



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. 34

August 16, 1982

No. 9

: All or any part of the ALA Washington Newsletter :
: may be reprinted for distribution :

C O N T E N T S

Appropriations, FY 1983	p. 1	NCLIS Appointments	p. 3
ACTION NEEDED	p. 1	Telecommunications	p. 4
Approp., FY 1982 Suppl.	p. 2	Fed. Govt. Statistical Activities. p. 4	
Balanced Budget Amendment	p. 2	Copyright Mfgr. Clause	p. 5
ECIA Ch. 2 Block Grant	p. 3	National Archives - Indep. Agency. p. 5	

- Attachments: 1) Resolution on Federal Government Statistical Activities
2) Status of Legislation Chart dated August 13, 1982

Appropriations, FY 1983

Postal. As a result of a motion by Rep. Joseph Addabbo (D-NY), the House Appropriations Subcommittee on Treasury-Postal Service-General Government recommended funding the full authorized amount, \$708 million, for the revenue foregone appropriation to the U.S. Postal Service in FY 1983. This amount compares with the first congressional budget resolution for FY 1983 passed in June which assumed the revenue foregone appropriation at \$400 million (see June 24 ALA Washington Newsletter) and the President's budget recommendation of \$500 million. If the \$708 million figure holds through the appropriations process, the library rate and nonprofit bulk rate can continue at the current phased rate schedule instead of ending as would be required if the revenue foregone level were either \$400 million or \$500 million.

NARS and NHPRC. At the same meeting, the subcommittee recommended a total of \$87.6 million for the National Archives and Records Service in FY 1983, with \$3 million earmarked for the National Historical Publications and Records Commission. The subcommittee accepted the proposal of Rep. Silvio Conte (R-MA) to increase the NHPRC amount from \$1 million to \$3 million, thus bringing the NARS total to \$87.6 million.

Library Programs. No action has been taken yet, but the House Labor-HHS-Education Appropriations Subcommittee is expected to make its recommendations on library, education and other programs shortly after Labor Day. The Senate subcommittee may meet soon after.

ACTION NEEDED: Congress expects to be on recess from August 20 to September 8. While Representatives and Senators are home would be the last chance and a very appropriate time to influence funding recommendations. Urge at least the current level of funding for library grant programs and NCLIS (the level Congress' own budget resolution assumes). Urge support of the House subcommittee approved levels for the postal revenue foregone subsidy and NARS and NHPRC. Constituents of the House Treasury-Postal Services-General Government Appropriations Subcommittee should thank them for their support of postal, NARS, and NHPRC items as reported above. See the February 9 ALA Washington Newsletter for lists of House and Senate appropriations and subcommittee members.

Appropriations, FY 1982 Supplemental

The House on July 29 and the Senate on August 11 passed a supplemental appropriations bill (HR 6863) for FY 1982 which includes increased pay costs for a number of agencies, plus additional funding for postal subsidies, the National Archives and Records Service (NARS) and the National Historical Publications and Records Commission (NHPRC).

In the earlier urgent supplemental funding measure (PL 97-216), Congress provided \$42 million for postal revenue foregone which resulted in a reduction in the library postal rate as reported in the July 26 ALA Washington Newsletter. In the latest supplemental, the House-passed version of HR 6863 would provide an additional \$20 million for revenue foregone; the Senate-passed version would raise the amount to \$39 million by transferring \$19 million from unneeded public service appropriations. The new \$39 million would be for the same purpose as the previous \$42 million -- to enable preferred rate mailers to continue at Step 13 of the 16-year phasing schedule through September 30, the end of the fiscal year.

Rep. Edward Derwinski (R-IL), the ranking minority member of the Post Office and Civil Service Committee, noted in the July 29 Congressional Record (p. H4866) that the "additional funding was provided to establish some sort of continuity to the postage rates paid by libraries, small newspapers, and nonprofit mailers. This continuity is important as many of these organizations plan out their postal budgets far in advance and in recent years this had become extremely difficult due to the many changes affecting the postal subsidies."

The Senate-passed bill includes \$6.5 million in additional funding for the National Archives, of which \$1.5 million is to be earmarked for NHPRC grant programs and \$300,000 for preservation of historic Senate documents. The Senate Appropriations Committee report (S. Rept. 97-516) indicates the funds for NARS will "allow the Archives to begin installation of 24-hour climate control in all records storage areas where it is currently needed; to procure supplies for preservation of deteriorating documents; and reinstate the interlibrary loan program that has recently been terminated." HR 6863 must go through a House-Senate conference process and be signed by the President before it takes effect.

