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C O N T E N T S

FY 1974 Appropriations	p. 1	Williams & Wilkins	p. 4
White House Conference on Library and Information Services.....	p. 2	Energy Crisis	p. 4
HEA III Grants	p. 4	Attachment: Funding Chart (November 30, 1973)	

FY 1974 Labor-HEW Appropriations Await President's Signature

Difficult as it may be to believe after library programs' subsistence for 17 months straight under continuing resolutions, the President is expected to sign into law soon the FY 1974 Labor-HEW appropriations bill (HR 8877) which Congress cleared for the White House December 6.

After House refusal on November 13 to adopt the conference report (details in November 15 newsletter), the conferees reached new accord on November 30, meeting objections to the earlier agreement by allowing a \$400,000,000 reduction in Labor-HEW expenditures and by revising the ESEA title I formula. The new conference report (H.Rept. 93-682) was adopted by the House on December 5 (371 to 33) and by the Senate on December 6 (85 to 3). It now awaits the President's signature.

Both high-level Administration spokesmen and strong Administration backers in Congress have stated their belief that the bill will be signed. Rep. Robert Michel, for example, the ranking Republican on the Labor-HEW Appropriations Subcommittee who offered the motion to recommit the earlier conference report, has stated unequivocally his support for the new agreement and his confidence that the President will sign the bill: "...I am very happy that we have reached this accord in the conference. I support the agreement and I would expect that as soon as we get it down the street /to the White House/ we will have a signed bill within short order."

As finally approved by Congress, HR 8877 allows the President to cut 5 percent from each program that exceeds his budget request. No more than 5 percent can be withheld from any one program. The provision is permissive, not mandatory, and if the President withholds the maximum allowable, \$400,000,000 will be cut from the \$32.9 billion bill, bringing it down to \$32.5 billion, approximately \$978 million over the President's budget. The comparison below shows the amounts appropriated for the major library programs and the amounts that would be available if the President exercises his full reduction authority. A more detailed funding chart is attached to this newsletter.

<u>Program</u>	<u>HR 8877 conference</u>	<u>HR 8877 with 5% cutback</u>
LSCA I & III	\$49,209,000	\$46,749,000
ESEA II	95,000,000	90,250,000
HEA II	15,000,000	14,250,000
NDEA III	30,000,000	28,500,000
HEA VI	12,000,000	11,875,000

Thanks are Due to Members of Congress

Make a special effort to thank your legislators while they are at home over the holidays. Sine die adjournment of the first session of the 93d Congress is expected shortly before Christmas, perhaps around December 20 or 21. The next session will not be likely to convene before the middle of January, so Senators and Representatives should have several weeks to spend at home. Congressional support for library programs has been unflagging this year, despite the Administration's recommendations that federal support for libraries be ended. Let them know their support is greatly appreciated. It is very important that all Members of Congress hear from their constituents and that they understand how much Congressional support for libraries has really meant.

White House Conference Bill Passes Senate -- Action Moves to House

On the Senate side . . . The Labor and Public Welfare Committee filed its report November 16 (S.Rept. 93-521) on the resolution introduced last winter by Sen. Claiborne Pell of Rhode Island calling for a White House Conference on Library and Information Services (S.J.Res. 40), with committee members unanimously approving the resolution as amended. "The Committee is convinced that, not only is this White House Conference needed and sought by those to whom its recommendations would be addressed," the report states in part, "but this Conference also would fittingly complement the national bi-centennial observances in 1976 by emphasizing the importance of libraries to the achievement of our highest national aspirations." The Senate passed the resolution as reported, by voice vote, on November 20. As passed, S.J.Res. 40 authorizes \$10 million to assist the states and territories in carrying out state-level conferences on library and information services, and to plan and implement the culminating 1976 White House Conference.

