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HEADQUARTERS

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LIBRARY

ALA Washington Newsletter

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- Attachments: 1) ALA Annual Conference Alert!
 2) OMB Proposed Circular on Management of Federal Information Resources: ALA Comments; with ALA Resolution Regarding OMB's Proposed Circular on Federal Information Management.

Congressional Budget

The House passed H.Con.Res. 152, its version of the first congressional budget resolution for FY 1986, by a vote of 258-170 on May 23. Several amendments and alternative budgets were offered, but none came close to passing. Thus, H.Con.Res. 152 as it passed the House is essentially the same as the resolution approved by the House Budget Committee on May 16 (H. Rept. 99-133). All Committee Democrats plus one Republican (Henson Moore of LA) voted for the plan, which assumes most education programs, including library programs, will be continued at FY 1985 funding levels.

The House-passed budget plan also assumes that postal revenue forgone appropriations will be frozen. H.Con.Res. 152 follows the Congressional Budget Office projection of what's needed for postal subsidies and assumes \$871 million. The U.S. Postal Service estimates \$981 million will be needed in FY '86. For revenue sharing, the House plan assumes a 25 percent cut in FY '86 and elimination of the program in FY '87.

The House floor vote was mainly along party lines. Twenty-four Republicans broke with their party and voted for H.Con.Res. 152: Reps. Broyhill (NC), Clinger (PA), Conte (MA), Coughlin (PA), Davis (MI), Duncan (TN), Emerson (MO), Green (NY), Hammerschmidt (AR), Horton (NY), Johnson (CT), Kasich (OH), Lujan (NM), McKinney (CT), Meyers (KS), Moore (LA), Morrison (WA), Quillen (TN), Rinaldo (NJ), Rogers (KY), Rowland (CT), Smith (NJ), Taylor (MO), and Wylie (OH).

Fifteen Democrats voted against the budget resolution: Reps. Applegate (OH), Carr (MI), Conyers (MI), Daniel (VA), English (OK), Gaydos (PA), Gonzalez (TX), Ralph Hall (TX), Kanjorski (PA), Kolter (PA), Nelson (FL), Penny (MN), Ray (GA),

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Roemer (LA), and Yatron (PA). Not voting were Reps. Crockett (D-MI), Fish (R-NY), Gradison (R-OH), Sam Hall (D-TX), Hyde (R-IL), and Seiberling (D-OH).

Congress will be on Memorial Day recess until June 3. House-Senate conferees are expected to begin reconciling the two versions on June 4. Controversial differences on social security (the Senate cuts cost of living adjustments) and defense (the House freezes defense without an inflation adjustment in FY '86) will make it a tough conference.

ACTION NEEDED: Both H.Con.Res. 152 and S.Con.Res. 32 assume library programs will continue at FY '85 levels, although the House version has a higher total in Function 500. The major difference affecting libraries is in the postal revenue forgone area. The Senate version assumes only \$100 million; the House version is much more preferable at \$871 million. Urge conferees immediately to support the House version of postal revenue forgone for nonprofit and preferred rates and free mail for the blind and physically handicapped in Function 370.

House conferees are Budget Committee members Gray (D-PA, Chairman), Wright (D-TX), Hefner (D-NC), Downey (D-NY), Lowry (D-WA), Derrick (D-SC), Fazio (D-CA), Miller (D-CA), Frost (D-TX), Leath (D-TX), Latta (R-OH), Kemp (R-NY), Martin (R-IL), Fiedler (R-CA), Brown (R-CO), Boulter (R-TX), and Moore (R-LA). Senate conferees have not yet been officially named, but will be appointed from the Budget Committee -- see the March 11 ALA Washington Newsletter for list of members.

Library Services and Construction Act

Technical Amendments. The House passed by voice vote on May 21 HR 997, a bill to clarify several ambiguous but mostly minor provisions of last year's reauthorization of the Library Services and Construction Act. The bill would also extend the authorization for the Minority Institutions Science Improvement Program. The bill had been approved by the Education and Labor Committee (H. Rept. 99-98) on May 8.

The seven technical amendments to LSCA in HR 997 would be as follows: (1) A long-range program may be from three to five years in length. (2) The Secretary of Education may only make grants to Indian tribes that are recognized by the Secretary of Interior. (3) Native Hawaiian programs must maintain the same maintenance of effort provisions as Indian tribes. (4) The term "limited English speaking proficiency" is defined to have the same meaning for LSCA as is used in the Bilingual Education Act. (5) State library administrative agencies are allowed to use six percent of the amounts appropriated for LSCA I, II and III for administrative costs. (6) The amount of appropriations (\$60 million minus the setaside for Indian tribes and native Hawaiians) to be considered in determining the amount of funding for urban libraries (up to 50 percent of LSCA I funds in excess of \$60 million) is clarified. (7) Indians from California, Oklahoma and Alaska (who do not live on reservations) are exempted from the requirement that they must live on or near reservations in order to receive LSCA IV funds.