Balanced Budget Amendment to Constitution

The Senate passed on August 5 S.J.Res. 58, a constitutional amendment to balance the federal budget on an annual basis. The 69 to 31 vote was close, since a two-thirds majority was required. The Senate approved one amendment -- to require a 60 percent majority of both houses to raise the debt limit ceiling, something that has been needed annually in recent years.

Meanwhile a House Judiciary subcommittee has held hearings on the House version of the amendment, H.J.Res. 350. A discharge petition has collected 186 of the 219 signatures required to force a House floor vote. However, the discharge petition includes a closed rule which allows no amendments; the resolution passed by this route would require a conference with the Senate. See the July 26 ALA Washington Newsletter for an explanation of the disadvantages to the proposed amendment and the threat it poses to library and education funding.

ECIA Chapter 2 Block Grant

ECIA Chapter 2 Regulations. Both House and Senate disapproved August 10 the final regulations for the Education Consolidation and Improvement Act Chapter 2 school block grant as published in the July 29 Federal Register (pp. 32884-32900). The congressional resolution of disapproval (H.Con.Res. 388, H. Rept. 97-701), which applies to ECIA Chapter 1 (formerly ESEA title I) as well as to Chapter 2, stems from the Secretary of Education's contention that the General Education Provisions Act (GEPA) does not apply to Chapters 1 and 2.

As its name implies, GEPA includes a number of general provisions which apply to all education programs: advance funding, automatic extension of programs, control of federal paperwork, privacy of student records, and prohibition against federal control of education including prohibiting federal control of selection of library resources. GEPA also gives Congress authority to exercise oversight over all education regulations. The regulations were to take effect August 12, but Congress' action sends them back to the Education Department for response.

As published, the regulations make only limited and technical changes in response to comments on the proposed regs published in the February 12 Federal Register. ALA and several Members of Congress were among those objecting to the finding that GEPA was inapplicable. ALA also urged that certain expenditures connected with initial acquisition or establishment of libraries or media centers be taken into account in determining maintenance of effort, as has been allowed under the former ESEA IV-B school library program. ED responded that this issue would be addressed in the nonregulatory guidance on the block grant to be distributed shortly.

Funding of ESEA IV-B Uses to Continue. School librarians and media specialists will be encouraged by the results of a telephone survey of local education agencies in Georgia and South Carolina by the Southeastern Public Education Program. As reported in the July 5 Education Times (p. 3):

Those that have given the matter some thought seem inclined to regard the new money as an extension of a federal grant program with which they are all familiar -- ESEA Title IV-B, which allocated federal funds to school districts to buy library and textbooks and other instructional materials.

"We'll continue our IV-B program" or "We'll buy textbooks" or "It will go for library supplies" were the most frequent responses from school districts.

The article went on to point out that most of the categorical programs in the block grant "were competitive, and many school districts never received money under them. Only one -- the libraries and instructional resources Title IV-B -- was allocated to all school districts on a count of children in attendance."

NCLIS Appointments

Last November President Reagan nominated five individuals to the National Commission on Libraries and Information Science. Three of the nominees, John Juergensmeyer, Jerald Newman, and Julia Li Wu, were to replace immediately three members (Joan Gross, Clara Jones, and Frances Naftalin) who were being removed before the expiration of their terms. The House Postsecondary Education Subcommittee held a hearing April 27 to investigate this unprecedented politicization of NCLIS appointments, while the Senate Labor and Human Resources Committee simply declined to begin the confirmation process for any of the nominees.

On July 19 the terms of the three appointments in question expired, and on August 5 the President resubmitted the three nominations for terms expiring July 19, 1987. Still pending are the other two nominations, of Elinor Hashim (who would be designated Chair upon confirmation) and Byron Leeds, to replace Robert Burns, Jr., and Horace Tate, whose terms expired July 19, 1981. The Senate committee is expected to consider all five nominees together.

Telecommunications

Common Carrier. U.S. District Court Judge Harold Greene ruled August 11 that he would approve the antitrust settlement negotiated by the American Telephone and Telegraph Company and the Justice Department only if certain conditions were met. The changes he specified to protect telephone customers from increased rates and poorer service involve some but not all of the consumer-protection provisions of HR 5158, the telecommunications bill abandoned recently by Rep. Timothy Wirth (D-CO) because of AT&T's successful efforts to delay committee approval.

Judge Greene gave the parties 15 days to agree to permit local phone companies, which would be divested from the Bell System under the settlement, to sell, but not manufacture, telephone equipment; to require AT&T to give the local phone companies yellow page business and revenue; and to bar AT&T from offering any electronic publishing service over any of its own phone lines for seven years. If these conditions are not agreed to, the pending trial in the 8-year old antitrust case would be resumed. Judge Greene also said the divestiture plan AT&T must prepare according to the terms of the settlement cannot be implemented until he reviews and approves it.