On the House side . . . Hearings on the proposed conference were held in the Select Subcommittee on Education, chaired by Rep. John Brademas (D-Ind.), on November 29. Representatives from both sides of the aisle attended the hearings, including Education and Labor Committee chairman Carl Perkins (D-Ky.), Ella Grasso (D-Conn.), Orval Hansen (R-Idaho), William Lehman (D-Fla.), and Peter Peyser (R-NY). Calling the hearing to order, Mr. Brademas stated his feeling that a White House Conference would help stimulate a national debate about the value of libraries and information resources in our society as well as help to define the appropriate roles of local, state, and federal government in the support of these resources. Mr. Brademas is the sponsor of H.J.Res. 766; the new Vice President and former House Minority Leader Gerald R. Ford has introduced H.J.Res. 734; and Rep. Kenneth Hechler (D-W.Va.) sponsored H.J.Res. 302; all calling for a White House Conference on Library and Information Services in 1976. (See November 8 newsletter for more details.) The full Education and Labor Committee is expected to take action on this legislation soon.

Eight witnesses testified in support of the proposed conference: John C. Pittenger, Pennsylvania's Secretary of Education speaking for the Council of Chief State School Officers; Frederick Burkhardt, Chairman, National Commission on Libraries and Information Science; Jean E. Lowrie, President, American Library Association; L. Quincy Mumford, Librarian of Congress; James B. Rhoads, United States Archivist; Roger Stevens, Chairman of the National Book Committee; Townsend Hoopes, President of the Association of American Publishers; and John B. Harlan, President of the American Library Society. The brief excerpts from their testimony which follow indicate something of the breadth of issues covered as well as the support given to the proposed conference.

Dr. Hoopes-- "It is the view of our Association that categorical library aid is absolutely indispensable to insure continuity of services to the established library users--students, teachers, research scholars, and the general public--and to extend library services to the disadvantaged, the elderly, and to certain groups such as prisoners and those for whom English is a foreign language."

Dr. Pittenger-- "Tape cassettes, video cassettes, two-way cable television, facsimile transmission of texts and pictures, storage of information in a variety of microforms and production of readable copy from the microform on demand are all part of the contemporary library program."

Dr. Lowrie-- "...the public forum a White House Conference provides would enable a knowledgeable body of citizens to focus national attention on the fiscal problems of libraries. An example of the type of thinking and study needed for background preparation for the state and national conferences is the USOE-commissioned paper entitled, 'Basic Issues in the Governmental Financing of Public Library Services.'" (This study, prepared by Rodney Lane of Government Studies and Systems, Inc., will be made a part of the hearing record at the request of Jean Lowrie.)

Dr. Burkhardt-- "The Commission favors...this conference because it will reinforce and strengthen the work being undertaken by the National Commission on Libraries and Information Science and because a White House Conference will draw the attention of the American public to their libraries in a positive and productive way."

Dr. Mumford-- "A conference in Washington which would reflect all aspects of librarianship--school, public, state, academic, special, federal, and computer technology-- would have a ...meritorious effect on the future of library and information services in this country.... The time has come, I believe, for consideration and discussion of what has been achieved in the years of phenomenal growth and of what needs to be achieved in the future."

Dr. Rhoads-- "Any consideration of the issues of information science should include the problems of archival agencies and manuscript repositories. Like libraries and information centers they too provide basic information and educational services."

Mr. Stevens-- "I urge the Commission, the states holding governors conferences, and the White House Conference planners to give high priority to intellectual freedom generally and to censorship efforts specifically in drafting their agendas."

Mr. Harlan-- "Library and information centers play an invaluable role in American life. The proposed White House Conference on Library and Information Services, under the direction of the National Commission on Libraries and Information Science, seems to me to be the most logical way in which to attain the long-range planning necessary for effective strengthening and expansion of these treasured resources."

In addition to the witnesses testifying during the hearings, a number of organizations submitted statements for the record, including representatives from the Association of Research Libraries, American Association of University Professors, National Audiovisual Association, Association of Educational and Communications Technology, and many more.