Proposed Regulations. Proposed regulations to implement the Library Services and Construction Act Amendments of 1984 (PL 98-480) which reauthorized LSCA and added new titles IV for Indian library services, V for foreign language materials, and VI for library literacy programs, were published in the May 16 Federal Register, pp. 20522-37). Comments are due by June 17. For more information, contact Robert Klassen at the Department of Education, 202/254-9664.

INPUT NEEDED: ALA members with suggestions for the ALA comments on the proposed LSCA regulations are encouraged to send them via ALANET electronic mail to ALA0025 or mail them to the ALA Washington Office, 110 Maryland Avenue, N.E., Washington, D.C. 20002 (202/547-4440) by June 11.

LSCA IV Applications. The Department of Education is inviting applications for grants under the Library Services and Construction Act, new title IV Library Services to Indian Tribes and Hawaiian Natives. See the May 16 Federal Register, pp. 20540-41. In FY 1985, 1.5 percent of LSCA I, II, and III funding, or \$1,770,000, is set aside for Indian tribes (maximum grant per tribe approximately \$4,000), and 0.5 percent, or \$590,000, is set aside for Hawaiian Natives. Application forms and information packages are available from the Library Education, Research and Resources Branch, Department of Education, 400 Maryland Avenue, S.W., Room 725, Brown Bldg., Washington, D.C. 20202 (202/254-5090).

Pay Equity

Deborah Miller, a trustee of the Schaumburg Township (IL) Public Library, and a member of ALA's Commission on Pay Equity and the Legislation Committee, plans to testify on behalf of the Association at a May 30 hearing before the House Committee on Post Office and Civil Service Subcommittee on Compensation and Employee Benefits. The hearings are part of a series this spring chaired by Rep. Mary Rose Oakar (D-OH) on HR 27, "The Federal Pay Equity Act of 1985," and HR 375, "The Pay Equity Act of 1985," and the General Accounting Office (GAO) report, "Options for Conducting a Pay Equity Study of Federal Pay and Classification Systems" (GAO/GGD-85-37, March 1, 1985).

Miller's testimony supports the recommendation of the GAO report to include both job content and economic approaches in a pay equity study in the federal government. She will state ALA's concern that HR 27 provides for deep involvement of the Office of Personnel Management (OPM) with the proposed study and the establishment of a Pay Equity Study Council: "In view of our experience with OPM's development of federal library classification and qualification standards, we have serious reservations about entrusting that agency with the primary responsibility for such a study."

Sen. Ted Stevens (R-AK) chaired hearings of the Senate Governmental Affairs Subcommittee on Civil Service, Post Office, and General Services on May 22 and 23, receiving testimony from witnesses such as Senators Alan Cranston (D-CA) and Daniel J. Evans (R-WA), and Rep. Oakar, supporting a pay equity study as recommended by the GAO report. Sen. Evans is the principal sponsor of S. 519, "Federal Employee Anti-Sex-Discrimination in Compensation Act of 1985." Opposition to the study came from Loretta Cornelius, Acting Director of OPM, Morris B. Abram, Vice Chairman of the U.S. Commission on Civil Rights, and Virginia B. Lamp, of the U.S. Chamber of Commerce, who said that "'comparable worth' legislation would not help women in the work force but would, in the long run, further segregate the work place into 'men's jobs' and 'women's jobs.'"

NLW Library Speeches

One more name should be added to the list of Representatives making National Library Week speeches in connection with the special order requested by Rep. Major Owens (D-NY) -- Rep. John Grotberg (R-IL), whose speech appeared in the May 8 Congressional Record, p. E2004. Other speeches were noted in the May 6 ALA Washington Newsletter.

Magnet Schools Assistance Program

Final regulations and a new closing date of June 25, 1985 for the Magnet Schools Assistance Program were published by the Department of Education in the May 22 Federal Register, pp. 21190-200. The program funds projects in magnet schools that are part of an approved desegregation plan and that are designed to bring students from different social, economic, ethnic, and racial backgrounds together. Eligible activities include the purchase of books, materials, and equipment, including computers, that contribute directly to academic excellence and the purpose of the program. Funds may not be used for any course of instruction the substance of which the local education agency determines is secular humanism, a prohibition taken directly from the statute (title VII of the Education for Economic Security Act, PL 98-377). Application forms and information packages are available from M. Patricia Goins, Office of Elementary and Secondary Education, USED, Rm. 2007, 400 Maryland Ave., S.W., Washington, D.C. 20202 (202/245-7965).

