

Washington office



AMERICAN LIBRARY ASSOCIATION  
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# ALA Washington Newsletter

Contents:

October 14, 1985, Volume 37, Number 13

Appropriations, FY 1986 . . . . .	p. 1	WHCLIS II . . . . .	p. 5
NCLIS, ACTION NEEDED . . . . .	p. 1	LSCA, Tech. Amends. & Title IV . . . . .	p. 6
Library Programs, ACTION NEEDED . . . . .	p. 2	ECIA Ch. 2 Regulations . . . . .	p. 6
Deficit Control, ACTION NEEDED . . . . .	p. 3	Pay Equity . . . . .	p. 6
Postal Developments . . . . .	p. 4	Indian School Lib. Standards . . . . .	p. 6
Fair Labor Standards Act . . . . .	p. 5		

Attachment: Status of Legislation Chart dated October 14, 1985

## Appropriations, FY 1986

The House passed on October 2 the FY 1986 Labor-HHS-Education Appropriations bill, HR 3424. The Senate Appropriations Committee approved its version of HR 3424 October 3, making no changes from L-HHS-ED Appropriations Subcommittee recommendations. The Senate bill is awaiting floor action; there is a possibility of an across-the-board cut being offered on the floor.

NCLIS. The House-passed bill would zero out all funding for the National Commission on Libraries and Information Science. The pending Senate version includes \$690,000, the current funding level minus \$30,000 added by the Senate last year for a report on censorship.

Rep. Bill Alexander (D-AR) offered an amendment to restore NCLIS' funding in the House Appropriations Committee markup of the bill September 26, but no amendments of any kind were approved to subcommittee recommendations. There were indications, but no guarantees, that a House-Senate conference later would accept the Senate funding for NCLIS.

The House recommendation originated in the L-HHS-ED Appropriations Subcommittee which made its recommendations September 5 in closed session and successfully embargoed the results. The crisis in NCLIS funding was not discovered until shortly before full committee markup. The House committee report (H. Rept. 99-289) gives very little reason except to say that the "Administration's budget request proposed to terminate the Commission, and the Committee supports this action in light of the severe fiscal crisis that the country is facing."

In contrast, the Senate report (S. Rept. 99-151) says that the "Committee is considerably disturbed over the administration request to terminate this Commission at a time when information science and management continue to play a major role in the economic growth of this Nation. The Committee, therefore, has recommended an

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appropriation that will allow the Commission to continue to play its important part in the library and information science field."

**ACTION NEEDED:** It is crucial that NCLIS funding be retained in conference. NCLIS is the only agency whose mission is to provide unbiased advice on library and information issues to the President and Congress. It has been active and influential behind the scenes in Washington. It funds important and timely projects such as the current rural library and information needs initiative. Without NCLIS, there would be no independent agency to administer a future White House Conference.

Thank Rep. Alexander for his leadership and support. Write immediately in support of NCLIS funding to your own members on House and Senate Appropriations Committees (see March 19 newsletter for lists) and to the leadership on this issue: Reps. William Natcher (D-KY) and Silvio Conte (R-MA), and Sens. Mark Hatfield (R-OK) and Lowell Weicker (R-CT).

**Library Grant Programs.** The House-passed HR 3424 would freeze the Library Services and Construction Act, the Higher Education Act title II, and the ECIA Chapter 2 school block grant at FY '85 levels except for a slight cut in LSCA II public library construction from \$25 million to \$23,680,000. The pending Senate version would freeze LSCA, HEA II and ECIA Chapter 2, but also would provide \$5 million for new LSCA VI library literacy programs. A summary of the major library programs in HR 3424 is shown below:

