



ALA Washington Newsletter

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- Attachments: 1) Resolution on Electronic Pilot Projects for Depository Libraries
 2) Resolution Relating to Federal Acquisition Regulation

Appropriations, FY 1988

Library Programs. The House Labor-HHS-Education Appropriations Subcommittee made decisions on education and library program funding on July 14-15, but did so in a closed markup session and embargoed the results until the full committee meets.

Postal. The full Appropriations Committee on July 9 and the House on July 15 reversed the earlier action of the Treasury-Postal Service Appropriations Subcommittee, and provided \$556.6 million for free mail for the blind and nonprofit postal rates, enough to keep such rates at their current levels. (However, a pending general rate increase could, if approved, raise all postal rates next year.) In approving the FY 1988 Treasury-Postal Service Appropriations Bill, HR 2907, the House passed by a vote of 218-203 a 4.7 percent across-the-board cut offered by Rep. Charles Stenholm (D-TX). However, the House leadership, after persuading a number of members to change their votes, called for reconsideration and narrowly defeated the amendment by a vote of 210-207.

GPO. The House passed HR 2714, the Legislative Branch Appropriations Bill for FY '88, on June 29 with no change to the Appropriations Committee action on the Library of Congress or Government Printing Office budgets.

ACTION NEEDED: The Senate Legislative Appropriations Subcommittee has not yet scheduled a markup session, so there is still time to contact these members on the importance of timely start up of the pilot projects to test the feasibility of

distributing government information to depository libraries electronically. See the June 26 newsletter for more detail.

NARA and NHPRC. HR 2907, the Treasury-Postal Service Appropriation Bill for FY '88 passed by the House on July 15, includes \$116,266,000 for the National Archives and Records Administration. The \$6 million above the President's request is earmarked for the development of an architectural design for a new archival building. The National Historical Publications and Records Commission grant program would get \$4 million of the total; the President requested zero. Most of the rest of the \$16 million increase over FY '87 is accounted for by higher General Services Administration rental charges for records centers, and added personnel costs for the new federal retirement plan.

Library of Congress

Nomination Confirmed. The Senate confirmed on July 24 the nomination of James H. Billington to be Librarian of Congress, succeeding Daniel Boorstin, who will stay on until the new Librarian arrives in mid-September. Dr. Billington, a historian, author, and authority on the Soviet Union, has been Director since 1973 of the Woodrow Wilson International Center for Scholars at the Smithsonian Institution. The Senate Rules and Administration Committee held a hearing on July 14, and approved the nomination on July 23.

At the hearing on the nomination, committee Chairman Wendell Ford (D-KY) indicated Dr. Billington would be a "worthy and fully qualified successor" to Dr. Boorstin, and turned the hearing over to fellow committee member and Joint Committee on the Library Chairman Claiborne Pell (D-RI). In his opening statement, Sen. Pell noted that the national community of professional librarians "have consistently made an excellent case for bringing professional training and experience in library management to this important position." The Librarian of Congress is, he said, "first and foremost a librarianship in the traditional sense of managing bibliographic collections." He added, however, "that it has become a position of such influence in the world of scholarship and letters that it requires a special breadth of vision and intellect, without which technical competence alone simply would not suffice." Dr. Billington, he felt, "brings to us a broad range of superlative credentials."

In his testimony, Dr. Billington characterized LC as an amazingly accessible "living link between yesterday's experience and tomorrow's possibilities." He said a library can only bring out the music that is already there. Comparing the staff to the performers, the users to the listeners, and the authors to the composers, he said he would be the full-time conductor of a very remarkable orchestra. He also noted that he would "be a better conductor if he continued to do a little composing on the side." He speculated that by "imaginatively using new technologies,...we might aspire to share by the year 2000 much of the substantive content and not merely the descriptive catalogue of this remarkable national collection with citizens and students directly in their local communities."

The question and answer session was cordial and relatively brief. Sen. Pell's list of challenges "clamoring for early attention: the urgent problems of book preservation and reproduction of disintegrating volumes; the disposition of the card catalog, pending modernization of the computer system; and the resolution of grievances of minority employees" gives some idea of the nature of the questions. Other questions had to do with foreign language expertise and holdings, and how to get the Government Printing Office to use acid-free paper; most Senators present asked questions about the "brittle books" problem. In his answers, Dr. Billington

demonstrated a good grasp of broad issues and problems such as preservation, gave a strong defense of affirmative action, and declined to suggest specific technological solutions or comment on current policies. Other Senators who appeared at the hearing and expressed support of Dr. Billington were Sens. Hatfield (R-OR), Moynihan (D-NY), Stevens (R-AK), and Warner (R-VA).

