

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF RHODE ISLAND, et al.,

Plaintiffs,

v.

C.A. No.:

DONALD J. TRUMP, et al.,

Defendants.

DECLARATION OF GREG LUCAS

Pursuant to 28 U.S.C. § 1746, I, Greg Lucas, hereby declare as follows:

1. I am a resident of the State of California. I am over the age of 18 and have personal knowledge of all the facts stated herein, except as to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. In 2014, I was appointed as the California State Librarian.

3. Established in 1850, the California State Library is the central reference and research library for California State government and the Legislature. The library collection includes more than 4 million titles, 6,000 maps, and 250,000 photographs. It has an extensive collection of documents from and about the state's rich history and is one of the major genealogical reference libraries on the West Coast. It also holds significant collections from Mexico, the United Kingdom and Europe, with manuscripts dating back to the 13th and 14th centuries. The State Library is both a State and Federal Depository Library, providing free and open access to government information, and is a U.S. Patent and Trademark Resource Center. It is home to the

Bernard E. Witkin State Law Library and the Braille and Talking Book Library. It also directs state and federal funds to support local public libraries and statewide library programs and services.

4. As California State Librarian, I oversee the acquisition, cataloging, maintenance, and preservation of the State Library's collections. I further oversee the Library Development Services Bureau, which administers state and federal grant programs for California's libraries, works to enhance library collaboration and resource-sharing, and provides consulting services to public libraries and associated groups and organizations.

5. I submit this declaration in connection with Executive Order 14,238, "Continuing the Reduction of the Federal Bureaucracy," which directed seven federal agencies, including the Institute of Museum and Library Services, to eliminate any non-statutory components and functions to the maximum extent consistent with applicable law, and to reduce the performance of any statutory functions and associate personnel to the minimum presence and function required by law.

6. Given my experience, I believe that Executive Order 14,238 will cause IMLS to be unable to administer financial awards and/or programs on which the California State Library relies and on which it expects to rely in the future, causing significant harm to the California State Library and its patrons, the State as a whole, and the State Legislature.

The Museum Library Services Act

7. In 1996, Congress established the Institute of Museum and Library Services (IMLS) by the Museum and Library Services Act of 1996, which amended the Museum Services Act (20 U.S.C. § 961 *et seq.*). The Library Services and Technology Act, which was enacted as part of the Museum and Library Services Act in 1996, authorized the distribution of federal funding

to help support libraries across the United States. The Museum and Library Services Act was most recently reauthorized in 2018, codified at 20 U.S.C. § 9101 *et seq.*

8. IMLS, which administers the Library Services and Technology Act, is authorized to provide federal funding to State library administrative agencies. 20 U.S.C. § 9133(a). A “State library administrative agency” is an “official agency of a State charged by the law of the State with the extension and development of public library services throughout the State.” *Id.* § 9122(4). The California State Library is a state library administrative agency.

9. To receive funds under the Library Services and Technology Act, each State library administrative agency must submit to IMLS its five-year state plan, which describes the State library administrative agency’s needs and goals and the ways in which the State intends to use the federal funding to meet those needs. *Id.* § 9134. A copy of the California State Library’s plan is attached.

10. Five-year plans that satisfy the statutory criteria are approved by the Director of IMLS. 20 U.S.C. § 9134(e). After the plan has been approved, IMLS allocates funding through a population-based statutory formula, *id.* § 9131(b) and pays to each State the Federal share of the activities in the plan, which is 66 percent. *Id.* § 9133(b).

11. Section 9141 provides that:

Of the funds provided to a State library administrative agency under section 9123 of this title, such agency shall expend, either directly or through subgrants of cooperative agreements, at least 96 percent of such funds for—

(1) expanding services for learning and access to information and educational resources in a variety of formats (including new and emerging technology), in all types of libraries, for individuals of all ages in order to support such individuals’ needs for education, lifelong learning, workforce development, economic and business development, health information, critical thinking skills, digital

literacy skills, and financial literacy and other types of literacy skills;

(2) establishing or enhancing electronic and other linkages and improved coordination among and between libraries and entities, as described in [20 U.S.C. § 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, including those from diverse and underrepresented backgrounds, to the field of library and information services;

(4) developing public and private partnerships with other agencies, tribes, 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 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) 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 [20 U.S.C. § 9121], as described in the State library administrative agency's plan.

