



ALA Washington Newsletter

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Appropriations, FY 1986

The House Labor-HHS-Education Appropriations Subcommittee met to make FY '86 recommendations on education and library programs September 5, but went into executive session and embargoed the results until the full committee meets on September 26. The Senate L-HHS-ED Appropriations Subcommittee met September 19 and recommended a freeze level or FY '85-rate funding for library grant programs with one exception--\$5 million for the new LSCA VI Library Literacy Programs. Grassroots support will be needed to help retain LSCA VI literacy funds; more details will be provided once it's known what the House committee is recommending.

Meanwhile, the House passed September 18 a continuing resolution, H.J. Res. 388 to temporarily fund programs through November 14 at the lower of the current or House or Senate-passed levels. This would allow library grant programs and postal subsidies to continue at FY'85 levels until Congress completes further funding actions. H.J. Res. 388 does not include any LSCA VI literacy funds.

The preferred postal rates are also affected by the reconciliation provisions of the congressional budget resolution, which requires postal authorizing committees to reduce postal subsidies from the \$981 million needed to avoid rate increases to \$749 million. On September 18 the House Post Office and Civil Service Committee voted to recommend to the Budget Committee a cap on revenue forgone appropriations of \$749 million as a way to comply with reconciliation requirements. Even though the pending funding bill is more favorable, reconciliation could lead to increases in the 4th class library rate of as much as one-third later this year or early next year.

Higher Education Act Reauthorization

Congressional subcommittees considering reauthorization of the Higher Education Act held hearings this month on HEA library programs. Testifying for ALA at House hearings September 6 were ACRL Legislation Committee Chair Nancy Kranich, New York University Libraries, ACRL Legislation Committee member

Harold Shill, West Virginia University Library, and for ARL, Charles Churchwell, Washington University Libraries, St. Louis. ALA Legislation Committee member Nancy Eaton, University of Vermont Libraries, ALA Board member F. William Summers, Florida State University School of Library and Information Studies, and ARL witness John McDonald, University of Connecticut Libraries, testified September 19 at Senate hearings.

Testimony reflected the joint ALA/ARL recommendations on HEA: adoption of need criteria for II-A college library resource grants, continuation of II-B training and research and II-C research library programs, adoption of a II-D program of college library technology and cooperation grants, and earmarking of funds under title VI, international education, to improve the availability of periodicals published outside the U. S. A summary of the ALA/ARL recommendations was attached to the July 23 newsletter.

Questions asked by House postsecondary Education Subcommittee Chairman Bill Ford (D-MI) and Rep. Major Owens (D-NY) reflected a congressional preoccupation with foreign competition on and trade deficits: "Do our libraries have the information the U. S. needs on technological developments in other nations? Do we have data that measures our academic libraries against those of other countries?" Sen. Claiborne Pell (D-RI), ranking minority member of the Education, Arts, and Humanities Subcommittee, expressed concern that some small libraries might not be able to afford automation.

Rep. Ford also donned his postal committee chairman's hat and compared the 4th class library rate subsidy (\$42 million) to HEA II grants (\$7 million). He warned that as postal subsidies are cut, the library rate could be in danger, and urged librarians to support it strongly and to provide continuing up-to-date library postal cost data.

WHCLIS II

At the HEA II Senate hearing September 19, ALA witness Bill Summers expressed ALA's deep appreciation to Sen. Claiborne Pell (D-RI) for his leadership in introducing S.J. Res. 112, calling for a 1989 White House Conference on Library and Information Services (see the July 23 newsletter). Following that, Sen. Pell urged that we help him get cosponsors, particularly the Chairman and members of the Senate Labor and Human Resources Committee. So far, Senators who have agreed to cosponsor are Sens. Chiles (D-FL), Sarbanes (D-MD), Dixon (D-IL), Baucus (D-MT), Melcher (D-MT), Heinz (R-PA), Thurmond (R-SC), Pressler (R-SD), and Simon (D-IL).

On September 4, Rep. Bill Ford (D-MI), sponsor of the House companion bill, H.J. Res. 244, sent a "Dear Colleague" letter to all House Members requesting cosponsorship. At this writing, 22 Representatives have signed on: Wortley (R-NY), Gilman (R-NY), Kennelly (D-CT), Hammerschmidt (R-AR), Rodino (D-NJ), Roberts (R-KS), Mitchell (D-MD), Rahall (D-WV), Collins (D-IL), Rose (D-NC), Fuster (D-PR), Hughes (D-NJ), Fazio (D-CA), Fauntroy (D-DC), Oberstar (D-MN), Weber (D-MN), Dwyer (D-NJ), Crockett (D-MI), Weiss (D-NY), Williams (D-MT), Markey (D-MA), and Owens (D-NY).

