



# WASHINGTON NEWSLETTER



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After a late-night session on October 1, Congress recessed to campaign for the November elections involving all House seats and one-third of the Senate. Congress will return on November 29 for a post-election or lameduck session of up to three weeks.

### Appropriations, FY 1983

Late on October 1, Congress gave final approval to a continuing resolution (H.J.Res. 599) funding almost the entire federal government through December 17. The stopgap measure was signed by President Reagan the next day and is now PL 97-276. Its expiration date ensures that Congress will return in a lame-duck session to work on the regular appropriations bills for FY 1983, only one of which has been completed.

Library programs. For major library programs, the continuing resolution maintains funding at the FY 1982 level. When Congress returns on November 29, it will attempt to complete action on the regular FY 1983 appropriations bills which are in process. The House Appropriations Committee approved September 29 a Labor-HHS-Education Appropriations Bill (HR 7205, H. Rept. 97-894) which would continue the FY 1982 funding levels through the 1983 fiscal year. Amounts in the continuing resolution and House committee bill are shown below:

	FY 1982 Approp.	FY 1983 Reagan Budget	FY '83 Cont. Res. thru Dec. 17	FY 1983 House Committee
Library Services & Construction Act				
Title I, public library services	\$60,000,000	-0-	\$ 60,000,000	\$ 60,000,000
III, interlib. cooperation	11,520,000	-0-	11,520,000	11,520,000
Higher Education Act				
Title II-A, college lib. resources	1,920,000	-0-	1,920,000	1,920,000
II-B, training, research	880,000	-0-	880,000	880,000
II-C, research libraries	5,760,000	-0-	5,760,000	5,760,000
Educ. Consolidation & Improvement				
Ch. 2 state block grant	483,840,000	433,000,000	483,840,000	483,840,000
Medical Library Assistance Act	7,500,000	7,500,000	7,500,000	7,500,000
National Library of Medicine	37,535,000	33,543,000	37,535,000	38,543,000
NCLIS	674,000	-0-	674,000	674,000

ACTION NEEDED: Congress' own budget resolution, the continuing resolution, and the House Appropriations Committee recommendation have all firmly rejected the President's proposal to eliminate federal library programs. Before the election, urge Senate Appropriations Committee members, especially those on the L-HHS-ED Appropriations Subcommittee (see Feb. 9 Newsletter for lists), to support at least the House-committee-approved levels for the library programs above.

LC & GPO. The FY 1983 continuing resolution (PL 97-276) provides funding for the Legislative Branch for the entire fiscal year at the levels in S. 2939, the Legislative Branch Appropriations bill reported (S. Rept. 97-573) September 22 by the Senate Appropriations Committee. (The Senate, wanting to have some influence on the levels in the continuing resolution, has initiated several appropriations bills this year although, technically, funding bills must originate in the House.) For LC and GPO, the amounts in the Senate and House-reported (HR 7073, H. Rept. 97-801) versions are identical.

For the Library of Congress, \$215,179,000 is provided, compared with the FY '82 level of \$206,623,000 and the FY '83 request of \$223,760,000. Seven of the 54 additional positions requested were allowed. Books for the Blind and Physically Handicapped received \$33,384,000, marginally higher than the previous year. The Senate committee expressed concern over the deterioration of the Library's collections of paper-based materials and noted that a process has been developed and patented by LC to halt this deterioration. Congress provided \$350,000 to allow LC to treat up to 50,000 books in its mass deacidification program in FY '83. The House committee noted the increasing rate of purchase or lease of computer terminals and word processors. While encouraging the application of technology, the committee wanted to be certain that such equipment is closely managed and cost effective. It suggested a study of the situation by LC's internal audit office and a moratorium on further purchases or leases until top LC management has reviewed the audit findings.