Higher Education Act Title III -- Grant Application Deadline December 19

Applications from institutions of higher education for grants under both the Basic and Advanced Institutional Development Programs authorized by title III of the Higher Education Act must be received by the Office of Education by December 19. Application forms and program information are available from the Division of College Support, Bureau of Higher Education, Office of Education, Washington, D.C. 20202 (telephone: 202-245-2474).

HEA III is aimed at small colleges serving significant numbers of minority students. The purpose of the program is to strengthen the academic quality of developing institutions which have the desire and the potential to make a substantial contribution to the higher education resources of the nation, but which are struggling for survival and are isolated from the main currents of academic life. Funds are available for a variety of purposes, including "joint use of facilities such as libraries or laboratories, including necessary books, materials, and equipment."

U.S. Court of Claims Decides Williams & Wilkins

On November 27, the U.S. Court of Claims announced its decision on the copyright infringement suit brought by the Williams & Wilkins publishing company against the National Library of Medicine and the National Institutes of Health. The full Court, in a 4-3 majority, reversed the February 1972 recommendation of Commissioner Davis that plaintiff (Williams & Wilkins) be entitled to recover reasonable and entire compensation for infringement of copyright, and decided "as a matter of law that plaintiff is not entitled to recover and its petition is dismissed." While the terms of the Court of Claims decision are technically narrow, the implications are significant from the standpoint of the protection of the public interest in the access to information. Copies of the 104-page decision and dissenting views are available for 50 cents prepaid so long as the supply lasts from the Clerk, U.S. Court of Claims, Washington, D.C. 20005.

National Energy Emergency Act

Legislation that authorizes the President to take emergency energy conservation actions has passed the Senate (S. 2589), and is being marked up in the House Interstate and Foreign Commerce Committee (HR 11450). Both bills would authorize the President to assign priorities among users of fuel oil and other petroleum products to protect the public health, safety, welfare and the national security, and to assure the continuation of vital public services in the face of possible critical energy shortages. The House bill contains an amendment offered in Committee by Rep. John M. Murphy (D-NY) that would specify education as a top priority among users of oil. Education and library groups will make an effort to see that this amendment is retained in conference. It clearly has implications for library service, particularly bookmobile service.

* * *

Attachment - Funding Chart entitled "Funds for Library-Related Programs," (11/30/73).

