



WASHINGTON NEWSLETTER



BOX 54, 110 MARYLAND AVENUE, N.E. • WASHINGTON, D. C. 20002 • TEL. 202-547-4440
TWX 710-822-1976 ISSN: 0001-1746

MAR 3 1988
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Vol. 29 December 9, 1977 No. 16

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CONTENTS

Appropriations - FY 1978. p.1	Depository Libraries. p.3
Appropriations - '78 Supplemental. .p.2	Community Service/Contin. Ed. . .p.3
Minimum Wage p.2	Telecommunications. p.3
Arts & Humanities WHC p.2	Library/Copyright Warning. . . . p.4
Postal Legislation p.3	Attachment: Funding Table

Appropriations - FY 1978 (PL 95-205)

After months of disagreement and stalemate and at least 16 different votes on the controversial issue of federal payments for abortions, House and Senate have finally agreed on a FY 1978 appropriations bill for education and library programs. Congress resolved the impasse over abortion funding by the unusual step of passing a continuing resolution for the entire 1978 fiscal year. The bill sent to the President on December 7 (H.J. Res. 662) provides funds for labor, health, education and welfare programs at the level of the conference report on HR 7555, the FY 1978 Labor-HEW appropriations bill. Specific amounts for library and related programs are shown on the attached funding table. Since the continuing resolution is pegged at the conference level, the new HEA Title II-C research library program will receive the \$5,000,000 provided in the HR 7555 conference agreement, as shown below:

	FY 1977 <u>Appropriation</u>	FY 1978 <u>House Bill</u>	FY 1978 <u>Senate Bill</u>	FY 1978 <u>Conference</u>
<u>ESEA IV-B, School libs.</u>	<u>\$154,330,000*</u>	<u>\$160,000,000*</u>	<u>\$180,000,000*</u>	<u>\$167,500,000*</u>
<u>HEA II - Total</u>	<u>12,975,000</u>	<u>15,875,000</u>	<u>19,975,000</u>	<u>17,975,000</u>
II-A, College libs.	9,975,000	9,975,000	9,975,000	9,975,000
II-B, Training	2,000,000	2,000,000	2,000,000	2,000,000
II-B, Demonstrations	1,000,000	1,000,000	1,000,000	1,000,000
II-C, Research libs.	-0-	3,000,000	7,000,000	5,000,000
<u>LSCA - Total</u>	<u>60,237,000</u>	<u>60,237,000</u>	<u>60,237,000</u>	<u>60,237,000</u>
I, Lib. services	56,900,000	56,900,000	56,900,000	56,900,000
III, Interlibrary coop.	3,337,000	3,337,000	3,337,000	3,337,000

*Advance-funded program

Since several previous attempts to end the disagreement over abortion had failed, two earlier continuing resolutions were passed--H.J. Res. 626, continuing funding through October, and H.J. Res. 643 through November. With some federal employees threatened with payless paydays for the third time, and legislators beginning to leave for home, especially in the Senate, H.J. Res. 662, providing continuing funding for the District of Columbia, was used as a vehicle by the House to add Labor-HEW

money and to relax the strict House anti-abortion position just enough to be acceptable to the Senate. (Under the rules on HR 7555, the House could only react to what the Senate proposed as abortion language.) Neither chamber plans to go back to conference on HR 7555, the regular Labor-HEW money bill. The continuing resolution, when signed by the President, will run through September 30, 1978. It will be, in effect, the Labor-HEW appropriations bill for 1978.

Appropriations - FY 1978 Supplemental

A supplemental appropriations bill for FY 1978, HR 9375 (H. Rept. 95-644, S. Rept. 95-564), was passed by the House on October 25 and by the Senate on November 1. As agreed on by House-Senate conferees (H. Rept. 95-812, S. Rept. 95-829), the bill includes \$200 million for energy conservation grants for schools (including post-secondary institutions) and health care facilities and \$25 million for energy conservation grants for local government buildings. The energy conservation funds will become available only upon enactment of authorizing legislation (HR 8444, National Energy Act, now in conference). Resolution of the last remaining item in disagreement in the supplemental (funding of the B-1 bomber) is expected to go over until the second Congressional session in January.

Action Needed: A second, more general, supplemental appropriations bill for FY 1978 will be introduced next spring. ALA and other organizations will push for additional funding for LSCA in that bill. The new urban library provision of LSCA Title I (see September 16 newsletter) does not go into effect until appropriations exceed \$60 million (present level, \$56,900,000). Congressional recess dates are still uncertain, but urge your legislators while they are home over the holidays to provide full funding (\$110,000,000) for LSCA Title I in the second FY 1978 supplemental. This will require up-to-the-minute facts and figures on the financial crisis in urban libraries in your area. Funding is also needed for LSCA Title II public library construction program--especially for renovation to accommodate handicapped users and to make library buildings more energy efficient. Both are new priorities under the 1977 LSCA Amendments (PL 95-123), and the need for such remodeling should be documented. Send this information to the ALA Washington Office as well as getting it to members of Congress.