Other witnesses included ALA President Margaret Chisholm, Special Libraries Association President Emily Mobley, and representatives of LC unions, black and ethnic employees, and the court-appointed representative for a class action discrimination lawsuit against LC. Dr. Chisholm's statement said ALA had recommended that the position be filled from the ranks of distinguished librarians, acknowledged Dr. Billington's credentials as a scholar and administrator, recommended an agenda for the Librarian of Congress in the years ahead, noted LC's talented and experienced senior staff, and urged the committee to ask Dr. Billington how he would propose to fill any top-level vacancies.

Librarian Emeritus. Congress has approved and sent to the White House legislation, S. 1020, to designate Daniel J. Boorstin as Librarian of Congress Emeritus upon his retirement. The honorary designation will include the provision by LC of office space, parking and other incidental administrative and clerical support. As originally introduced by Sen. Daniel Moynihan (D-NY) and passed by the Senate on May 12, S. 1020 would have created such a position to apply to all future Librarians of Congress. The House version, H.J.Res. 291, passed on July 21, was limited to Dr. Boorstin, and the Senate the following day accepted the House amendments.

Civic Achievement Awards. On July 21 the House passed H.J.Res. 309, to establish in conjunction with the Bicentennial of the House of Representatives the Speaker's Civic Achievement Awards Program to be administered under the Librarian of Congress to recognize achievement in civic literacy by students, classes, and schools in grades 5-8. The Librarian of Congress is to develop regulations and disburse funds to the Close Up Foundation which will conduct the program in cooperation with the National Association of Elementary School Principals. Program elements can include development of library skills. School libraries and local public libraries are to serve as the primary centers for the distribution of materials and the coordination of testing and evaluation for the program. For FY 1988, \$680,000 would be authorized; that amount is included in the House-passed Legislative Branch Appropriations Bill, HR 2714.

Telecommunications

The Federal Communications Commission has proposed that "enhanced service providers" or value-added networks such as Telenet, Tymnet, CompuServe, etc., should pay access charges to hook up to local phone lines. Companies that transmit data across state lines, and use the local phone network to originate or terminate such transmissions, are currently exempt from such charges. Their exemption would be eliminated under the FCC proposal beginning January 1, 1988. Purely private networks and intrastate communications would not be subject to the charges.

According to the FCC, long-distance customers had been subsidizing local phone service. With deregulation and the breakup of AT&T, this subsidy was ended, and the Commission began imposing access charges to pay for the connection between each phone and the local switching office. As a regular individual or business phone customer, you pay one form of this access charge in a separate monthly fee on your phone bill.

The new proposal would levy a similar fee on interstate phone traffic by computer. The access charge would be assessed on the companies that add value to

such transmissions, and would surely be passed on to the ultimate customer. The FCC decided on this course of action on June 10, but did not issue the text of its proposed rule making until July 17. Technically, the proposal is CC Docket No. 87-215, Amendments of Part 69 of the Commission's Rules Relating to Enhanced Service Providers. Comments are due to the FCC by August 24.

Pending further analysis of the full text, some preliminary estimates of the impact are available. The most likely effect for libraries using commercial online databases through value-added networks would be an increase of as much as \$5.40 per hour in added telecommunications costs. Telenet estimates its public network dial-in rates would increase by more than \$4.00 per terminal hour. For libraries with dial-access connections to OCLC, the estimated effect would be a \$2.50 per hour increase.

ACTION NEEDED: ALA will file comments with the FCC on this proposal because of its obvious negative impact on library services. Your help is needed. The larger the number of comments filed with the FCC in opposition to this proposal, the greater the likelihood that it will be withdrawn, scaled back, or phased in. Write to the Federal Communications Commission, Washington, DC 20054, citing the docket number and title. Send an original and five copies if possible. Send a copy of your comments with a brief cover letter to your Representative and Senators, as well as to Rep. Edward Markey, Chairman, House Subcommittee on Telecommunications and Finance, and to Sen. Daniel Inouye, Chairman, Senate Subcommittee on Communications.