House Postsecondary Education Subcommittee

The name of Rep. Charles Hayes (D-IL) was inadvertently omitted from the list of House Postsecondary Education Subcommittee members attached to the March 19 ALA Washington Newsletter. Please correct your copy. In seniority, Rep. Hayes falls between Reps. Biaggi and Perkins.

ALA Annual Conference, Chicago, Illinois, July 6-11, 1985

!!! CONFERENCE ALERT !!!

Saturday, July 6

9:30 - 11:00 a.m.

Hyatt Regency Hotel
New Orleans Room

"Copyright and Microcomputer Software"

ALA Legislation Committee's Ad Hoc Copyright Subcommittee. With Rosie Bogo, Pres., Hartley Courseware, and library speakers.

9:30 - 11:00 a.m.

Continental Hotel
Crystal Room

Washington Issues Update. Federal Librarians Round Table/PLA AFLS. With Jim Riley and Pat Berger.

12:30 - 2:00 p.m.

Continental Hotel
Tally Ho Room

PLA Armed Forces Librarians Section/FLRT Luncheon. Speaker: Rep. Major Owens (D-NY). Reserve by 6/15; see prelim. program info.

2:00 - 4:00 p.m.

Hyatt Regency Hotel
Regency Ballroom A

Legislation Committee's Information Update

Douglas Ginsburg, OMB Administrator for Information & Regulatory Affairs, on OMB's draft circular on mgt. of fed. info. resources
Francis Buckley, Chair, on ALA Ad Hoc Committee to Form Coalition on Government Information
James Cregan, Deputy General Counsel, House Post Office & Civil Service Committee, on short & long term outlook for postal subsidies
Mary Hutchings Reed, ALA Counsel, on tax reform issues; & impact of recent Supreme Court decisions on copyright fair use & on bringing state & local govt. employees under federal wage-hour laws of Fair Labor Standards Act
Eileen Cooke & staff, ALA Washington Office, on federal budget, other legislative issues.

2:00 - 4:00 p.m.

Continental Hotel
Crystal Room

"Whose Information Is It Anyway? U.S. Govt. Information & the Marketplace". Govt. Docs. Round Table/IFRT/SRRT. Privatization of govt. info.

4:00 - 6:00 p.m.

Auditorium Theatre

Opening General Session.

Keynote Speaker: Rep. Major Owens (D-NY).

Sunday, July 7

9:00 - 11:00 a.m.

Americana Congress Hotel
Buckingham Room

"Advocating for Libraries and Youth"

YASD/ALSC Legislation Committees.
Evie Wilson & Arvid Hammers on lobbying.

8:00 - 10:00 p.m.

Americana Congress Hotel
Buckingham Room

"Tax Deductions for Self-Generated Papers"

SAA/ALA Library Archives Relationships Jt. Com. /ACRL RBMS. With Lisa Browar, Kenneth Duckett, Carol Henderson, Kenneth Rendell.

Monday, July 8

2:00 - 5:30 p.m.

Hyatt Regency Hotel
Regency Ballroom B

"Forging Ahead; Legislative Literacy"

Junior Members Round Table. With Eileen Cooke, Joann Ellingson, Brooke Sheldon.

OFFICE OF MANAGEMENT AND BUDGET PROPOSED CIRCULAR ON MANAGEMENT
OF FEDERAL INFORMATION RESOURCES: ALA COMMENTS

In a May 14, 1985 letter to the Office of Management and Budget (OMB), responding to the OMB's draft Circular, "Management of Federal Information Resources", the American Library Association states that the draft reaches beyond agency management considerations into areas which are properly the purview of Congress. If implemented as written, the Circular will systematically deprive the American people of basic information by and about their government. The draft was published in the March 15 Federal Register (pp. 10734-47), with corrections in the March 21 FR, p. 11471. A copy was appended to the April 3 ALA Washington Newsletter.

ALA's ten-page response is available by sending a self-addressed mailing label to the ALA Washington Office, 110 Maryland Ave., N.E., Washington, D.C. 20002. The following highlights the ALA recommendations and includes the ALA Council resolution attached to the response.