Minimum Wage

Legislation (HR 3744) increasing the minimum wage was signed by the President on November 1 (PL 95-151). Under the House-Senate conference agreement (H. Rept. 95-711), the bill amends the Fair Labor Standards Act to provide a minimum wage of \$2.65 in 1978, \$2.90 in 1979, \$3.10 in 1980, and \$3.35 in 1981.

Arts and Humanities White House Conference Bills

Rep. John Brademas (D.-Ind.) has introduced bills authorizing White House Conference on the Arts (H.J. Res. 600) and a WHC on the Humanities (H. J. Res. 639) in 1979. The House Select Education Subcommittee which Brademas chairs has begun a series of field hearings on the two resolutions. During the first hearings in Dallas on November 14 and 15, Lillian Bradshaw, Director of the Dallas Public Library, testified on the need for a Humanities WHC. The next hearings will be at the New York Public Library on December 16 and 17. Richard Cooper, NYPL Director, will testify on the 16th on the humanities. One-day hearings on both arts and humanities will be held in Los Angeles on January 3, San Francisco on January 4, Miami on January 9, Chicago on January 13, and South Bend on January 14. Additional hearings may be scheduled later in Boston and Washington, D. C. The purpose of the hearings is to get public

reaction to the need for White House Conferences on the Arts and the Humanities, and to give an opportunity to people in all aspects of these broad subject areas to identify issues and questions that should be addressed.

Postal Legislation

The Postal Service Act of 1977 (HR 7700) was approved by the House Committee on Post Office and Civil Service, which issued its report on the bill on November 3 (H. Rept. 95-808). The bill makes the Postmaster General a Presidential appointee, abolishes the Postal Board of Governors, provides for Congressional veto of postal rates and changes in service standards, and authorizes increased public service appropriations.

The bill makes changes to the fourth-class library rate as recommended by ALA to enable books to be mailed at the library rate to or from any school, college, university, or library. This will allow libraries to return books to publishers and distributors at the library rate. Nonprofit organizations would also be able to mail books and other educational materials at the library rate. Under existing law, they may do so only when mailing is on a loan or exchange basis. The bill also clarifies the intent of Congress in the 1976 amendments that teaching aids, guides, scripts and catalogs of books be eligible for the library rate. The committee's report states that such material should enjoy the library rate "even if sent separately from the material it is designed to complement." The bill is expected to come to the House floor early next year, but it is uncertain how soon the Senate will act on postal legislation.

Depository Libraries - Law Schools

The House passed on October 25 by a vote of 379 to 20 HR 8358, a bill allowing libraries of accredited law schools to become depository libraries. Such libraries must comply with all the requirements of the depository laws. No action has been taken by the Senate.

Community Service/Continuing Education

Proposed regulations to implement the Community Services and Continuing Education Program of the Higher Education Act Title I-A were published in the November 28 Federal Register, pp. 60574-8. The Education Amendments of 1976 (PL 94-482) revised and expanded this program to require that continuing education and resource materials sharing programs be considered in co-equal status with community service programs. Comments on the proposed regs are due on or before January 12 and should be addressed to the Bureau of Higher and Continuing Education, Community Service and Continuing Education Program, Rm. 371 , ROB 3, 7th & D Sts. S.W., Wash., D.C. 20202.

Telecommunications

On November 23, ALA submitted a statement on several aspects of telecommunications to the House Subcommittee on Communications, chaired by Rep. Lionel Van Deerlin (D.-Calif). The subcommittee plans to begin drafting a major revision of the outdated Communications Act of 1934 early next year. The ALA statement covers public broadcasting, domestic communications common carrier policy, international telecommunications, options for cable television regulation, and the impact of communications technology on the right to privacy. It was prepared with the assistance of several members of ALA's Information Science and Automation Division, and by ALA staff.

Library Copyright Warning

Libraries are required by the new copyright law that takes effect January 1, 1978 to display a warning of copyright in a prominent place at the desk where patrons submit requests for photocopies, and to print a warning of copyright on all forms which patrons fill out to request a photocopy. The exact language of this warning, including the type size and format in which it must appear, is specified in a rule issued by the Copyright Office published in the November 16 Federal Register, pp. 59264-5, and reproduced below:

Warnings of copyright for use by certain libraries and archives

(a) Definitions (1) A "Display Warning of Copyright" is a notice under paragraphs (d) (2) and (e) (2) of section 108 of Title 17 of the United States Code as amended by Pub. L. 94-553. As required by those sections the "Display Warning of Copyright" is to be displayed at the place where orders for copies or phonorecords are accepted by certain libraries and archives.

(2) An "Order Warning of Copyright" is a notice under paragraphs (d) (2) and (e) (2) of section 108 of Title 17 of the United States Code as amended by Pub. L. 94-553. As required by those sections the "Order Warning of Copyright" is to be included on printed forms supplied by certain libraries and archives and used by their patrons for ordering copies or phonorecords.

