace State funds in supporting State-based programs. 20 U.S.C. § 9133(c).

To be eligible to receive funds under the Grants to States program, each State's SLAA must submit to the IMLS a “State plan” detailing certain goals, assurances, and procedures for a five year period. 20 U.S.C. § 9134(a). The plan must identify the State's library needs and set forth activities to be taken toward meeting the identified needs supported with the assistance of LSTA funds. 20 U.S.C. § 9122(5).

Each State plan must:

- (1) establish goals and specify priorities for the State consistent with the purposes of the LSTA;
- (2) describe activities that are consistent with the goals and priorities established under the LSTA that the SLAA will carry out using its grant;
- (3) describe the procedures that the SLAA will use to carry out such activities;
- (4) describe the methodology that the SLAA will use to evaluate the success of such activities in achieving the goals and meeting the priorities described in the plan;

- (5) describe the procedures that the SLAA will use to involve libraries and library users throughout the State in policy decisions regarding implementation of the LSTA;
- (6) describe how the SLAA will work with other State agencies and offices where appropriate to coordinate resources, programs, and activities and leverage, but not replace the Federal and State investment in **elementary and secondary education (ESEA)**, **early childhood education (Head Start)**, **workforce development (Workforce Investment Act)**, and other Federal programs and activities that relate to library services, including **economic and community development** and **health information**.
- (7) provide assurances that the State will comply with the Children’s Internet Protection Act, as set forth in 20 U.S.C. § 9134(f); and
- (8) provide assurances satisfactory to the Director of IMLS that the SLAA will make such reports, in such form and containing such information, as the Director of IMLS may reasonably require to carry out the LSTA and to determine the extent to which funds provided under the LSTA have been effective in carrying out the purposes of the statute.

IMLS regulations additionally provide that each State plan must include “an assurance that the State shall comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding.” 45 CFR § 1183.11(c).

Every five year State plan that, upon review, is determined to meet the criteria set forth above is approved by the IMLS. 20 U.S.C. § 9134(e). In the event that a SLAA submits an unsatisfactory five year plan, the SLAA has the opportunity to revise the plan, and the IMLS has the obligation to provide the SLAA with technical assistance to aid the SLAA in meeting the eligibility requirements as well as the opportunity for a hearing. 20 U.S.C. § 9134(e).

Once an SLAA has fulfilled the eligibility requirements, the LSTA provides that IMLS will allot funds to the SLAA through a population based formula set forth in 20 U.S.C. § 9131(b). A minimum of 96 percent of Federal State Grant funds must be spent, either directly by the SLAA or through subgrants or cooperative agreements, for:

- (1) expanding services for learning and access to information and educational resources in a variety of formats, in all types of libraries, for individuals of all ages in order to support such individuals’ needs for education, life-long learning, workforce development, and digital literacy skills;
- (2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in 9134(b)(6), for the purpose of improving the quality of and access to library and information services;

- (3) (A) providing training and professional development, including continuing education, to enhance the skills of the current library workforce and leadership, and advance the delivery of library and information services; and
(B) enhancing efforts to recruit future professionals to the field of library and information services;
- (4) developing public and private partnerships with other agencies and community-based organizations;
- (5) targeting library services to individuals of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to individuals with limited functional literacy or information skills;
- (6) targeting library and information services to persons having difficulty using a library and to underserved urban and rural communities, including children (from birth through age 17) from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved;
- (7) developing library services that provide all users access to information through local, State, regional, national, and international collaborations and networks; and
- (8) carrying out other activities consistent with the purposes set forth in section 9121, as described in the State library administrative agency's plan.

20 U.S.C. § 9141(a).

Determinations as to how a State's LSTA funds are apportioned among these spending categories and how the goals of the five year plan are met are left to the discretion of the SLAA, based upon the specific needs of the individual State. 20 U.S.C. § 9141(b). The remaining four percent of appropriated funds may be spent on administrative expenses. 20 U.S.C. § 9132(a).

SLAAs are provided some latitude in determining how to implement their five year plans and how to provide services to the libraries and library users in their States. Specifically, a SLAA may either provide such services directly or through sub-grants or cooperative agreements. 20 U.S.C. § 9141(a). Compliance with the LSTA statutory provisions, the terms of the five year plan, and other Federal laws and regulations applicable to grantees is monitored by the IMLS through annual reports submitted by each SLAA, routine contact between IMLS staff and SLAA staff, and periodic site visits conducted by IMLS staff.

SLAAs may use competitive subgrants to distribute their LSTA funds and to meet the purposes set forth in the LSTA and their five year plans. The form and substance of such subgrant programs is left to the discretion of the SLAAs, provided that the programs conform to the purposes and terms of the five year plan and the law of its State. 45 CFR § 1183.37(a).

Subgrants awarded by SLAAs under LSTA carry the same legal and regulatory conditions as the grants to the SLAAs themselves, and under IMLS regulations, the SLAAs are responsible for ensuring that such conditions and others imposed by Federal law on grantees are included in all subgrants. 45 CFR § 1183.37. SLAAs are also charged with monitoring compliance by subgrantees with such conditions. 45 CFR § 1183.40.

In the event that a grantee or subgrantee is found to materially fail to comply with any term of an award, whether stated in a Federal statute or regulation, in an assurance submitted by that grantee or subgrantee, in a five year State plan, in an award notice, or elsewhere, the IMLS may withhold payment pending correction of the noncompliance, disallow costs associated with the noncompliant activity, wholly or partially suspend or terminate the current award, withhold further awards, or seek other remedies that are legally available. 45 CFR § 1183.43.

Each SLAA is required to independently evaluate activities funded by IMLS prior to the end of the five year plan and provide a report of its findings to IMLS's Director. 20 U.S.C. § 9134(c). Each library receiving funds from an SLAA is required to submit to the SLAA such information as the agency may require in order to complete the evaluation. 20 U.S.C. § 9134(d).