Several changes have been made in the International Exchange Program involving exchanging government publications with foreign governments. GPO's Superintendent of Documents rather than the Smithsonian Institution will be the agency responsible for distributing publications. The issuing agencies, which must participate, will be charged for the costs of printing, binding and distribution, and will determine which publications are eligible. Classified and confidential publications as well as those with no public interest or educational value are exempted. The Library of Congress will continue to coordinate the mutual exchange aspects of the program and maintain the foreign publications received.

For the Superintendent of Documents in the Government Printing Office, the continuing resolution provides \$27,291,000, less than the requested \$28,889,000 and barely above the previous year's \$27,120,000. The conference report (H. Rept. 97-914) on the continuing resolution indicates that the travel expenses of advisory councils to the Public Printer may be paid from the GPO revolving fund. This provision would apply to the Depository Library Council and the Information Industry Council.

Postal Subsidies. The continuing resolution (PL 97-276) through December 17 provides that revenue foregone postal subsidy is continued at a rate sufficient to maintain the current rates for preferred rate mailers. Thus there will be no increase in the fourth class library rate for the next few months. However, the regular funding bills for the Postal Service for FY 1983 approved by the House (HR 7158, H. Rept. 97-854) and Senate (S. 2916, S. Rept. 97-547) Appropriations Committees would provide \$708 million for revenue foregone, less than the amount needed (from \$850-880 million) to maintain current rates, but more than Congress' own budget resolution assumed (\$400 million) and more than the Administration requested (\$500 million).

The \$708 million level, if passed by Congress in the lameduck session, would require about a 12 percent increase in the library rate. A 2-lb. package that now costs 43¢ would go up to 48¢. On the phased rate schedule, that would be a change from the current Step 13 to just over the Step 14 rate. The Senate bill includes language to assure that free mail for the blind would not be affected by any short-fall in revenue foregone appropriations.

NARS & NHPRC. Under the continuing resolution (PL 97-276) through December 17, the National Archives and Records Service receives funding at the rate of \$86 million, of which \$3 million is for the grant programs of the National Historical Publications and Records Commission. This is the level of the FY '83 Treasury, Postal Service, and General Government Appropriation Bill (S. 2916, S. Rept. 97-547) as reported by the Senate Appropriations Committee. The House-reported version (HR 7158, H. Rept. 97-854) would provide \$87,644,000 for NARS, also earmarking \$3 million for NHPRC. This is a major improvement for NARS, whose FY '82 budget had been cut to \$75.1 million. A last minute supplemental (see article on "Approp. FY '82 - Suppl.") added program and pay increase funds and brought that total to \$81.9 million. The Senate report notes that NARS had \$88.9 million in FY '81 and had been funded only very modestly for many years. It warns against any further attempt by the General Services Administration, NARS' parent agency, to cut NARS' staffing.

THANKS NEEDED: Constituents should thank Sen. Thomas Eagleton (D-MO), Rep. Silvio Conte (R-MA), and Rep. Joseph Addabbo (D-NY) for their strong support of NARS and NHPRC funding, as well as the chairs of the House and Senate Treasury, Postal Service, and General Government Appropriations Subcommittees, Rep. Edward Roybal (D-CA) and Sen. James Abdnor (R-SD). As ranking minority member of the Governmental Affairs Committee, Sen. Eagleton asked several questions of General Services Administration head Gerald Carmen regarding NARS and the Archivist's ability to set policy on archival and records management activities at oversight hearings on GSA September 30.

#### Appropriations, FY 1982 - Supplemental

Congress mustered the two-thirds vote necessary to override President Reagan's veto of the final supplemental appropriations bill (HR 6863) for FY 1982. The President characterized the measure as a budget buster with "excessive and unwarranted spending increases," but in fact the disagreement was over priorities. Now PL 97-257, the bill was almost \$2 billion below the President's budget, but had less for defense and more for domestic programs than he recommended. The vote to override was 301-117 in the House on September 9 and 60-30 in the Senate on September 10. In addition to increased pay supplementals for most agencies, the bill included \$39 million in additional revenue foregone postal subsidy for preferred rate mailers. It also includes an additional \$4.1 million for the National Archives and Records Service, of which \$1.5 million is for the National Historical Publications and Records Commission, and \$600,000 for preservation of House and Senate historical records. This brings the total for NHPRC grant programs to \$2.5 million for FY 1982.

