Contents:  May 7, 1984, Volume 36, Number 5

ACTION NEEDED . . . . . . . . . p. 1  Access to Govt. Information . . . p. 3
LSCA Reauthorization . . . . . . . . p. 2  Standards for Federal Librarians. p. 3
HEA Reauthorization . . . . . . . . p. 2  Federal Audits . . . . . . . . p. 4

Appropriations, FY 1985

Eileen D. Cooke, ALA Washington Office Director, testified before the Labor-
HHS-Education Appropriations Subcommittees of the Senate on April 26 and the
House on May 7, recommending funding of Education Department library programs as
follows:

<table>
<thead>
<tr>
<th>FY 1984</th>
<th>FY 1985 Reagan</th>
<th>FY 1985 ALA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Library Services &amp; Construction Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title I, public library services</td>
<td>$ 65,000,000</td>
<td>-0-</td>
</tr>
<tr>
<td>II, pub. lib. construction</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>III, interlibrary cooperation</td>
<td>15,000,000</td>
<td>-0-</td>
</tr>
<tr>
<td>Higher Education Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title II-A, college lib. resources</td>
<td>-0-</td>
<td>-0-</td>
</tr>
<tr>
<td>II-B, training, research</td>
<td>80,000</td>
<td>-0-</td>
</tr>
<tr>
<td>II-C, research libraries</td>
<td>6,000,000</td>
<td>-0-</td>
</tr>
<tr>
<td>Educ. Consolidation &amp; Improvement Act</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapter 2 state block grant</td>
<td>479,420,000</td>
<td>728,879,000</td>
</tr>
</tbody>
</table>

Amounts recommended for LSCA are the levels in the reauthorization bill,
HR 2878, passed by the House in January. Amounts for HEA are at or below the
authorized levels, and for ECIA Chapter 2 the level of the President's budget
request. The testimony also recommended authorized levels of funding for the
National Commission on Libraries and Information Science ($700,000), the
National Center for Education Statistics ($8,947,000), and the Medical Library
Assistance Act (pending authorization of $11,025,000 in S. 773 or $11,000,000
in the House-passed HR 2350).

ACTION NEEDED: Funding subcommittees could be making their recommendations
within the next few weeks. Now is the time to follow up on your Legislative Day
visits, or to write to your Representative and Senators if you were unable to
visit. Include specific information about uses of federal funds and remaining needs. Don't forget LSCA II construction needs. It's especially important that House and Senate L-HHS-ED Appropriations Subcommittees members hear from constituents; see March 2 ALA Washington Newsletter or the 4/30 report from E. Cooke on Legislative Day for lists of these members.

LSCA Reauthorization

By a vote of 17-1 on May 2, the Senate Labor and Human Resources Committee ordered S. 2490, the Library Services and Construction Act reauthorization, favorably reported. Only Sen. Don Nickles (R-OK) voted no. One amendment to LSCA was accepted at the request of Sen. Spark Matsunaga (D-HI) -- that the Office of Native Hawaiian Affairs be eligible for assistance under title IV Indian library services. The effect would be to add one additional "tribe" to the total otherwise eligible for assistance. The committee is expected to issue its report on S. 2490 shortly.

HEA Reauthorization

The House Postsecondary Education Subcommittee met May 2 to markup HR 5240, a bill to reauthorize and amend the Higher Education Act, but Chairman Paul Simon, (D-IL) recessed the session without action. Subcommittee Republicans threatened to move to table the bill, which unlike reauthorization efforts in previous years, lacked any Republican support. A number of higher education associations had expressed major problems with the bill, especially the student aid amendments in title IV which have divided the higher education community. Democratic support was not strong; it was suggested that title IV be dropped from the bill for the next Congress to tackle, but Simon was reluctant to proceed without title IV. It is not yet clear whether there will be further action on any part of the bill. Other factors at work include Simon's decision to leave the House to challenge Sen. Percy for a Senate seat in this fall's election, the fact that HEA is not expiring this year, and that the Senate does not intend to act on HEA reauthorization this session.

On title II, Simon's subcommittee staff had drafted a compromise set of need criteria for II-A college library resources grants. Although the status of this draft is now unclear, the ALA Washington Office would be interested in further reaction to these criteria, which should be compared with those in HR 5240 and HR 5210 (see April 3 ALA Washington Newsletter). The proposed compromise would retain maintenance of effort requirements, and require assurance that the library is participating in resource sharing agreements.

Grant eligibility would be based on two criteria: (1) institutional support of the library at less than 2.8 percent (the 1981-82 average) of the institution's educational and general budget, and (2) low per student expenditures for the library compared with other institutions in the same HEGIS classification. There would not necessarily be grants in each class of institution. The amount of funding (with a minimum award of $2,000) would depend on four criteria: (1) low budget for or low number of periodical subscriptions, (2) low number of hours of opening of library with professionally trained staff available to assist students, (3) serious deficiency in basic reference materials, and (4) other factors suggested by the institution or by the Secretary of Education (such as citation of a library deficiency in an accreditation review).
There also seemed to be general agreement that the new II-D program of College Library Technology and Cooperation Grants proposed in HR 5210 by Reps. Ford (D-MI) and Coleman (R-MO) would be incorporated in any revised Simon HEA bill.

