



WASHINGTON NEWSLETTER



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

Vol. 33

December 2, 1981

No. 14

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Continuing Resolution, FY 1982

President Reagan vetoed on November 23 HJRes 357, a continuing resolution that would have extended funding for all executive branch agencies through July 15, 1982. Lacking the votes to even attempt an override, Congress quickly developed and passed a stopgap measure, HJRes 368, extending through December 15 the previous continuing resolution (PL 97-51) which expired November 20. HJRes 368 was signed by the President later the same day and is now PL 97-85.

Calling HJRes 357 a "budget-busting" bill in his veto message (H.Doc. 97-115), the President called a halt to all "nonessential" government functions. The Education Department, for example, closed down about noon November 23, but employees returned the next morning. House-Senate conferees on HJRes 357 had worked long hours over the weekend on a compromise they had been led to believe would be acceptable. They expressed frustration and outrage at the veto over a difference of \$2 billion or less, depending on how fast one assumed monies would be expended. Senate Appropriations Chair Hatfield (R-OR) described the situation as "a confrontation between computers." Because Congress lacks the power to override a veto and because the stopgap resolution expires so quickly, Congress will have to develop a new continuing resolution acceptable to the President.

The vetoed resolution added \$140 million to the Senate's \$350 million for the elementary and secondary education block grant. This is the same amount Sen. Bill Bradley (D-NJ) intended to add in an amendment to the regular L-HHS-ED Appropriations Bill (HR 4560), an amendment which had generated considerable support. Senate floor action on HR 4560 has been postponed, but support from constituents for the Bradley amendment affected the outcome of the conference on HJRes 357.

ACTION NEEDED: Sen. Bradley should be thanked for his willingness to sponsor the amendment. Since a new continuing resolution will be developed between December 7 and 15, Senators should be contacted once more and urged to retain funding for the elementary and secondary education block grant (Education Consolidation and Improvement Act Chapter 2) of at least \$490 million. Many thanks to all those who responded to the previous action call on Sen. Bradley's amendment.

In the postal area, HJRes 357 transferred \$20 million from the public service subsidy to the revenue foregone subsidy, raising revenue foregone to \$639,240,000. This is still \$57 million short of the amount needed and the reconciliation level.

However, the \$20 million is earmarked for certain second and fourth class mailers, including the library rate, to help offset any rate increases that might have to be applied. This transfer of funds is due to the efforts of Sens. Robert Kasten, Jr. (R-WI), and Ted Stevens (R-AK). Both should be thanked for their concern for library mailers and urged to retain this provision in any new continuing resolution.

The vetoed resolution also included a two percent across-the-board reduction. Because certain programs are exempted, the effects of this cut on library programs can only be estimated, as shown in the comparative table below. As the table indicates, some library programs would have been better off under the vetoed resolution, while some have higher funding under the stopgap measure. However, the vetoed resolution would have insured spending at the levels provided, whereas under the stopgap measure, the Administration has ordered funds released at lower levels until the final funding level is determined. For instance, LSCA funds are being sent out based on the September budget request rather than on the level provided in the continuing resolution.

(Figures in thousands)	FY '81 Approp.	Sept. FY '82 Reagan Budget	FY '82 House-Passed Bill	FY '82 Senate Committee	Vetoed Cont. Res. w/ 2% cut (estimated)	Cont. Res. through Dec. 15, '81
		*	*	*	*	*
ESEA IV-B	\$161,000	*	*	*	*	*
LSCA I	62,500	41,250	62,500	62,500	61,250	62,500
III	12,000	10,560	12,000	12,000	11,760	12,000
HEA II-A	2,988	-0-	2,000	-0-	1,960	2,000
II-B	917	1,027	1,167	-0-	899	917
II-C	6,000	5,280	6,000	6,000	5,880	6,000
NCLIS	691	618	702	702	688	691
*ESEA IV-B included in block grant (ECIA Chapter 2)						
ECIA Ch. 2	--	518,644	535,485	350,000	480,200	535,485

Freedom of Information Act

The Reagan Administration has proposed legislation which would severely limit the applicability of the Freedom of Information Act (FOIA). At the request of the Administration, Sen. Orrin Hatch (R-UT), Chairman of the Senate Judiciary Subcommittee on the Constitution, and Rep. Glenn English (D-OK), Chairman of the House Government Operations Subcommittee on Government Information and Individual Rights, introduced S. 1751 and HR 4305 on October 20 and 21 respectively.

Among the Administration's proposed changes to FOIA are the following: 1) eliminate those that have no precedential value from the requirement that agencies index and make available for public inspection all final opinions, orders, policy statements, and instruction manuals; 2) limit the right to make FOIA requests to "United States persons"; 3) restrict use of FOIA to supplement or circumvent discovery limitations; 4) allow agencies to refuse to provide materials such as newspaper clippings, magazine articles, court records, GPO publications or similar items available publicly from sources such as libraries; 5) exclude law enforcement informant records when specifically requested by third parties; 6) increase fees to recover not only direct search and duplication costs but also full search and review process costs; 7) charge additional fees or royalties to permit the government to recover costs of developing or acquiring commercially valuable information; 8) allow agencies to require business submitters of information to designate trade secrets or other commercially valuable information to be exempt from disclosure, and provide an advance review procedure for submitters when such information is requested; 9) increase the time allowed agencies to respond to requests; 10) broaden the exemption for law

enforcement information; 11) broaden the exemption for trade secrets and commercially valuable information; 12) broaden the exemption for personal information; 13) provide an exemption for the details of lawsuits settled by the government; and 14) provide an exemption for data about critical technology which is subject to export restrictions.