20 U.S.C. §§ 9141(a)(1)-(8).

The Institute of Museum and Library Services' Impact in California

12. In 2024, IMLS invested \$180 million in libraries across the United States under its Grants to States Program. In 2024, the California State Library received approximately \$15.7 million, which represents the Federal share of the activities in the approved plan, totaling 66 percent.¹

13. The California State Library uses these federal funds to support many of its programs, and also uses these federal funds to pay the salaries of its employees.

14. In addition to administering federal funding to States, IMLS also provides the following programs and services: the Public Library Survey and the five-year plan we create to drawdown federal money. Both provide data to guide us in deploying scarce federal and state money by prioritizing areas where the greatest needs exist and measuring whether we are addressing those needs as well as we could or should.

15. The California State Library budget for this year has relied on receiving \$15.7 million and we made plans and allocated funding for staffing and continued operations based on the anticipated receipt of federal funding promised. IMLS funds pay for multiple statewide programs — just as they have for more than 40 years. The funds support a foundation of statewide services upon which local libraries can add services specific to their communities. Among the statewide programs supported by IMLS are support for tutors helping adults and children read, write, and learn English and efforts to ensure that summer reading and activity programs, including feeding hungry poor kids, are available to members of California communities less aware of the services libraries offer them and their families.

¹ A chart showing the 2024 allotments can be accessed here: <https://www.imls.gov/sites/default/files/2024-04/imls1stastateallotmenttablefy2024.pdf>.

IMLS funds also pay for continuing education for librarians and library workers, a 300,000-title eBook library accessible to all Californians and digital efforts to protect California's cultural heritage and local history.

Additionally, IMLS offers several grant programs for tribal nations, of which California has the most in the nation. No state money has ever been specifically earmarked for support of tribal libraries or cultural centers. If IMLS funds end, so do these grant opportunities.

IMLS funds also pay for the salaries of 34 State Library employees of whom 20 provide services to 800,000 blind, visually impaired, or dyslexic Californians.

16. On March 31, 2025, the California State Library received notice via email from the IMLS that its staff is to be placed on administrative leave effective immediately.

17. On April 2, 2025, the California State Library received a termination notice for the federal grant from the Institute of Museum and Library Services, immediately terminating the grant in its entirety. The termination notice refers to the \$15.7 million award referred to as "Grants to States."

18. There remains \$3,392,933.27 promised to the California State Library from the award that it has not received.

19. In the termination notice, IMLS's acting director claims that the grant is "inconsistent with IMLS's priorities" and refers to the federal executive order that "mandates that the IMLS eliminate all non-statutorily required activities and functions." He also refers to the termination clause found in Section 29 of the approved grant's General Terms and Conditions. Until April 2, 2025, the grant has been completely consistent with IMLS priorities, and the Grants to States Program is specifically mandated by federal statute.

20. Because there is no staff to administer the Grants to States program, it is unlikely that California will receive the first half of the remaining 2025 Grants to States Award by April 15, 2025, and the final portion of that funding due by June 15, 2025. The loss of this funding will cause immediate and irreparable harm to California.

21. The California State Library has sought out state funding to replace IMLS funds, but no state funding has been available to replace potentially lost IMLS funds. The portion of the California State Library's budget derived from state funding cannot absorb the current functions or programs currently paid for with federal funds. This means all functions paid for with IMLS funding will cease if funding ceases.

22. Any pause in our federal funding of IMLS funds effectively ends programs that local libraries and the 23 million Californians with library cards rely on. Without federal funding, no coordinated upskilling or continuing education exists for the approximately 17,000 employees of California who staff the State's 1,127 libraries. In the rapidly changing world of information sharing and delivery, a loss of those training opportunities puts California at a competitive disadvantage and harms lower income families, seniors and veterans who rely on libraries to help them navigate an increasingly digital world. A loss of IMLS funds disadvantages lower income communities who rely on the statewide eBook library program to offer better access to opportunity for their residents. To say nothing of other communities, who use the eBook library to not only augment their collections but provide more materials in languages other than English — part of the eBook library's mission. A loss of IMLS funds eliminates salaries for the State Library team that provides Braille and other free services to the 800,000 Californians who are blind, visually impaired or dyslexic. An additional fourteen (14) State Library employees have their salaries paid

with federal funding. Federal funds have also been helpful in forcing California to spend state money to support local libraries — without doing so, support ends.