#### HEA II-B & C Grant Deadlines

The Education Department has published (August 31 Federal Register, pp. 38384-91) application notices and grant deadlines for a number of programs, including Higher Education Act title II-B training and II-C research libraries. November 1 is the deadline for applications from library schools or other agencies or institutions for awards for fellowships under the II-B Library Career Training Program. Call Frank Stevens or Yvonne Carter at ED for further information (202/245-9530). November 15 is the deadline for applications for grants under the II-C Strengthening Research Library Resources Program. For information, call Frank Stevens or Louise Sutherland (202/245-9530).

## Pay Equity Hearings

ALA Immediate Past-President Betty Stone and Pat Berger, president-elect of the Federal Librarians Round Table, testified on September 30, at the last of three Congressional hearings on pay equity for women. The hearings were jointly sponsored by Reps. Geraldine Ferraro (D-NY), Patricia Schroeder (D-CO), and Mary Rose Oakar (D-OH), three subcommittee chairs of the House Post Office and Civil Service Committee. The other hearings were held on September 16 and 21.

Dr. Stone affirmed that "...ALA has gone on record as supporting the concept of equal pay for work of equal value. We support the efforts of those library workers who have documented and are challenging the practice of discriminatory salaries for librarians which are not commensurate with pay for comparable predominantly-male professions that require similar levels of education, experience, responsibility and working conditions."

Departing from her prepared text, Stone challenged several statements made by Dr. Donald Devine, Director of the Office of Personnel Management, who had testified earlier in the day. In response to a question from Schroeder about the complaints about the revision of the federal librarians position standards received by Congress, Devine said that he did not believe that the revised standards would result in downgrading librarians' jobs, that OPM had not received comments that the system is discriminatory in the last 75 occupational series revised by OPM, and that the main issue in the revision of the federal librarians standards is what he called "credentialing," which he said has been a major barrier to women's entry into various occupations. He stated that he considers it in the interest of the professional associations which certify occupations "...to restrict entry through credentialing, to limit supply and therefore increase the compensation of those already certified." Devine stressed that the final touchstone for setting "worth" is the market and that "For the federal government, we must follow the private sector."

When her turn came, Stone pointed out that ALA raised and continues to raise the issue of discrimination to women and minorities in the revision of the librarians standards in the federal government. On the issue of "credentialing," she said that ALA has not requested that artificially restrictive barriers be erected or perpetuated, but that ALA does insist that the academic credentials of librarianship receive equal value from OPM as similar credentials do in male-dominated professions. Pat Berger informed the Committee that, contrary to Devine's assertion that more public comment was desired, the reality of dealing with OPM in the review of the draft standards was very different. (See following story on proposed standards for federal librarians.)

At the end of the spirited presentation by Stone and Berger, Rep. Schroeder said "Hang in! Fight on!" and ventured that the "...most interesting part is yet to come."

## Proposed Standards for Federal Librarians

Another chapter in the continuing saga of the revision of classification/qualification standards for federal librarians unfolded on September 21, 22, 27 and 28 as the ALA Steering Committee on the proposed standards participated in "standards reading sessions" of the revised draft at the Office of Personnel Management. Betty Stone forwarded the resolution passed by Council in July (see ALA Washington Newsletter, July 26, 1982), and asked Dr. Donald Devine, Director of OPM, for a second public review period of 60 days to assure a thorough review and comprehensive analysis of what would inevitably be a substantially different document from the one issued in December 1981.

Instead, OPM afforded ALA and several other representatives of the library community, like the Library of Congress, the Federal Library Committee and the District of Columbia Library Association, and a few federal agencies, limited and restricted access to the revised draft standards. The groups worked in an OPM conference room which could be entered only after a receptionist pressed an electronic door release, under intense time pressures with a large volume of material that was in many instances a completely different document than the one released in December 1981. No copies of the revised draft could be photocopied or removed from the building, making it extremely difficult to compare changes recommended to OPM for the draft standards to the standards which will finally be published.