Cable TV. Librarians involved in cable television activities may wish to request from their Senators a copy of S. Rept. 97-518, the Senate commerce committee's report on S. 2172, which it recently approved. The bill would restrict the authority of local government to negotiate public access and other requirements in cable franchises.

Federal Government Statistical Activities

ALA Council passed a resolution (attached to this Newsletter) at the Philadelphia Annual Conference spelling out its concern that budget cuts are restricting the federal government's ability to collect, analyze and disseminate statistics used by the American public, various government agencies and the private sector. Sponsored by the Government Documents Round Table, the resolution calls attention to the abolition of the Statistical Policy Branch within the Office of Management and Budget. In a speech on August 2 (Congressional Record, p. H4964), Rep. Henry Reuss (D-WI), chairman of the Joint Economic Committee, criticized the elimination of this branch, and entered into the record a letter and resolution from the American Statistical Association which reflects many of ALA's concerns about restrictions on federal government statistical activities.

ALA's resolution urges that an identifiable and adequately staffed central statistical policy unit be established to assure continued access to accurate, standardized and timely statistical data from the United States government, and that such data be distributed through the Government Printing Office Depository Library System. Also called for is the restoration of funds for the statistical functions of various federal agencies to continue previous data gathering activities so that the public and governments at all levels can assess adequately the results of budget cuts and changes likely under the Administration's "New Federalism" proposals.

Copyright Manufacturing Clause

The first override of a Reagan presidential veto involved the manufacturing clause (Section 601) of the copyright law. On July 13 the House and Senate voted handily to override President Reagan's July 9 veto of a bill (HR 6198, now PL 97-215) to extend the manufacturing clause for four years. The manufacturing clause is essentially a non-tariff protective device for the U.S. printing industry which provides that certain nondramatic literary material in the English language must be manufactured either in the U.S. or Canada in order to enjoy full U.S. copyright protection.

ALA and publisher and author groups have been on record in opposition to the clause and in favor of the 1976 copyright law provision which would have eliminated the clause on July 1, 1982. The Copyright Office, after a lengthy study completed last July, concluded that the manufacturing clause should expire on schedule, and testified to that effect. Labor groups, citing a Labor Department study and fearing loss of jobs, testified strongly in favor of retaining the clause.

National Archives - Independent Agency

On July 29 a bill (HR 6894) to establish an independent National Archives and Records Administration was introduced by Rep. Jack Brooks (D-TX), Chairman of the House Government Operations Committee, Rep. Frank Horton (R-NY), ranking minority member of the committee, and Rep. Glenn English (D-OK), Chair of the Government Information and Individual Rights Subcommittee. The National Archives and Records Service, established in 1934, was incorporated into the General Services Administration when that agency was created in 1949.

In a press release on the bill, Rep. Brooks said that GSA administrators "have either ignored the Archives or meddled in its affairs without full understanding of its needs or purposes." Rep. English, whose subcommittee held hearings earlier this year to examine the impact of budget cuts and other problems, said, "I have become increasingly frustrated with the lack of responsiveness of GSA officials to the needs of the Archives."

Brooks and English noted that since the subcommittee's hearings, GSA Administrator Gerald Carmen "had made at least one senior level personnel change at the Archives without first consulting the Archivist; had apparently reneged on an agreement that the Public Buildings Service would pay for some \$2.7 million in long-needed repairs at the Archives building; was again considering organizational changes that might strip the Archives of certain basic functions; and that GSA-imposed employment ceilings had led to termination of interlibrary loans of census microfilm." No action has been taken on a similar bill, S. 1421, pending in the Senate.

* * * LAST MINUTE ADDITION * * *

HEA II-C Final Regulations

The Department of Education issued final regulations for the Higher Education Act II-C Strengthening Research Library Resources Program in the August 13 Federal Register, pp. 35454-35461. According to the summary of the regulations, these regulations reorganize the current regulations, reduce program requirements, implement changes required by law, and contain no significant changes from the proposed regulations. For further information contact: Frank A. Stevens, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3622, ROB-3, Washington, D.C. 20202 (202/245-9530).