To make the most effective case to the FCC, the ALA Washington Office needs examples immediately of the impact of a \$5.40 per hour increase in the telecommunications costs of accessing information via value-added networks. What information sources do you tap in this manner? Commercial database vendors? Bibliographic databases? What percent of your telecommunications costs for such services would such an increase represent? How would (or could) you handle such an increase in the current budget year (or biennial budget period)? Include such information in your comments to the FCC, and send impact data and blind copies of FCC comments and letters to Congress to the ALA Washington Office.

ECIA Reauthorization

AASL Immediate Past President Marilyn Miller testified July 16 before the Senate Education, Arts, and Humanities Subcommittee on reauthorization of the Education Consolidation and Improvement Act Chapter 2 school block grant. The vehicle for the Senate hearings was S. 373, a bill which simply extends ECIA Chapter 2 without change. However, witnesses also discussed Chairman Claiborne Pell's (D-RI) bill, S. 627, and ranking minority member Robert Stafford's (R-VT) bill, S. 1005. S. 627 would target Ch. 2 to five priority needs: (1) school dropout prevention, (2) programs to combat illiteracy, (3) programs for the gifted and talented, (4) basic skills instruction for secondary school students, and (5) "the organization and use of school library books and textbooks." S. 1005 would allow Ch. 2 funds to be used to support innovation and expand services and activities in the general areas of (1) basic skills instruction, (2) education improvement and support services, and (3) special projects.

Dr. Miller's statement supported S. 627, but recommended that the fifth purpose be expanded to read: "acquisition and use of school library resources, textbooks, and other printed and published instructional materials." She also recommended that school library media personnel be eligible for training programs, and for participation on advisory committees. Her recommendations were consistent with an AASL-developed resolution passed by the ALA Council on January 21, 1987. She noted that S. 1005 would prohibit assistance to services or activities for longer than

three continuous years, causing problems with support of school library resources. She also urged the Senate to include certain library related provisions of the House-passed School Improvement Act, HR 5, relating to ECIA Chapter 1 aid for disadvantaged school children, and to other elementary/secondary education programs.

NTIS, Sci/Tech Information Policy

The House Science, Research, and Technology Subcommittee held hearings July 14-15 on federal science and technology information resources policy, on possible policy mechanisms, and specifically on HR 1615 and HR 2159. HR 1615, introduced by subcommittee member George Brown (D-CA) would establish an independent Government Information Agency, to which would be transferred the National Technical Information Service and other federal agency functions relating to the sale or distribution of government information. HR 2159, introduced by subcommittee Chairman Doug Walgren (D-PA), would establish a National Technical Information Corporation as a wholly owned government corporation to replace NTIS.

Testifying for ALA was Harold Shill, Head Librarian at Evansdale Library and Chair of the ALA Legislation Assembly and of ACRL's Legislation Committee, covering technical disciplines at West Virginia University. In wide-ranging testimony in response to the subcommittee's questions, Dr. Shill noted several problems with HR 1615; reiterated ALA's support for the depository library electronic pilot projects, and for essential NTIS functions being performed by a government agency; and suggested that the subcommittee look to the National Commission on Libraries and Information Science as a policy coordinating mechanism.

Attached to the ALA statement were two resolutions adopted by the ALA Council on July 1 at the San Francisco Conference: Resolution on Electronic Pilot Projects for Depository Libraries (CD #62), and Resolution Relating to Federal Acquisition Regulation (CD #63). Both are attached to this newsletter.

Others testifying included John Shattuck, a vice president at Harvard University, for the Association of Research Libraries and the Association of American Universities, and Melvin Day of Herner and Co. (formerly Deputy Director, National Library of Medicine), as well as representatives of the American Association for the Advancement of Science, the Council of Scientific Society Presidents, the Information Industries Association, and the American Chemical Society. Governmental witnesses included representatives of the Departments of Commerce, State, and Energy, and of NTIS and GPO.

Public Printer Ralph Kennickell indicated in the question and answer session that the Government Printing Office would be willing to take over the NTIS operation and market its information. Deputy Assistant Secretary of Commerce David Nathan's testimony indicated that the Commerce Department was moving ahead toward privatization of NTIS despite congressional concern. However, both the House on June 4 in passing HR 2160, the National Bureau of Standards Authorization Act, and the Senate on July 21 in passing its version of a major trade and competitiveness bill (HR 3, with text of S. 1420), included language to prohibit NTIS from contracting out activities not currently performed by outside contractors.