Hundreds of problems in the draft standards were identified and changes recommended to OPM. Raymond Yinger, Chief, Social Sciences and Information Occupations Division, the OPM official who listened to the line-by-line changes and substitute language suggested, said that he would "buy" 80 percent of the recommendations but acceptance of the other 20 percent is in doubt. However, there was no commitment made by OPM to which changes would be accepted in the published standards.

In addition to numerous other recommendations, ALA urged that the entry grade level for librarians with a master's degree be retained at the GS-9 as it is currently, instead of reduced to GS-7 as proposed by OPM. At the same time, the proposed standards require neither an MLS nor adequate equivalency measures. The ALA team pointed out repeatedly that other comparable professional series have entry level at GS-9 with a master's degree. The ALA Steering Committee members who participated in the OPM standards reading sessions are:

Ellen Cook, Chair and President of FLRT  
Betty Stone, ALA Immediate Past-President  
Patricia Berger, National Bureau of Standards  
Signe Larson, Housing & Urban Development  
Elisabeth Knauff, Dept. of the Treasury  
Don Panzera, Library of Congress  
Lester Asheim, University of North Carolina  
Joan Higbee, Library of Congress  
Barbara Pruett, U.S. International Trade Commission  
Anne Heanue, ALA Washington Office  
Margaret Myers, Director, OLPR  
Jeniece Guy, Assistant Director, OLPR

OPM's deadline for completing the standards reading sessions was September 30, Yinger expects to complete the revision of the standards by mid-October and send them to Devine for final approval. OPM's current time table for publication of the final standards is the beginning of 1983.

**ACTION NEEDED:** Please thank Reps. Ford (D-MI), Schroeder (D-CO), Ferraro (D-NY) and Oakar (D-OH) for their support on this issue. Both Ford and Ferraro wrote letters to Devine asking for additional time for a thorough review of the revised draft of the librarians standards and at the pay equity hearing on September 30, Schroeder questioned Devine about the revision of the standards.

While they are at home campaigning, let your Representative and Senators know of the need for a second public review of at least 60 days, especially in light of the restricted access permitted so far by OPM. Let them know of your concern about unfairly reducing the entry level for federal librarians to GS-7 while comparable professional series are kept at GS-9. The lack of an MLS degree and inadequate equivalency measures will affect the quality of library and information services in and from the federal sector. These issues have serious implications for the profession, for education for librarianship, and for standards at the state and local level.

## Taxation - Computer Equipment Contribution Act

Libraries and museums may be eligible for donations of computer equipment under the terms of the "Apple" bill as amended by the Senate Finance Committee September 28. As passed by the House (323-62) on September 22, the Computer Equipment Contribution Act of 1982 (HR 5573) would provide a tax deduction to corporations for use in donations in 1983 of new computers to elementary and secondary schools for use in educating students. When the Senate Finance Committee took up the House-passed bill, Sen. John Danforth (R-MO, and sponsor of a companion bill, S. 2281) offered an amendment to expand donee eligibility to libraries and museums under certain conditions which was accepted by the committee.

As explained in the committee report (S. Rept. 97-647 on HR 5573), eligible donees would be public or tax-exempt private elementary or secondary schools or vocational or technical schools which admit students without high school degrees, and libraries or museums which are tax-exempt, operated by tax-exempt organizations, or operated by governmental units. At least 80 percent of the use of the donated computer equipment must be at the location of the donee and must be directly in the education of elementary and secondary schoolchildren. Donees may not transfer the equipment, and must provide a written statement concerning use and disposition to the donor.

Computer companies would be eligible for the tax deduction in only one taxable year, 1983, 1984 or 1985. The deduction would equal the corporation's basis (or actual cost) plus half the difference between basis and fair market value. Qualifying computer equipment (data processors of certain specifications, display screens, printers, disc drives, and installation equipment) must be less than six months old. Contributions must meet certain distributional requirements to avoid undue concentrations with regard to geography or economic status of the students using the equipment.