(amounts in thousands)	FY '85 Approp.	FY '86 Reagan Request	FY '86 House passed	FY '86 Senate committee
<b>Library Services &amp; Construction Act</b>				
Title I, public library services	\$ 75,000	-0-	\$ 75,000	\$ 75,000
II, pub. lib. construction	25,000	-0-	23,680	25,000
III, interlibrary cooperation	18,000	-0-	18,000	18,000
IV, Indian tribes (2% setaside of appropriations for titles I, II, III)				
V, foreign language materials	-0-	-0-	-0-	-0-
VI, lib. literacy programs	-0-	-0-	-0-	5,000
<b>Higher Education Act</b>				
Title II-A, college lib. resources	-0-	-0-	-0-	-0-
II-B, training, research	1,000	-0-	1,000	1,000
II-C, research libraries	6,000	-0-	6,000	6,000
<b>Educ. Consolidation &amp; Improvement Act</b>				
Chapter 2 state block grant	531,909	531,909	531,909	531,909
NCLIS	720	-0-	-0-	690
National Library of Medicine	46,972	46,334	46,972	52,210
Medical Library Assistance Act	7,790	7,790	deferred	7,790

The House Appropriations Committee gave no reason in its report (H. Rept. 99-289) for the slight cut to LSCA II construction. The Senate Committee, in its report (S. Rept. 99-151) had this to say about its recommendation of \$5 million for the new LSCA VI program of discretionary grants of up to \$25,000 to public or state libraries for literacy projects:

The Committee is deeply troubled by the scope of the functional illiteracy problem in the United States. Presently an estimated 27 million adults are classified as functionally illiterate. The problem must be addressed at all levels of government and by labor and private industry to enable all Americans to become fully productive and to enable the Nation to maintain its position of strength in the world.

As part of this effort it is estimated that between 200 and 250 grants will be awarded for library literacy programs to begin operating in fiscal year 1986, and will significantly increase the momentum of literacy training already underway in the Nation's public libraries.

**ACTION NEEDED:** To hold Senate levels where they are higher, likely House-Senate conferees (most of the L-HHS-ED Approp. Subcom. members, see March 19 newsletter) must hear from library constituents. This is crucial for a new program like LSCA VI library literacy programs.

### Deficit Control

A potentially devastating Balanced Budget and Emergency Deficit Control Act of 1985 has been passed by the Senate as an amendment to a measure (H.J.Res. 372) increasing the statutory limit on the public debt. The vote on the Gramm-Rudman-Hollings amendment, as the deficit control measure is known, was 75-24 on October 9, with 48 Republicans and 27 Democrats voting for it, and only 4 Republicans and 20 Democrats voting against it.

The Treasury Department indicated the debt ceiling limit would be exceeded by October 7, and Sens. Phil Gramm (R-TX) and Warren Rudman (R-NH) used debt ceiling extension legislation (which must generally be passed every year) as a vehicle for a measure to reduce deficits and balance the budget over 5 years. Sen. Ernest Hollings (D-SC) quickly signed on, and cosponsorship and support grew rapidly. Once the deficit control amendment was passed, however, the Treasury Department conveniently found other ways to avoid a federal financial crisis until at least November 1.

H.J.Res. 372 as passed by the Senate will now go to conference with the House-passed version which includes only debt ceiling extension. However, the House voted 354-15 October 11 to endorse the goals, but not the specific provisions, of the deficit control amendment. Thus, the measure, in some form, will emerge from conference; damage control is the best that can be hoped for.

The reason the Gramm-Rudman-Hollings amendment would be so damaging to education and library programs is because, as usually happens in such omnibus, procedural approaches to budget balancing, the domestic discretionary programs take the brunt of the cuts to be imposed from FY 1987-91. Although not all details are yet available, the basic outline is clear. The amendment would require the President to submit and Congress to pass budgets which eliminate all deficits by 1991. Congressional budget process enforcement procedures would be strengthened.

However, if the Office of Management and Budget and the Congressional Budget Office projected a deficit above that year's limits, the President would be required to order spending cuts to meet the limit. Congress could immediately propose an alternate plan to cut spending, but if not successful, the President's plan would prevail. Programs designated "relatively uncontrollable" by OMB would be exempt from cuts, leaving only about 27 percent of controllable discretionary spending with which to balance the budget over 5 years.