Tax-Exempt Organizations

Unfair Competition. The House Ways and Means Subcommittee on Oversight held a series of hearings in late June on competition between nonprofit organizations and business and on the unrelated business income of nonprofits. For the most part, the hearings took place while ALA staff were attending Conference in San Francisco, but

Independent Sector, a coalition of nonprofits to which ALA belongs, reported that the hearings "were so jammed with anecdotal complaints from various business trade groups that the impression was left that the need for corrective legislation is far greater than either the IRS or we believe it to be....It's not clear what the Oversight Committee will do."

Independent Sector, in its testimony, said the unrelated business income tax is a workable standard to distinguish exempt income from taxable income. Although it might be necessary to address the administration of the tax, the framework is sound. Independent Sector did call for improved federal data collection to identify better the activities of the independent sector. Sound quantitative analysis would allow the Oversight Subcommittee to determine more clearly the relationship between the nonprofit community and businesses, and to address properly difficult issues such as competition.

Lobbying and Political Activities. Reps. J. J. Pickle (D-TX) and Richard Schulze (R-PA), the Chairman and ranking minority member of the Ways and Means Subcommittee on Oversight introduced on July 15 the Tax-Exempt Organizations' Lobbying and Political Activities Accountability Act of 1987 (HR 2942). Chairman Pickle's introductory statement (July 15 Congressional Record, pp. H6362-63) indicates that the bill is a result of subcommittee hearings in March, the recent activities of Carl (Spitz) Channell's tax-exempt organization, and a subcommittee report of June 8, "Report and Recommendations on Lobbying and Political Activities by Tax-Exempt Organizations." HR 2942 stresses increased reporting and disclosure, including disclosure of eligibility to receive tax-deductible charitable contributions; clarification of what constitutes a political expenditure; imposition of excise taxes for political activities and excessive lobbying; restrictions on the use of exempt organizations to benefit single political candidates; and injunctive relief for flagrantly engaging in political activities.

OMB "Bad Grantee" Guidelines

In the May 29 Federal Register, pp. 20360-69, the Office of Management and Budget issued "Guidelines for Nonprocurement Debarment and Suspension." The rules set up a nationwide master list of people and organizations, and anyone "doing business" with them, who can no longer receive federal grants, loans, scholarships, and other government benefits. OMB requires federal agencies to place names on a "Consolidated List of Debarred, Suspended, Voluntarily Excluded, and Ineligible Assistance Participants." Providing federally derived assistance to anyone on the list can, itself, be grounds for being placed on the list.

People and organizations may be suspended immediately from federal projects or payments pending investigation, or debarred for up to three years from federal assistance for (1) not repaying the government money from a loan, an overpayment, or an audit disallowance involving federally derived funds; (2) performing poorly on any grant from a public agency, regardless of whether federal funds are involved; (3) doing business with anyone known to be on the list; or (4) falling into several other more limited categories.

A printed list will be distributed monthly; eventually the list will be computerized with free public access over the telephone. Federal agencies have four months to publish rules to implement the system, subject to OMB approval. OMB's rules apply government-wide to every federal agency except independent agencies, as well as to every state, local, and private agency, intermediary, organization, affiliate, recipient, or subrecipient of nearly every form of federal assistance,

including block grants, cooperative agreements, loans, scholarships or fellowships, and employment contracts.

OMB Circular A-25, User Charges

The Office of Management and Budget requested public comment by August 1 on a draft revision of OMB Circular No. A-25, "User Charges," in the July 1 Federal Register, pp. 24890-92. The revision says that the government should charge for, or even make a profit on, services and the sale or use of government property or resources, whenever an "identifiable recipient" gets "benefits derived from Federal activities beyond those received by the general public...even though all or part of the special benefits may then be passed on to others." The proposed rule requires agencies to charge market prices or at least the government's full costs, direct and indirect, of the property, resource, or service.

OMB Circular A-110, Uniform Grant Requirements

The Office of Management and Budget is beginning the process of review of Circular A-110, "Uniform Administrative Requirements for Grants and Agreements With Universities, Hospitals and Other Nonprofit Organizations." OMB solicits public suggestions in an advance notice in the June 24 Federal Register, p. 23729.

