

STATUTORY AND REGULATORY OVERVIEW OF LSTA GRANTS TO STATES

Federal statutes provide the basis for the Library Services and Technology Act (LSTA) state-based library program while various regulations govern how to administer federal grant programs.

A. Federal statutory framework

The United State Code (USC) is the government's official document of federal statutes. [Title 20 \(Education\), Chapter 72 \(Museum and Library Services\)](#) is the enabling language for IMLS. Subchapter II (Library Services and Technology) is the section of Chapter 72 that specifically addresses the LSTA Grants to States Program. The following sections are particularly important to you as an administrator of the LSTA program:

9121. Purpose

Lists the nine purposes of the overall LSTA program, not just the Grants to States program. A State Library Administrative Agency's (SLAA's) expenditures that match these purposes must be used in determining its Maintenance of Effort (MOE);

9132. Administration

Restricts the amount an SLAA may use for administrative costs to 4% of its annual allotment;

9133. Payments; Federal share; and MOE requirements

Includes information on what must be included in MOE and how it is calculated in determining an SLAA's eligibility to receive its full allotment;

9134. State plans

Requires a five-year plan (including required elements) and a five-year evaluation. It also stipulates Internet safety (CIPA) requirements as it pertains to LSTA funds;

9141. Grants to States

Lists the eight priorities for which the SLAA may expend LSTA funds and for which SLAA, local, and private funds may be expended in calculating the Match requirement.

B. Federal regulatory framework

Federal regulations provide the guidelines that SLAAs and their subrecipients must adhere to in administering federal programs. The source of regulations for the LSTA program is the Code of Federal Regulations (CFR). There are several sections central to the administration

of the LSTA Grants to States program and additional sections that address specific issues that the SLAA must be aware of and abide by.

1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

2 CFR 200

Subpart C—Pre-Federal Award Requirements and Contents of Federal Awards and Subpart D—Post Federal Award Requirements

These regulations establish the general requirements for managing LSTA Grants to States and discretionary awards administered by IMLS. (2 CFR 3187 covers all IMLS-specific grant regulations). It also directs the reader to other more specific regulations.

Subpart E—Cost Principles

These regulations address allowable costs. While not all allowable and unallowable cost issues are clear cut, these regulations will usually provide good guidance. When in doubt about whether an expenditure is allowable, contact your Program Officer.

Subpart F—Audit Requirements

These regulations provide guidance on all aspects of the auditing process. In many cases, the SLAA is a division of a larger state agency so it may be included in an audit that covers the entire agency. The agency or SLAA fiscal officer should have thorough knowledge of the regulations, but you should also be familiar with it.

2. Statutes, Public Policy Requirements, and Regulations Governing Nondiscrimination

IMLS's grant regulations (2 CFR 3187.12) require SLAAs and subrecipients to comply with the relevant nondiscrimination statutes and public policy requirements including, but not limited to, the following:

- a) [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000d through 2000d-4) – Discrimination on the basis of race, color or national origin
- b) [Title IX of the Education Amendments of 1972](#) (20 U.S.C. 1681-1683) – Discrimination on the basis of sex
- c) [Section 504 of the Rehabilitation Act of 1973](#) (29 U.S.C. 794) – Discrimination on the basis of disability
- d) [The Age Discrimination Act](#) (42 U.S.C. 6101 *et. seq*) – Discrimination on the basis of age

There are also three CFRs that cover various nondiscrimination issues:

- a) *45 CFR 1170 – [Nondiscrimination on the basis of handicap in federally assisted programs or activities](#)*;
- b) *45 CFR 1181 – [Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by the Institute of Museum and Library Services](#)*; and
- c) *45 CFR 1110 – [Nondiscrimination in federally assisted programs](#)*.

3. Other Applicable Regulations

- a) *2 CFR Part 3185 – [Nonprocurement debarment and suspension](#)*
- b) *2 CFR 3186 – [Requirements for drug-free workplace \(financial assistance\)](#)*
- c) *45 CFR 1182 – [Implementation of the Privacy Act of 1974](#)*
- d) *45 CFR 1184 – [Implementation of the Freedom of Information Act](#)*
- e) *2 CFR 170 – [Reporting Subaward and Executive Compensation Information](#)*
- f) *2 CFR 25 – [Universal Identifier and System of Award Management](#)*

C. State and local statutes and regulations

With respect to state and local statutes and regulations, the important issue to consider is whether they diverge from those of the federal government. Federal regulations must always be followed. However, if state or local statutes or regulations are more restrictive than the federal statutes and regulations on certain issues, e.g. on allowable cost issues, then they supersede the federal statutes and regulations on those specific issues.

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