The result would be severe cuts in library and education programs beginning in FY '87. Forward funded programs such as the ECIA Chapter 2 school block grant would be especially hard hit since the cuts must be to outlays or actual expenditures, forcing deep cuts in budget authority or appropriations to achieve the required cuts in moneys actually sent to recipients.

Most Senators did not know how this proposal would work out in practice when they voted. No hearings had been held. Modifications were constantly being made to the proposal. Additional modifications to pare back the extraordinary powers given to the President and OMB were approved October 10, and the amended H.J.Res. 372 was then passed, 51-37.

**ACTION NEEDED:** Thank the 24 Senators who voted against the Gramm-Rudman-Hollings amendment: Republicans Hatfield, Kassebaum, Stafford, and Weicker; and Democrats Bingaman, Bradley, Byrd, Chiles, Cranston, Eagleton, Exon, Glenn, Harkin, Hart, Inouye, Johnston, Lautenberg, Matsunaga, Metzenbaum, Mitchell, Moynihan, Pell, Riegle, and Sarbanes. Sen. Mathias was absent.

Alert your Representatives that this amendment would be devastating to library and education programs. Urge rejection of the amendment or at least modification of its most drastic and uneven effects.

### Postal Developments

**Rate Increase Postponed.** The USPS Board of Governors announced October 1 that they would not implement their previously announced increase in preferred rates to Step 16 on the phased rate schedule. This announcement, which had been expected for some time, means the rate increases published in the September 17 Federal Register, pp. 37740-42, will not take effect until further notice.

**Appropriations.** A continuing resolution (PL 99-103) keeps postal rates at current levels at least through November 14, and prompted USPS to retract its unusual step of announcing a rate increase before knowing for certain what level of revenue forgone appropriations Congress would provide.

On September 26, the Senate passed HR 3036, the FY 1986 Treasury-Postal Service Appropriations bill, with a 2 percent across-the-board amendment offered by Budget Committee Chairman Pete Domenici (R-NM), putting the revenue forgone level at \$785 million. The earlier House-passed version includes \$922 million.

Both versions would keep preferred rates at current levels until January 1, 1986. The House bill would cause a 2-lb. 4th class library rate book package to go up from the current 54± to 60± (Step 15). The Senate bill includes an amendment by Sen. Ted Stevens (R-AK) postponing the increases required by the Senate level of funding to January 1 (a 2-lb. library rate package would be 67±, Step 16, the end of phasing), with supplemental funding required to make up the shortfall. House-Senate conferees are expected to meet shortly.

**Reconciliation.** Meanwhile, the reconciliation process set in motion by the congressional budget resolution may affect preferred postal rates. Postal authorizing committees were forced to recommend to the budget committees methods of cutting revenue forgone to \$749 million. The various committee recommendations have been packaged into House (HR 3500) and Senate (S. 1730) versions of an Omnibus Budget Reconciliation Act of 1985 which are scheduled for floor action soon. The House Post Office and Civil Service Committee chaired by Rep. Bill Ford (D-MI) recommended a simple appropriations cap at \$749 million.

The Senate Governmental Affairs Committee (whose Civil Service, Post Office, and General Services Subcommittee is chaired by Sen. Ted Stevens, R-AK) made several recommendations, including a prohibition on advertising in mailings at 3rd class bulk nonprofit postal rates. The definition of advertising is so broadly drawn it could include any library association promotional mailing, or newsletters which

advertise, even to the extent of listing the library's or association's own publications, services, etc. Even new book listings or book reviews could fall under this definition. Such mailings would cost twice as much if this were to be enacted.

EXAMPLES NEEDED: The ALA Washington Office and Rep. Bill Ford need specific examples of how the Senate-proposed change to 3rd class nonprofit mailings would affect libraries and library associations.

Rep. Ford's Remarks. House Post Office and Civil Service Committee Chairman Bill Ford (D-MI) used the occasion of a September 6 Postsecondary Education Subcommittee (a panel he also chairs) hearing on Higher Education Act title II library programs to express the need for more ammunition in the campaign to provide adequate funding for postal revenue forgone.