OMB Paperwork Burden Regulations

The Office of Management and Budget has published proposed regulations concerning federal agency responsibilities for obtaining OMB approval of their collection of information and other paperwork control functions. The regulations are proposed to implement amendments to the Paperwork Reduction Act. Comments are due September 21. See the July 23 Federal Register, pp. 27768-72, and note especially the provisions requiring agencies to display the estimated burden on respondents of collecting information, and OMB's discussion on keeping comments confidential when requested.

Teacher Fellowship Regulations

Final regulations for the Christa McAuliffe Fellowship Program were published in the July 14 Federal Register, pp. 26466-68. Authorized under the Higher Education Act title V, part D, subpart 2, the program provides awards for continuing education and other projects to outstanding full-time public and private school teachers. According to the Department of Education, librarians hired under a teaching contract are eligible to apply. For further information, contact Willi Webb, Office of Elementary and Secondary Education, Department of Education, 400 Maryland Ave., SW, Rm. 2189, Washington, DC 20202 (202/732-5104).

National Archives - Use of Facilities

The National Archives and Records Administration has revised its regulations on the use of NARA facilities and published an updated list of addresses and operating hours. See the June 25 Federal Register, pp. 23820-23.

National Literacy Day

Congress passed and the President signed S.J.Res. 117 (PL 100-64), designating July 2, 1987, as National Literacy Day. President Reagan issued Proclamation 5675 on that day, calling for appropriate observances. See the July 7 Federal Register, p. 25347.

Resolution on Electronic Pilot Projects for Depository Libraries

- WHEREAS, The federal Depository Library Program was established by Congress to provide federal government information, at no cost to the public, through depository libraries; and
- WHEREAS, Federal government information is increasingly being disseminated through electronic means; and
- WHEREAS, Access to government information in electronic format is essential for an informed public; and
- WHEREAS, The Joint Committee on Printing resolved on 9 April 1987, to urge the Government Printing Office to initiate pilot projects testing the dissemination of federal information in electronic format to depository libraries; and
- WHEREAS, The JCP had full knowledge of the pending Office of Technology Assessment study on federal information distribution at the time the resolution was passed; and
- WHEREAS, The information industry was well represented on the JCP's ad hoc Committee on Depository Library access to Federal automated data bases and participated fully in the work of the committee; and
- WHEREAS, At least sixteen agencies have volunteered to participate in the projects, recognizing the Depository Library Program as a vehicle for fulfilling the legal mandate to disseminate information to the public; and
- WHEREAS, Electronic distribution of government information to depository libraries may result in substantial long-range cost savings to the Government Printing Office; and
- WHEREAS, The House Appropriations Committee denied the transfer of monies from GPO's revolving fund to support the pilot projects in FY '88, pending results of an Office of Technology Assessment study of federal information dissemination; and
- WHEREAS, Continued delays in the implementation of the pilot projects seriously compromise public access to government information; now, therefore, be it
- RESOLVED, That the American Library Association urge Congress to authorize adequate funds for FY 1988 to implement pilot projects for dissemination of government information in electronic format through the Depository Library System.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1987
(Council Document #62)

Resolution Relating to the Federal Acquisition Regulation

- WHEREAS, An amendment to the Federal Acquisition Regulation (FAR) was published in the March 20, 1987, Federal Register (52 Fed. Reg. 9036); and
- WHEREAS, Part 8 of the FAR was revised to allow executive agencies to bypass the printing procedures required by 44 U.S.C. 501(2); and
- WHEREAS, This amendment was based upon an executive agency opinion of the unconstitutionality of 44 U.S.C. 501(2) without any judicial review; and
- WHEREAS, The effect of this regulation is to eliminate the authority of the Joint Committee on Printing over executive agency printing and Congressional control over printing appropriations; and
- WHEREAS, The reduction of JCP authority over government printing will diminish the amount of information available to the public through the Government Printing Office's Depository Library and sales programs; and
- WHEREAS, This regulation will result in reduced access and higher fees for government information vital to the economic and social well being of the nation; and
- WHEREAS, This revision was implemented without any provision for public comment; now, therefore, be it
- RESOLVED, That the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration be urged to rescind the revision of FAR Subpart 8.8; and, be it further
- RESOLVED, That a copy of this Resolution be forwarded to the heads of each of the three agencies, the Director of the Office of Management and Budget, and appropriate members of Congress.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1987
(Council Document #63)