This draft Circular has been in preparation in OMB at least since September of 1983, but still requires major amplification and revision and another draft should be issued for public comment. In addition, it should be submitted to Congress for policy review because its provisions reach far beyond mere management considerations. Specifically, the following revisions must be made:

A. Revise Section 6.f. to read:

"The term 'access to information' refers to the function of providing to members of the public a means of obtaining the government information to which they are entitled under law. This includes assuring access to government publications as required by 44 U.S.C. 1902."

B. Revise Section 7.b. and insert the following paragraph:

"Government information provides many benefits to the U.S. economy and U.S. citizens because it:

- Constitutes an essential tool for managing the public's business.
- Provides citizens with a knowledge of their economy and society as well as the functioning of their federal government under law.
- Furnishes a sound basis for the planning and conduct of business of enterprises and organizations in many fields, including educational institutions, health and welfare institutions, and scientific and technical research institutions."

C. Revise Section 7.d. to read:

"While the public and private benefits derived from government information should exceed the public and private costs of the information, in addition to tallying the costs of information dissemination, agencies shall also tally (and if possible, quantify) the public benefits which derive from such dissemination. As a guide, agencies shall use the appropriate benefits listings in Section 7(b) of this Circular."

D. Revise Section 8.a.(8)(b) to read:

"Dissemination is essential if it is directly related to an agency's mission or if it provides one or more of the public benefits listed in Section 7.b. above; dissemination is also essential when the products

and services to be disseminated do not duplicate those which have been or will be provided (at prices and under conditions which do not limit general access) by other governmental or nongovernmental organizations."

E. Revise Section 8.a.(9)(b) to read:

"Public information held by the Federal Government shall be made available to the public in an effective, efficient and economic manner."

F. Add a new Section 8.a.(9)(c) to read:

"Information is not a free good; however, no member of the Public should be denied access to public information held by the Federal Government solely because of economic status. In particular, the Federal Government shall rely upon the depository library system to provide free citizen access to public information."

G. Change Section 8.a.(9)(c) to 8.a.(9)(d) and revise to read:

"Information available through a mechanism other than the depository library system shall, unless required by other law or program objectives, be made available at a price which recovers costs to the government associated with the dissemination of such information. Information released in accordance with the Freedom of Information or Privacy Act shall be made available at such fees as required by the appropriate law. Fees for information shall be waived or reduced when in the public interest and permitted by law."

Spell out how OMB will monitor the implementation of the Circular to prevent contractors functioning as sole suppliers for the government to exercise monopolistic controls in ways that defeat the agencies' information obligations, for example by setting unreasonably high prices.

All proposed eliminations of government publications should be listed in the Federal Register for public comment.

We urge OMB to consult with other agencies involved in developing and implementing government-wide information policies, such as the National Commission on Libraries and Information Science, the Joint Committee on Printing, and the Federal Library and Information Center Committee.

We urge OMB to cooperate with the Joint Committee on Printing in investigating the economic feasibility of providing access to federal information in electronic form through pilot projects in the depository library system.

Further cuts in data collection, publishing, and information dissemination programs should be halted until all the issues can be fully explored and a public review process is implemented. Government information is a public resource which should be disseminated and accessible via libraries, agency dissemination, public and private sales programs, and other channels.

RESOLUTION REGARDING OMB'S PROPOSED CIRCULAR
ON FEDERAL INFORMATION MANAGEMENT

- WHEREAS, equal and ready access to unclassified government information and publications is a primary tenet of a free society; and
- WHEREAS, access to government information and publications is essential for an informed society; and
- WHEREAS, government has a responsibility to make available the information collected and created by it; and
- WHEREAS, full recovery of costs attendant to the collection and publication of government information will restrict access by a segment of the public, and
- WHEREAS, new technology in information collection and dissemination has created changes in traditional methods of access; and
- WHEREAS, the Congress of the United States has previously mandated free access to government information through agency distribution and the Depository Library system; and
- WHEREAS, the Office of Management and Budget has initiated a policy development process on the collection, dissemination, costs, and the role of the private sector in government information and publication processes;
- THEREFORE BE IT RESOLVED, that the American Library Association reaffirms that there should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States; and
- BE IT FURTHER RESOLVED, that the American Library Association urges OMB to include this principle in the final policy circular concerning Federal information management; and
- BE IT FURTHER RESOLVED, that the Washington Office of ALA continue to monitor and communicate the Association's concerns during OMB's policy development process; and
- BE IT FURTHER RESOLVED, that the Washington Office inform OMB of the willingness of member groups to assist in the preparation of a policy circular on Federal information management.

Adopted by the Council of the
American Library Association
Washington, D.C.
January 11, 1984
(Council Document #31.7)