ACTION NEEDED: With the elimination of general revenue sharing in one year and the possible erosion of state and local tax deductibility (SALT-D) in tax reform proposals, now is the time to muster all the public awareness and support we can raise at every level. Contact your Senators and Representatives immediately and urge them to cosponsor S.J. Res 112 or H.J. Res. 244.

Arts Endowment and "Pornography"

Convinced that the National Endowment for the Arts supports literature of a pornographic or politically offensive nature, three Members of Congress (Reps. Richard Armey, Steve Bartlett, and Thomas DeLay, all Republicans from Texas) are pushing an amendment to prohibit the award of Arts Endowment funds for projects which "...would be patently offensive to the average person and lack serious literary or artistic merit."

In July, when the appropriations bill (HR 3011) which includes Arts and Humanities Endowments funding was on the House floor, Reps. Armey and DeLay raised the issue of Arts Endowment support of "pornography" and circulated texts of poems they considered sexually explicit or supportive of Marxism. The poems were not directly funded by the Arts Endowment, but apparently came from portfolios of poets applying for NEA support. Nevertheless, an amendment to freeze both Arts and Humanities Endowments funding was successful.

On September 10, at the request of Rep. Bartlett, ranking minority member of the Select Education Subcommittee which has jurisdiction over NEA and NEH, the subcommittee held a hearing on the issue. Reps. Armey and DeLay presented their case. NEA Chairman Frank Hodsoll testified for the Endowments. Literary critic Cleanth Brooks, who delivered the 1985 NEH Jefferson Lecture, also testified. ALA submitted testimony for the record, prepared by its Office for Intellectual Freedom.

On September 11, the Education and Labor Committee met to mark up HR 3248, a bill to extend the authorization for the Endowments, scheduled to expire September 30. Rep. Bartlett offered the amendment quoted above, which was defeated by the committee by a vote of 8-18, although another amendment was approved limiting authorization levels to the House-passed freeze level for FY '86. Eloquent and persuasive arguments against the Bartlett amendment were made by Subcommittee Chairman Pat Williams (D-MT) and Reps. Coleman (R-MO), Clay (D-MO), and Jeffords (R-VT).

One of the three, Rep. Armey, Bartlett, or DeLay, was expected to offer the amendment when HR 3248 reached the House floor the week of September 23. This amendment would lead to federal government censorship of the content of art and literature. It could set a precedent for similar restrictions on other legislation. Action alerts on this subject have gone out over ALANET electronic mail, and ALA sent a letter to every Representative urging defeat of such an amendment.

Fair Labor Standards Act

On February 19, 1985, the Supreme Court ruled (Garcia v. San Antonio Metropolitan Transit Authority) that state and local government employees are subject to the federal wage-hour laws outlined in the Fair Labor Standards Act (FLSA). This decision has three major implications for libraries: (1) The law requires that all overtime be paid monetarily. This eliminates any compensatory time arrangement between employers and employees. Overtime is defined as anything in excess of 40 hours per week and it must be paid at 1½ times the hourly wage. There are exemptions for executive and professional employees. (2) The law requires that all employees be paid at least the current federal minimum wage (\$3.35 per hour). (3) The law requires that volunteers who receive compensation of \$2.50 or more per work session must be classified as employees. Such employees would then fall under the hourly and minimum wage provisions of the Act.

Congressional hearings have been held on the impact of the Garcia ruling, and several bills have been introduced to reverse aspects of the decision. Only one bill, HR 3173, introduced by Rep. Harris Fawell (R-IL), includes an exemption for state and local public agency employees from the minimum wage requirements. Other bills pending would provide an exemption from the overtime requirements and clarify the application of the Act to volunteers.

The most recent hearing were held September 10 by the Senate Committee on Labor and Human Resources Subcommittee on Labor on S. 1570 introduced by Subcommittee Chairman Don Nickles (R-OK). Labor Secretary William Brock testified that the Labor Department is bound by law and the Court's decision to enforce the FLSA. Official notices of non-compliance will be issued beginning October 15, 1985. The notice will allow 30 days to comply with the the law before the Labor Department begins an investigation. Secretary Brock sees this as an encroachment of federal powers into the functions of state governments, and urged the committee to quickly enact S. 1570. The majority of the public witnesses asked that legislation be passed to relieve state and local agencies of the burden inflicted by the Garcia decision.