FUNDS FOR LIBRARY - RELATED PROGRAMS

	FY 1974 Budget Request	FY 1974 House Allowance	FY 1974 Senate Allowance	FY 1974 Confer- ence ^{1/}	FY 1974 \$400,000,000 Reduction ^{5/}
<u>Elementary and Secondary Education Act</u>					
Title I - Educationally Deprived Children	\$1,585,185,000	\$1,810,000,000	\$1,810,000,000	\$1,810,000,000	\$1,719,500,000
II - School Library Resources, Textbooks, and Other Instructional Materials	-0-	90,000,000	100,000,000	95,000,000	90,250,000
III - Suppl. Educ. Centers, Guidance, Counseling and Testing	146,393,000	146,393,000	146,393,000	146,393,000	146,393,000
V - Strengthening State Educ. Depts.	-0-	38,000,000	45,000,000	41,500,000	39,425,000
VI-B - Education of Handicapped Children	37,500,000	50,000,000	50,000,000	50,000,000	47,500,000
VII - Bilingual Education Programs	35,000,000	45,000,000	55,000,000	53,000,000	50,350,000
<u>Library Services and Construction Act</u>	-0-	58,709,000	49,209,000	49,209,000	46,749,000
Title I - Library Services	-0-	46,479,000	46,479,000	46,479,000	See 6/ below
II - Public Library Construction	-0-	9,500,000	-0-	-0-	-0-
III - Interlibrary Cooperation	-0-	2,730,000	2,730,000	2,730,000	See 6/ below
<u>National Defense Education Act</u>					
Title III-A Equipment and Minor Remodeling	-0-	25,000,000	42,500,000	30,000,000	28,500,000
VI - Language Development	1,360,000	12,360,000	13,860,000	13,360,000	12,693,000
<u>Higher Education Act</u>					
Title I - Community Service Program	-0-	15,000,000	15,000,000	15,000,000	14,250,000
II - Parts A & B	-0-	15,000,000	15,000,000	15,000,000	14,250,000
Part A - College Library Resources)	-0-	10,500,000	10,500,000	10,500,000	9,975,000
B - Library Training)	-0-	3,000,000	3,000,000	3,000,000	2,850,000
Research)	-0-	1,500,000	1,500,000	1,500,000	1,425,000 ^{2/}
C - LC Acquisition & Cataloging	8,500,000	8,098,346	8,098,346	8,098,346 ^{2/}	8,098,346 ^{2/}
III - Developing Institutions	99,992,000	99,992,000	99,992,000	99,992,000	99,992,000
V - Education Professions Development:					
Part E - Institutes	-0-	-0-	3,000,000	-0-	-0-
- Fellowships	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000
VI-A - Undergraduate Equipment and Materials	-0-	12,500,000	12,500,000	12,500,000	11,875,000
VII - Higher Education Facilities:					
Subsidized Loans	31,425,000	31,425,000	31,425,000	31,425,000	31,425,000
Grants	-0-	-0-	-0-	-0-	-0-
<u>National Institute of Education</u>	162,197,000	142,671,000	75,000,000	75,000,000	75,000,000
<u>Postsecondary Innovation Fund</u>	15,000,000	10,000,000	10,000,000	10,000,000	10,000,000
<u>State Postsecondary Commissions</u>	3,000,000	3,000,000	4,000,000	3,000,000	3,000,000
<u>Right to Read</u>	12,000,000	12,000,000	12,000,000	12,000,000	12,000,000
<u>Older Americans Act:</u> (Community Programs	68,000,000	68,000,000	68,000,000	68,000,000	68,000,000
(Training	-0-	8,000,000	12,000,000	10,000,000	9,500,000
<u>Adult Education Act</u> (State Grants)	51,300,000	51,300,000	60,000,000	56,300,000	53,485,000
<u>ETV Facilities</u>	13,000,000	13,000,000	20,000,000	16,500,000	15,675,000
<u>Medical Library Assistance Act and National Library of Medicine</u>	24,994,000	25,871,000	25,871,000	25,871,000	24,994,000
<u>National Agricultural Library</u>	4,226,750	4,226,750	4,226,750	4,226,750 ^{3/}	4,226,750 ^{3/}
<u>Library of Congress</u>	83,929,150	81,756,650	82,371,150	82,371,150 ^{2/}	82,371,150 ^{2/}
<u>National Commission on Libraries and Information Science</u>	406,000	406,000	406,000	406,000	406,000
<u>Superintendent of Documents</u>	36,471,000	28,421,000 ^{4/}	36,471,000	36,471,000 ^{2/}	36,471,000 ^{2/}

1/ FY 1974 Labor-HEW appropriations bill (HR 8877) unless otherwise noted - 1st conference report, H.Rept. 93-626.

2/ FY 1974 Legislative Branch appropriations (PL 93-145).

3/ FY 1974 Agriculture appropriations (PL 93-135).

4/ Original budget request of \$28,421,000 was subsequently increased to \$36,471,000. House allowance reflects earlier budget request.

5/ Unless otherwise noted, FY 1974 Labor-HEW appropriations (HR 8877) showing effect of \$400,000,000 reduction (not more than 5 percent of each program exceeding budget request) authorized in 2d conference report, H.Rept. 93-682.

6/ A 5 percent reduction of titles I & III together is authorized. The Administration could reduce each title by 5 percent which would allow \$44,155,000 for LSCA I and \$2,594,000 for LSCA III, or the entire cut could be taken from title I, which would allow \$44,019,000 for title I and \$2,730,000 for title III. (It is unlikely the whole cut would be made from LSCA III.)