**ACTION NEEDED:** Although the use restriction may cause problems for public libraries, the Senate committee amendment is at least a partial response to the efforts of many librarians, of ALA, and of members of the WHCLIS Task Force. Library supporters should thank Sen. Danforth, urge their own Senators to bring HR 5573 to a Senate floor vote during the post-election session, and urge their Representatives to accept library eligibility in the measure.

## Taxation - Manuscript Donations

The Senate Finance Committee, on September 24 by voice vote, approved S. 2225, Sen. Max Baucus' (D-MT) bill to restore a fair market value tax deduction for donations of literary, musical or artistic compositions by their creators to charitable institutions such as libraries. Papers of public officials would not be eligible. The committee added S. 2225 and an unrelated provision decreasing the holding period required for long-term capital gains treatment to HR 1524, a House-passed tax bill (informally known as the California Normalization Act) relating to the normalization method for public utility property and providing a transition rule for California public utilities.

Artists and authors who are now limited to a deduction for only the cost of the materials would be able to deduct the fair market value of their creations at the time of contribution if certain conditions are met -- conditions added during committee markup. The taxpayer must obtain a written appraisal done within one year of the contribution by a qualified third party (neither the taxpayer nor the donee or its employee, nor any related person), and attach a copy of the appraisal to the income tax return. The donee must use the contribution for a purpose related to its tax-exempt function, and provide the taxpayer a written statement to that effect.

The Finance Committee returned to this measure on September 28 and, at the request of Sen. Russell Long (D-LA), added a further amendment: the small number of very wealthy individuals to whom the alternative minimum tax applies would not be able to deduct the excess of fair market value over basis (the cost of materials).

The Senate Finance Committee's report (S. Rept. 97-643) on HR 1524 includes the additional views of Sen. Long, the ranking minority member of the committee, in which he says that he is opposed to the committee amendment relating to the tax treatment of artists' charitable donations. He states his objection as follows:

The amount of the deduction would not be offset for the commissions usually incurred when he sells his work through a gallery; these commissions are frequently in the range of 50 percent. As a result, the amendment would allow high-income individuals to have as much or more after-tax income from gifts of their work as they would have if they had sold their work. For an artist, composer, or author in this position, it would make donations a profitable enterprise and would take the charity out of charitable giving. This amounts to a Federal art and manuscript purchase program, with the Government in effect paying the full retail price for works selected by the artist, composer, or author and donated to charities selected by him.

The committee's rationale for restoring the full fair market value deduction, lost to creators since 1969, is as follows:

The committee concluded that an additional incentive is needed and desirable to encourage artists, authors, etc. to contribute artistic, literary, etc. compositions which they have created to charitable organizations such as museums and libraries, where they will be available to the public. Because present law provides a limited charitable deduction for such gifts, important artistic and literary works have been sold by their creators to private collectors and thus have been effectively lost to public education, scholarship, and enjoyment.

**ACTION NEEDED:** Loss of the tax incentive has caused a measurable decline in donations of contemporary manuscripts to libraries; committee approval is a major step forward. Approval was by an untallied voice vote, but Finance Committee members who are cosponsors of S. 2225 are as follows: Sens. Baucus, Bentsen, Boren, Bradley, Danforth, Grassley, Heinz, Matsunaga, Mitchell, Moynihan, Roth, and Symms. Finance Committee Chairman Robert Dole (R-KS) and ranking majority member Bob Packwood (R-OR) also voted for it. All should be thanked by their constituents for their support, with special thanks to Baucus, Dole, Moynihan and Symms, who spoke up in favor of the measure during committee markup. Other cosponsors (which total 26) are Senators Cochran, Cranston, Goldwater, Kasten, Kennedy, Leahy, Levin, Lugar, Mathias, Metzenbaum, Pell, Pryor, Simpson and Stafford. All Senators mentioned in this paragraph should be contacted before the election and urged to press for a Senate floor vote on HR 1524 (to which S. 2225 has been appended). Restoration of the tax deduction will become law only if the Senate acts favorably during the post-election session, followed by House approval. Sen. Dole brought up HR 1524 on the Senate floor October 1 but Sen. William Armstrong (R-CO) objected that the report on the bill was not yet available, so it was passed over until the lameduck session.