Congressional sentiment is growing to enact an exemption for state and local employees from the overtime requirements and implications for the use of volunteers, but not from the minimum wage requirements. Meantime, libraries should review their wage and overtime provisions to assure compliance with FLSA. The ALA Washington Office is monitoring legislative developments in cooperation with the ALA Office for Library Personnel Resources. Libraries with questions or problems in connection with the Garcia decision are encouraged to contact Margaret Myers, ALA/OLPR, 50 East Huron Street, Chicago, IL 60611 (312/944-6780).

Science Policy

The Task Force on Science Policy of the House Committee on Science and Technology is in the midst of a comprehensive study of science policy, defined as government policies for the support of basic and applied research. The 18-member task force is chaired by Rep. Don Fuqua (D-FL), who also chairs the full committee. "An Agenda for a Study of Government Science Policy," was issued as a 62-page committee print in December 1984. Since then, the Task Force has held a series of hearings on agenda items.

Hearings on September 10-12 focused on "The Impact of the Information Age on Science"--the implications of information technology for the conduct of scientific research, the dissemination and use of research results, and the federal response to research policies and funding. A Task Force statement noted that information "has become both a resource and a commodity." Lead-off witness John Diebold, Chairman of The Diebold Group, Inc., noted that similar concerns were being addressed by other groups such as the American Library Association's Commission on Freedom and Equality of Access to Information, on which he served.

Patricia Battin, Vice President and University Librarian, Columbia University, noted in her testimony that information technologies have had a fundamental impact on the manner in which scientists use information. However, these computer and communications technologies have "outpaced our efforts to conceptualize, develop, and finance the new infra-structure necessary for the full and productive use of the new technologies, which require compatibilities of hardware, software, and network gateways on an international scale...". In addition, the characteristics of information technology encourage the chaotic roliferation of information resources and permit unprecedented control of

access to information, the latter leading to charging a fee per use. She concluded:

Unimpeded access to research data and results is critical to the nation's capacity to maintain leadership in science and technology. The realization of the potential benefits of information technology will require judicious policy decisions on a global scale with considerable government support to insure equity of access and protection of our basic research enterprise from the immediate pressures of the market place.

Federal Information Management

The Office of Management and Budget has revised its draft policy circular on the management of federal information resources originally published in the March 15 Federal Register (pp.10734-47), with corrections in the March 21 FR, p. 11471 (see March 19, April 3, June 17 and July 31 ALA Washington Newsletters). Whether or not the revision will be issued for further public comment awaits the confirmation of a new director of OMB and the appointment of a new administrator of the Office of Information and Regulatory Affairs (OIRA). The Senate plans hearings on September 24 on the nomination of James C. Miller III, currently Chairman of the Federal Trade Commission as OMB Director. Douglas Ginsberg, formerly head of OMB's OIRA, is now Assistant Attorney General in charge of the Department of Justice Antitrust Division.

LSCA Regulations

Final regulations for the Library Services and Construction Act were published in the August 16 Federal Register, pp. 33172-99. The regulations implement the LSCA Amendments of 1984 (PL 98-480), including the new title IV Library Services for Indian Tribes, title V Foreign Language Materials Acquisition, and title VI Library Literacy Programs. Regulations for title II Public Library Construction, omitted from the previous regulations because no funds were authorized for fiscal years 1982, '83 and '84 under the Omnibus Budget Reconciliation Act of 1981 (PL 97-35), are now included.

Differences between the final regs and the proposed version published for comment on May 16 are for the most part minor. Those who commented will want to check the summary of comments received with the Secretary of Education's responses, attached as an appendix to the final regs. One change is the expansion of the definition of "library materials" to include "computer software."

HEA II-C Regulations, Deadline

November 6 is the deadline for applications for new awards under the Higher Education Act title II-C Strengthening Research Library Resources. See the August 14 Federal Register, pp. 32761-63, or request an application package from the Library Education, Research, and Resources Branch, USED, 400 Maryland Ave. S. W., Rm. 613, Brown Bldg. Wash., D. C. 20202 (202/254-5090).

A proposed change in the HEA II-C regulations was published in the August 14 Federal Register, pp. 32746-47. To reduce the applicant paperwork burden and to reduce review panel work hours, the Education Department would require an institution to establish eligibility as a major research library only once every five years. If an institution applied again during that period, it would have to provide only the required information about the proposed project. The change will be in effect for the upcoming round of grants.