23. Uncertainty over the continuation of IMLS funding is already creating retrenchment among local libraries — their budgets for the fiscal year starting July 1, 2025, are usually set before the end of April — and prudent budget-making does not rely on funding that might not materialize. At the State Library, we have begun notifying local libraries and partners who administer programs paid for with federal funds that services may not continue next year. Similarly, we are preparing to warn the blind and visually impaired we serve that their services may end on July 1, 2025, with the new state fiscal year approaching.

24. During the nearly eleven (11) years I have been State Librarian, the IMLS has been a valued partner to California and its tribal nations. As administer of these federal funds, the State Library has done our best to comply with federal funding requirements — in part to ensure these needed resources keep flowing to California. In turn, we’ve been praised by the IMLS both for our diligence and for creating spending plans that leverage federal dollars to more effectively impact a state with a population larger than 160 of the 195 nations in the world.

25. The California State Library’s performance has been lauded by IMLS on multiple occasions. After the 2021 site visit performed by IMLS staff, feedback included the following about California’s work with federal funds: “Overall, the LSTA [Library Services and Technology Act] program is exceptionally well-organized and well-run. The administrative and financial processes are in order, and certain elements, like engagement with your stakeholders and outcomes evaluation practices, could serve as a model for other states. I commend you and your staff for the attention to federal funding requirements and best practices.” In addition, the IMLS feedback on our State Program Reports has been highly complimentary. The most recently approved State

Program Report (SPR) received the following praise: “In short: wow, thank you! You have managed so many wonderful projects with very clear high impacts in the SPR, and I great appreciate your thoroughness and clarity. Overall, including the Activity Outcome Surveys and Project Outcomes is so helpful and it makes your projects shine. You also utilize the additional materials which is not always the case with other reports, and it helps us so much. And it is also clear you are communicating that required IMLS acknowledgement to your sub-awardees, which is important.” The California State Library has a long history of submitting reports on time and has continued to meet a high standard of Maintenance of Effort.

26. In the next four months, we are scheduled to receive disbursements/reimbursements of \$3,392,933.27 under our current federal awards. The funds have been appropriated under the current state fiscal year ending June 30, 2025, and have been obligated for local assistance grant funds to libraries as well as for California State Library staff salaries and programming.

27. The next expected disbursement will be in April 2025. If we do not receive such disbursements/reimbursements, it will stop statewide and local public library programs immediately and before they can be completed, contracted services will be denied payment. Much-needed library services to Californians will cease. Money for the salary and benefits for a significant portion of the California State Library’s staff (34 positions) would be unavailable, and layoffs would ensue.

28. A variety of potential federal budget delays have occurred recently. Prior to the March 2025 continuing resolution, we were instructed by IMLS that “[i]f an appropriations bill or a continuing resolution is not passed by midnight March 14, 2025, the Institute of Museum and Library Services (IMLS) will be prohibited, by law, from incurring further financial obligations and will begin the necessary activities to prepare for a shutdown.” If federal funds stop flowing

due to the Executive Order, a similar scenario would play out and the California State Library would cease to receive the remaining federal funds which would lead to immediate program and activity shutdown at libraries throughout California.

29. Although funding has continued to be available for drawdown at this time, we anticipate that, due to the Executive Order, funding could cease to be available for the California State Library and California statewide library programs.

30. The California State Library relies heavily on both the funding and the certifications provided by the IMLS. The five-year plan that is approved by IMLS guides all federal and state spending for libraries throughout California. The IMLS certifications are critical.

31. An abrupt end to federal funding creates both immediate and ongoing harm. Loss of funds, at this proximity to the beginning of the new State fiscal year leaves both the State Library, local libraries and tribal nations in the lurch. More importantly, that means millions of Californians will not receive many of the services they rely on for their children and themselves. Programs targeted to seniors, veterans and English learners will be diminished or halted. Digital access to eBooks in English and other languages will end and, absent some alternative solution that has not been presented, services to the blind and visually impaired will halt.

32. If we do not receive such disbursements/reimbursements, it will stop statewide and local public library programs immediately and before they can be completed, contracted services will be denied payment. Much-needed services to Californians will cease. Money for the salary and benefits for a significant portion of the California State Library's staff (34 positions) would be unavailable, and layoffs will ensue. The millions of library card holders throughout California will suddenly lose access to a host of programs. The most vulnerable 800,000 California citizens who are blind or otherwise print disabled will lose critical services and information.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on April 3, 2025, at Sacramento, California.

/s/ Greg Lucas

Greg Lucas