#### NCLIS Appointment

The Senate confirmed October 1 the nomination of Elinor Hashim as Chair of the National Commission on Libraries and Information Science. Nominated November 9, 1981, Hashim is Assistant Manager of the Corporate Library, Perkin-Elmer Corporation of Norwalk, CT. She was formerly director of the Welles-Turner Memorial Library in Glastonbury, CT, and is a former chair of the Connecticut State Library Board and a former president of the New England Library Association.

## Medical Libraries

The House passed September 30 by voice vote a three-year extension of the expiring Medical Library Assistance Act. HR 6457, the Health Research Extension Act of 1982, would authorize for MLAA \$8 million for FY 1983, \$8.5 million for FY '84, and \$9 million for FY '85, up from the FY 1982 level of \$7.5 million set by last year's reconciliation process, but still much less than the FY 1981 authorization of \$13.5 million. The bill also makes some technical organizational changes affecting the National Library of Medicine, transferring it from the Public Health Service to the National Institutes of Health, and deleting the authorization for NLM to establish branches. A substitute amendment offered by Rep. James Broyhill (R-NC), ranking minority member of the Energy and Commerce Committee, without the organizational changes and with lower authorization levels for some health research activities although with identical amounts for MLAA was defeated 130-275.

The Energy and Commerce Committee's report (H. Rept. 97-791) on the bill is useful for its unusually complete legislative history (from 1937 to date) and as a reference for the full text of the NLM and MLAA authorizing language. Concerning the full cost recovery issue, the report states:

The Committee notes with interest a recent General Accounting Office study [GAO document #HRD-82-66] of the National Library of Medicine's (NLM) pricing policies for MEDLARS services. That study concludes that the NLM's pricing policies for establishing user charges to recover costs associated with accessing the MEDLARS data bases are consistent with existing statutes and regulations. The Committee endorses the present effective cost-sharing arrangement wherein the Federal government supports the creation of the MEDLARS system and the users in the biomedical community pay the full costs to access the system.

The Senate Labor and Human Resources Committee reported a bill (S. 2311, S. Rept. 97-461) in May with identical authorization levels for MLAA, but without the organizational changes in HR 6457. Senate action on reauthorization is expected (and hoped for) in the post-election session beginning November 29.

## Florence Protocol

On September 30 the Senate unanimously (97-0) ratified as a Treaty the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific and Cultural Materials (Treaty Doc. 97-2). Called the Nairobi Protocol after the location of the negotiations, it 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. To operate as soon as five countries approved it, the Protocol is currently in effect among the nine adhering nations. The President has indicated his intention not to deposit the U.S. instrument of ratification until implementing legislation is enacted. The Senate Finance Committee approved implementing legislation September 21 and attached it to a House-passed tariff bill (HR 4566, S. Rept. 97-564), but the bill did not get to the Senate floor before recess. The House Ways and Means Committee has held hearings but taken no further action on implementing legislation (HR 6093) introduced last April by Rep. Sam Gibbons (D-FL).

**ACTION NEEDED:** Ratification and implementation of the Protocol follows up on a recommendation of the White House Conference on Library and Information Services. Interested library supporters should urge their Senators to bring up HR 4566 for a Senate vote during the post-election session. Contact them at home before the election, especially Senate Finance Committee members (see list on April 19 Newsletter) or Senate leadership (Sens. Baker, Stevens, Robert Byrd, and Cranston). There is no known opposition to the Protocol; if the Senate passes implementing legislation, it is likely the House will go along.