As reported in the September 18 Chronicle of Higher Education, which gave no coverage to the HEA II testimony, Ford assailed college librarians for lobbying in support of tiny programs in higher education legislation, but not being active on postal issues. "Get your associations to wake up," Ford was quoted as saying, "I haven't heard anything from the library community."

ALA Washington Office Director Eileen Cooke wrote to Ford September 9 pointing out the extraordinary efforts of the library community this year on postal issues, the top priority given postal funding on the April 16 Library Legislative Day, the speaker from Ford's postal staff at ALA Annual Conference, an ACRL survey of college library postal costs, and offering any other help needed. On September 25, Ford replied:

Please don't mistake my anxiety for hostility. I know full well that ALA has fought for "revenue forgone" as hard as -- and maybe harder -- than any other group in town. We both know how high the stakes are, especially for the educational community, and how especially serious the threat to revenue forgone has been -- and continues to be -- this year. Perhaps my frustration with some of your allies in the community who have not been so active spilled over and exhibited itself during your appearance. Please be assured, though, that I know I can always count on ALA.

#### Fair Labor Standards Act

Legislation designed to exempt states and local governments from certain provisions of the Fair Labor Standards Act as interpreted by the Supreme Court's Garcia decision (see September 20 newsletter) was approved October 9 by the Senate Labor and Human Resources Committee and October 10 by the House Labor Standards Subcommittee. The similar bills, S. 1570 and HR 3530, allow for compensatory time in lieu of overtime compensation for state and local employees, and allow volunteers to perform services for a public agency without compensation or for a nominal fee, expenses or reasonable benefits. These exemptions to the FLSA would be made retroactive. No changes would be made in the minimum wage provisions of the FLSA.

#### WHCLIS II

Since the September 20 ALA Washington Newsletter there have been ten additional cosponsors on legislation calling for a second White House Conference on Library and Information Services by 1989. New cosponsors of H.J.Res. 244 are Reps. Akaka (D-HI), Mrazek (D-NY), Feighan (D-OH), Rangel (D-NY), Sikorski (D-MN), Roe (D-NY), Sabo (D-MN), Martinez (D-CA), Guarini (D-NJ), and Barnes (D-MD).

## LSCA

Technical Amendments. The Senate added a series of minor technical amendments to the Library Services and Construction Act to a bill reauthorizing the National Science Foundation, and passed HR 1210 September 26. The House had passed the LSCA technical amendments, HR 1997, in May. The most time-sensitive of the amendments would allow Indians from California, Oklahoma and Alaska (who do not live on reservations) to be eligible for the new LSCA IV funds. Since the measure was not through House-Senate conference and signed into law before the fiscal year ended September 30, the first year the amendments will apply will be FY '86.

Title IV Deadline. December 6 is the deadline for applications for LSCA IV basic grants to Indian Tribes and Hawaiian Natives for public library services for FY 1986. Application information will be available by October 22 from Library Education, Research & Resources Branch, Department of Education, 400 Maryland Ave., SW, Rm. 725, Brown Bldg., Washington, DC 20202-1630, Attention: LSCA Title IV (202/254-5090).

## ECIA Chapter 2 Regulations

Final regulations revising regulations for the Education Consolidation and Improvement Act Chapter 2 school block grant were published in the September 18 Federal Register, pp. 37974-83. The changes implement technical amendments to the act passed in the last Congress (PL 98-211), and generally make minor changes in the areas of relations between state education agencies and school systems, allotments and allocations, audits, etc.

One change not made in the revised regulations has generated some congressional concern -- the Secretary's decision not to incorporate in the regs provisions to implement House-Senate conference report (H. Rept. 98-574) language directing that "Chapter 2 distribution formulas provide adjusted allocations to LEAs with only the greatest numbers or percentages of high cost children rather than allocations to LEAs with any number or percentage of such children."