Lobbying Activity by Nonprofits

The Office of Management and Budget published the final version of its controversial "Lobbying" revision of Circular A-122, "Cost Principles for Nonprofit Organizations" in the April 27 Federal Register, pp. 18260-77. The revision which is scheduled to go into effect on May 29, 1984, makes unallowable the use of federal funds for the costs associated with most kinds of lobbying and political activities, but does not restrict lobbying or political activities paid for with non-federal funds. The new version is still drawing fire from some groups and from Members of Congress who contend that the bookkeeping requirement would require contractors and grantees to tell the government how much they spend on lobbying and identify those costs separately from other expenses.

The first draft of these regulations which was published in January 1983 drew a storm of protest (see February 3, 1983 ALA Washington Newsletter, p. 2) and was subsequently withdrawn. These final regulations are based on the second draft which was published for comment in November 1983 (see November 30, 1983 ALA Washington Newsletter, p. 5).

Access to Government Information

The House Government Operations Subcommittee on Government Information, Justice, and Agriculture, chaired by Rep. Glenn English (D-OK), has begun an investigation into electronic filing of documents with government agencies. Rep. English published a list of questions raised by electronic filing in the March 14 Congressional Record, pp. H1614-5. The issues identified include: public access, the right and responsibility of contractors operating electronic files on behalf of agencies, the rights and responsibilities of submitters, the privatization of government functions, monopoly issues, fairness, and archives.

As an example of the issues raised by electronic filing, Rep. English cited Patent and Trademark Office agreements with private companies for the automation of agency records at no cost to the government. One aspect of these agreements requires the agency to deny Freedom of Information Act requests for the records in automated form. He then asked: "Is the agency obtaining services at the price of limiting public access to some of its records? Has the agency agreed with its contractors to limit competition in some fashion by restricting use of automated records?"

Standards for Federal Librarians

On April 3 and 4, Rep. Mary R. Oakar (D-OH) chaired hearings in the Subcommittee on Compensation and Employee Benefits of the House Committee on Post Office and Civil Service on HR 4599 and HR 5092, bills which deal with the issue of equal pay for work of comparable worth in the federal government. When Office of Personnel Management Director Donald Devine testified on April 3rd, he stated that "Given present knowledge regarding the setting of the worth of a job, I do not see any alternative to having the final touchstone for setting 'worth' to be the market. Fair job evaluation can only go so far. We should continue refining our classification system, but, unless new ideas are developed, we cannot go much further without being arbitrary."
Eileen D. Cooke, ALA Washington Office Director, in an April 26 letter to Rep. Oakar stating ALA's position on the two pending bills, documented ALA's experience with OPM in the development of the proposed classification and qualification standards for federal librarians. She concluded that based on ALA's experience with OPM, the Association does not believe that OPM is the appropriate agency to study discriminatory pay practices in the federal government and propose ways to eliminate them as required by HR 4599. She urged that such a study be carried out by one of the well-known private sector organizations with acknowledged expertise in this area, reporting to the General Accounting Office which would in turn report to the President and Congress and make recommendations for eliminating discriminatory practices found.

**Federal Audits**

**Education Amendments.** On May 2 the House Education and Labor Committee ordered reported HR 11, the Education Amendments of 1984, extending and amending a number of education programs including the Adult Education Act, the Bilingual Education Act, the National Center for Education Statistics, and others. Added earlier at the subcommittee level (El/Sec & Voc. Ed. Subcom.) was language amending the General Education Provisions Act in the area of compliance and audit procedures. The amendments are expected to apply to state library administrative agencies as well as state educational agencies.

The amendments would set forth a legal standard of substantial compliance to be used by the Education Department in determining whether or not to seek recovery of funds where no fraud is involved. The amendments would provide for discovery similar to that allowed in federal courts and would correct some of the problems which have arisen with the procedures of the Education Appeals Board. The burden of proof would shift to the Education Department. Finally, ED would be allowed to enter into compliance agreements as an alternative to repayment of funds.

**Single Audit Act.** In another development the House Government Operations Committee approved on April 10 HR 4821, the Single Audit Act of 1984, and issued its report, H. Rept. 98-708, April 25. HR 4821 would replace federal grant-by-grant audit requirements with a requirement that each state and local government receiving $100,000 or more per year in federal financial assistance obtain an annual, independent, organization-wide audit of its operations. Governmental units receiving less than $100,000 per year would have the option of obtaining a single audit in lieu of grant-by-grant audits. OMB would designate cognizant federal agencies responsible for implementation. The federal share of audit costs could not exceed the percentage of total expenditures represented by federal funds unless it is documented that auditing costs are higher than that amount.