In introducing HR 4305, Rep. English stated: "I do not support most of the provisions of the bill, and I strongly disagree with the premises on which the bill is based." Sen. Hatch has also introduced his own bill, S. 1730, on October 7 with a number of restrictive amendments. Both the English and Hatch subcommittees held oversight hearings on the FOIA earlier this year. Senate hearings extended into November, after the Hatch bills were introduced. The House subcommittee will probably hold more hearings next session. Several other members of Congress have introduced bills amending specific parts of the FOIA.

Although apparently not used often by libraries, the FOIA has been used extensively by journalists, scholars, legislators and curious citizens. It was enacted in 1966 to enable the public to have access to identifiable records without having to demonstrate a need, and to make clear that federal agencies should provide the fullest possible disclosure of information to the public. The law was broadened by amendments enacted in 1974.

Florence Protocol

A State Department spokesman urged the Senate to ratify the Protocol to the Florence Agreement on the Importation of Educational, Scientific and Cultural Materials (Treaty Doc. 97-2) at a hearing October 20 before the Senate Foreign Relations Committee. The Nairobi Protocol (after the 1976 UNESCO meeting in Nairobi, Kenya, where it was adopted) would extend duty-free status to audio, visual and microform materials whether educational or not, and to products for the blind and other handicapped persons. Ernest B. Johnston, Jr., Deputy Assistant Secretary of State for Economic and Business Affairs, recommended that implementing legislation allow the President to delay formal deposit of the instrument of ratification for up to two and a half years to allow time to determine whether adequate reciprocal duty-free treatment to U.S. exports would be provided by other countries. In the meantime, the U.S. would implement all or portions of the Protocol on a temporary basis. The Senate Foreign Relations Committee is awaiting receipt of the draft implementing legislation from the Commerce Department before taking up the Protocol for approval.

Postal Hearings - Data Needed

On December 1 the House Subcommittee on Postal Operations and Services, chaired by Rep. Bill Clay (D-MO), and the Subcommittee on Postal Personnel and Modernization, chaired by Rep. Mickey Leland (D-TX), began a series of joint public hearings that will continue into the next session of Congress. The hearings are intended to help the subcommittees decide whether or not comprehensive changes are needed in the organization and structure of the delivery of postal services. The issues to be addressed are spelled out in the November 4 Congressional Record (pp. E5147-8). Organizations such as ALA will probably be heard in January. In response to previous requests for data on library postal expenditures, the ALA Washington Office has received useful information from some states and numerous individual libraries. However, we continue to need additional and updated information. Please send data or anecdotal information on postal expenditures broken down by different postal rates if possible, which services are particularly dependent on the mails and to what extent.

INTERLIBRARY LOAN OF MICROFILM FROM NATIONAL ARCHIVES' FORT WORTH CENTER TO CEASE

U.S. Archivist Robert M. Warner has informed several genealogical, historical, archival and library associations that as of December 10 the Fort Worth Federal Archives and Records Center will discontinue interlibrary loan of microfilm publications. About 400,000 reels of census, diplomatic, pension and other records used heavily by genealogists are lent to libraries annually. In the last few years since duplicate loan copies have been centralized at the Fort Worth Center, the National Archives and Records Service (NARS) has not been able to keep up with the demand. With the budget cuts currently being imposed, NARS feels it can no longer provide this service.

Although the decision is not likely to be reversed, librarians and patrons who made use of the service should let their Members of Congress know the effect of the budget cuts. Other NARS' public services are likely to be affected as well. NARS will write directly to libraries which used the interlibrary loan service to inform them of the change. The text of Warner's December 1 letter to ALA Executive Director Robert Wedgeworth follows:

I am writing to let you and your organization know that it has become necessary for us to discontinue the interlibrary loan of National Archives microfilm publications from the Fort Worth Federal Archives and Records Center. As of December 10, 1981, we will stop processing new requests and return all those currently on hand.

This service has been very popular with the public, especially genealogical researchers, and we greatly regret having to discontinue it. Since 1971 when the interlibrary loan program began, more than 1-1/2 million rolls of film have been provided to researchers. However, the necessity for reducing our staffing by the equivalent of 181 full-time employees by February 1982 requires us to make extensive program and service changes. Elimination of the interlibrary loan of microfilm is therefore necessary.

It is possible that this program may be resumed on a fee basis if a private sector firm should contract with the Government to undertake it. We wish to emphasize that complete sets of National Archives microfilm publications are available for use without charge at the National Archives in Washington and at the 11 Federal Archives and Records Centers. The film is also for sale for \$15 per roll from the Publication Sales Branch, NARS, Washington, D.C. 20408.

American Library Association
Washington Office
December 1981