## Pay Equity

On October 9 the House passed HR 3008, the Federal Equitable Pay Practices Act of 1985, by a vote of 259-162 (Congressional Record, pp. H8521-60). The measure authorizes an 18-month study of the classification system of federal employees to determine if women and minorities are paid less than men for jobs requiring similar skills. The legislation establishes an 11-member bipartisan Commission on Equitable Pay Practices consisting of representatives of the Administration, Congress, federal employee unions, women's organizations, and civil rights groups. The Commission, in turn, would hire a consultant to conduct a job content analysis of the federal pay and classification system. A marketplace factor will be included as well. After completing the study, the Commission will submit it to the President and to Congress, along with recommendations for changes. The Commission will cease to exist within 90 days after submitting its report. The bill now goes to the Senate for consideration.

## Indian School Library Standards

A final rule for Minimum Academic Standards for the Basic Education of Indian Children and National Criteria for Dormitory Situations was published in the September 9 Federal Register, pp. 36798-827. Section 36.40 of the regulations outlines specifically the standards for library/media programs in Indian schools.

STATUS OF LEGISLATION OF INTEREST TO LIBRARIANS  99th Congress, 1st Session Convened January 3, 1985 Chart Date: October 14, 1985	HOUSE				SENATE				FINAL ACTION				
	Introduced	Hearings	Reported by Subcommittee	Committee Report No.	Floor Action	Introduced	Hearings	Reported by Subcommittee	Committee Report No.	Floor Action	Conference Report	Final Passage	Public Law
Arts & Humanities Endowments Extension	HR 3248	X		274	X	S 1264	X		125	X			
Civil Rights Restoration Act	HR 700		X			S 272, 431							
Congressional Budget Resolution	HConRes 152	X		133	X	SConRes 32	X		15	X	249	X	
Economic Equity Act	HR 2472					S 1169							
Fairness Doctrine						S 1038							
Florence Agreement Protocol	HR 2885					S 1274							
FLSA - State, Local Employees Exemption	HR 3530	X	X			S 1570	X						
Freedom of Information Act Amendments	HR 1882, 3319					S 150		X					
Higher Education Act Extension		X					X						
Information Policy Institute or Com.	HR 744					S 786							
LSCA Technical Amendments	HR 1997			98	X	in HR 1210						X	
Medical Library Assistance Act Extension	HR 2409			158	X	S 1309, 1641			108	X			
NLM Sesquicentennial Year, 1986						SJRes 198							
Omnibus Budget Reconciliation	HR 3500			300		S 1730			146				
Pay Equity Study	HR 3008	X	X	232	X	S 519	X						
Presidential Libraries	HR 1349	X	X	125	X	S 1047							
Public Lending Right Study Commission						S 658							
State Department Authorization	HR 2068				X	S 1003			39	X	240	X	99-93
Tax Reform (major Congressional proposals)	HR 800, 2222	X				S 325, 409							
Taxation - Manuscript Donations	HR 1657, 3087												
Taxation - Thor (inventory)	HR 2055												
WHCLIS II	HJRes 244					SJRes 112							
<u>Appropriations</u>													
Supplemental, FY 1985	HR 2577		X	142	X	HR 2577			82	X	236	X	99-88
Continuing Resolution, FY 1986	HJRes 388			272	X	HJRes 388			142	X			99-103
Agriculture, FY 1986	HR 3037	X	X	211	X	HR 3037	X	X	137				
Commerce, State Department, FY 1986	HR 2965	X	X	197	X	HR 2965	X	X	150				
HUD, Independent Agencies, FY 1986	HR 3038	X	X	212	X	HR 3038	X	X	129				
Interior, FY 1986	HR 3011	X	X	205	X	HR 3011	X	X	141				
Labor-HHS-Education, FY 1986	HR 3424	X	X	289	X	HR 3424	X	X	151				
Legislative, FY 1986	HR 2942	X	X	194	X	HR 2942	X	X	111	X			
Treasury, Postal, FY 1986	HR 3036	X	X	210	X	HR 3036	X	X	133	X			

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