(b) Contents A Display Warning of Copyright and an Order Warning of Copyright shall consist of a verbatim reproduction of the following notice, printed in such size and form and displayed in such manner as to comply with paragraph (c) of this Section:

NOTICE

WARNING CONCERNING COPYRIGHT RESTRICTIONS

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

(c) Form and Manner of Use (1) A Display Warning of Copyright shall be printed on heavy paper or other durable material in type at least 18 points in size, and shall be displayed prominently, in such manner and location as to be clearly visible, legible, and comprehensible to a casual observer within the immediate vicinity of the place where orders are accepted.

(2) An Order Warning of Copyright shall be printed within a box located prominently, on the order form itself, either on the front side of the form or immediately adjacent to the space calling for the name or signature of the person using the form. The notice shall be printed in type size no smaller than that used predominantly throughout the form, and in no case shall the type size be smaller than 8 points. The notice shall be printed in such manner as to be clearly legible, comprehensible, and readily apparent to a casual reader of the form.

FUNDS FOR LIBRARY AND RELATED PROGRAMS

	FY 1977	FY 1978	FY 1978
	<u>Appropriation</u>	<u>Budget</u>	<u>Conference</u>
<u>LIBRARY PROGRAMS</u>			
ESEA Title IV-B - School Libs.	\$ 154,330,000	\$ 154,330,000 ¹	\$ 167,500,000 ¹
GPO Superintendent of Documents	47,188,400	49,602,000	21,751,000 ²
HEA Title VI-A - Undergrad. Equipment	7,500,000	7,500,000	7,500,000
<u>Higher Educ. Act - Title II</u>	12,975,000	11,475,000	17,975,000
<u>Title II-A - College Lib. Resources</u>	9,975,000	9,975,000	9,975,000
II-B - Training	2,000,000	500,000	2,000,000
II-B - Demonstrations	1,000,000	1,000,000	1,000,000
II-C - Research Libraries	-0-	-0-	5,000,000
Library of Congress	141,877,200	173,627,200	150,748,600 ²
<u>Lib. Services & Construction Act</u>	60,237,000	60,237,000	60,237,000
Title I - Library Services	56,900,000	56,900,000	56,900,000
II - Pub. Lib. Construction	-0-	-0-	-0-
III - Interlibrary Cooperation	3,337,000	3,337,000	3,337,000
Medical Lib. Assistance Act	8,000,000	7,987,000	7,987,000
Natl. Comm. Lib. & Inf. Science	492,575	563,000	563,000
National Library of Medicine	27,234,000	28,759,000	28,759,000
<u>LIBRARY-RELATED PROGRAMS</u>			
Adult Education Act	80,500,000	80,500,000 ¹	90,750,000 ¹
Book Distribution (RIF)	5,000,000	5,000,000	6,000,000
Community Education	3,553,000	3,553,000	3,553,000
Consumers' Education	3,135,000	3,135,000 ³	4,068,000 ³
Corp. for Public Broadcasting	120,200,000	115,000,000 ³	152,000,000 ³
Educ. Broadcasting Facilities	14,000,000	14,000,000	18,000,000
Ed. Handicap. Children (state grants)	315,000,000	365,000,000 ¹	465,000,000 ¹
Educ. Information Centers	-0-	-0-	2,000,000
Educ. TV & Radio Programming	7,000,000	7,000,000	5,000,000
ESEA Title I - Ed. Deprived Children	2,285,000,000	2,635,000,000 ¹	2,735,000,000 ¹
IV-C - Educ. Innov. & Support	194,000,000	194,000,000 ¹	197,500,000 ¹
VII - Bilingual Education	115,167,000	135,000,000	135,000,000
IX - Ethnic Heritage	2,300,000	2,300,000	2,300,000
Gifted & Talented Children	2,560,000	2,560,000	2,560,000
HEA Title I-A - Community Service	14,125,000	12,125,000	18,000,000
I-B - Lifelong Learning	-0-	-0-	-0-
III - Developing Institutions	110,000,000	120,000,000	120,000,000
HUD Community Development Grants	3,248,000,000	3,600,000,000	3,600,000,000
Indian Education Act	57,212,000	45,087,000	59,660,000
Metric Education	2,090,000	2,090,000	2,090,000
National Center Educ. Statistics	13,120,000	15,940,000	13,940,000
National Endowment for Arts	77,500,000	87,000,000	89,100,000
National Endowment for Humanities	77,500,000	87,000,000	87,800,000
National Historical Parks & Records Comm.	3,000,000	3,000,000	3,500,000
National Institute of Education	70,385,000	109,000,000	89,600,000
NDEA Title VI Language Development	14,650,000	13,330,000	15,000,000
Postsec. Educ. Improvement Fund	11,500,000	14,500,000	12,000,000
Right to Read (except RIF)	21,000,000	21,000,000	21,000,000
Teacher Centers	-0-	5,000,000	8,250,000
Telecommunications Demonstrations	1,000,000	1,000,000	1,000,000
Women's Education Equity	7,270,000	8,085,000	8,085,000

¹ Advance funding for 1979

² In addition, SuDocs has authority to obligate \$25 million and LC \$9.5 million in receipts from sales and fees.

³ Advance funding for 1980