RESOLUTION ON FEDERAL GOVERNMENT STATISTICAL ACTIVITIES

- WHEREAS, current Federal budgetary restrictions have impinged heavily upon the statistics gathering and dissemination activities of various governmental agencies, and
- WHEREAS, the basic structure of government in the United States is undergoing significant changes necessitating adequate sources for statistical analysis of such changes, and
- WHEREAS, the need for coordination of Federal statistical policy is crucial to the usefulness of statistics generated by the Federal government, and
- WHEREAS, state and local governments rely on accurate and timely statistics for identification of needs and implementation of programs, and
- WHEREAS, the private sector of the United States economy relies on accurate and timely statistics from the United States government, and
- WHEREAS, the abolition of the Statistical Policy Branch of the Office of Management and Budget leaves the United States without an identifiable and adequately staffed, central policy and planning point for Federal statistics for the first time in over fifty years, now, therefore, be it
- RESOLVED, that the American Library Association urge that an identifiable and adequately staffed central statistical policy unit be established to ensure a continuing policy such that private enterprise, various governmental agencies, and the American public have access to accurate, standardized, and timely statistical data from the United States government and that such data be distributed through the GPO Depository Library System, and be it
- FURTHER RESOLVED, that funds be restored to the statistical functions of the various Federal agencies to continue previous data gathering activities as well as to provide a means for governments of all levels and the American public to assess adequately the effects of budgetary restrictions and changes resulting from "New Federalism" and other innovative programs, and be it
- FURTHER RESOLVED, that the Washington Office of the American Library Association distribute this resolution to all those concerned in the Federal government.

Adopted by the Council of the
American Library Association
Philadelphia, Pennsylvania
July 14, 1932
(Council Document #79)

STATUS OF LEGISLATION OF
INTEREST TO LIBRARIANS

97th Congress, 2nd Session

Convened January 25, 1982

Chart Date: August 13, 1982

	HOUSE				SENATE				FINAL ACTION		
	Introduced	Hearings Reported by Subcommittee	Committee Report	Floor Action	Introduced	Hearings Reported by Subcommittee	Committee Report Number	Floor Action	Conference Report	Final Passage	Public Law
Congressional Budget Targets	HConRes 352	X	597	X	SConRes 92	X	385	X	614	X	
Constit. Amend. - Balanced Budget	HJRes 350	X			SJRes 58	X	151	X			
Copyright - home video taping	HR 5250,5705	X			S 1758	X					
Copyright manufacturing clause	HR 6198	X	575	X	S 1880		none	X	none	X	PL 97-215
Copyright Piracy Act	HR 3530	X	495	X	S 691		274	X	none	X	PL 97-180
Dept. of Education termination					S 1821						
Disaster Relief Assistance					S 2250		459	X			
ECIA Regs. - Res. of Disapproval	HConRes 388		701	X	SConRes 115			X			
Employment & Training Assistance	HR 5320	X	537	X	S 2036	X	469	X			
Florence Protocol	HR 6093				S 2685	X					
Foreign language program assistance	HR 3231	X	316		S 1817						
Freedom of Information Act Amendments	HR 4805	X			S 1730,2452	X					
Information Science & Technology Act	HR 3137	X									
Medical Library Assistance Act	HR 6457	X			S 2311	X	451				
National Archives - Indep. Agency	HR 6894				S 1421	X					
National Diffusion Network	HR 5818	X			S 2643						
NHPRC Extension					S 2501						
National Library & Info. Services Act					S 1431						
NTIS & NBS Authorization	HR 5726		501	X	S 2271		337	X			
Taxation - Indep. Research Libraries					S 696	X					
Taxation - Manuscript donations	HR 6662,etc.				S 2225	X					
Taxation - Technology Education	HR 5573	X			S 2281	X					
Taxation - Thor Power Tool ruling	HR 1016,1936				S 578	X					
Technical Info. Clearinghouse (NTIS)					S 2272		335	X			
Telecommunications - Cable TV					S 2172	X	518				
Telecommunications Competition & Dereg.	HR 5158	X			S 898	X	170	X			
<u>Appropriations</u>											
Further Cont. Res., FY 1982 thru 3/31/82	HJRes 370		372	X	HJRes 370		none	X	none	X	PL 97-92
Further Continuing Resolution, FY 1982	HJRes 409		465	X	HJRes 409		none	X	none	X	PL 97-161
Urgent Supplemental Approp. FY 1982	HR 5922		469	X	HR 5922		402	X	605	X	Vetoed
Urgent Supplemental Approp. FY 1982	HR 6682		none	X	HR 6682		none	X	none	X	Vetoed
Urgent Supplemental Approp. FY 1982	HR 6685		none	X	HR 6685		none	X	632	X	PL 97-216
Supplemental Approp. FY 1982	HR 6863		673	X	HR 6863		516	X	747		

For bills, reports & laws write: House & Senate Doc. Rms., U.S. Capitol, Washington, D.C. 20515 & 20510 respectively.