



ALA Washington Newsletter

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Attachment: Status of Legislation Chart dated September 28, 1987

Appropriations, FY 1988

Library Programs. The Senate Labor-HHS-Education Appropriations Subcommittee met September 18 to make FY 1988 funding recommendations for education and library programs. The results are mixed, but generally less than the House-passed amounts, but higher than current funding.

	<u>FY 1987</u> <u>Appropriations</u>	<u>FY 1988</u> <u>House-passed</u>	<u>FY 1988</u> <u>Senate Subcom.</u>
LSCA I	\$ 80,000,000	\$ 85,000,000	\$ 80,000,000
II	22,500,000	22,500,000	23,600,000
III	18,000,000	20,000,000	19,000,000
IV	(2% setaside of LSCA I, II, and III appropriations)		
VI	5,000,000	5,000,000	5,000,000
HEA II-A	-0-	-0-	-0-
II-B	1,000,000	1,000,000	500,000
II-C	6,000,000	6,000,000	6,000,000
II-D	-0-	5,000,000	2,500,000
ECIA Ch. 2	529,337,000	529,337,000	530,137,000
NCLIS	683,000	750,000	791,000
NLM	61,926,000	71,465,000	70,399,000

The good news in the Senate figures includes the increase for the Library Services and Construction Act title II public library construction (with particular

thanks to Sen. Mark Hatfield, R-OR), the return to the budget request of \$791,000 for the National Commission on Libraries and Information Science, and the fact that both House and Senate numbers include funding for the new Higher Education Act title II-D College Library Technology and Cooperation Grants, although the Senate subcommittee cut the House-passed figure in half. Of special concern is the HEA II-B library training and research program, one of only three Education Department programs the Senate subcommittee cut below FY '87 levels.

ACTION NEEDED: By the time you read this, Senate committee and floor action likely will have taken place, and House-Senate conferees will be about to work out differences between the two versions of HR 3058. Urge House and Senate L-HHS-ED Appropriations Subcommittee members (see the February 27 newsletter for names) to retain the higher and more adequate of the House or Senate levels for library programs in conference. This is especially important for those in academic libraries and graduate library schools, who should contact legislators in behalf of HEA II-D, where even \$5 million will be inadequate to the intense interest this program has generated, and HEA II-B, where a 50 percent cut below FY '87 would seriously damage the program's effectiveness for minority recruitment and scarce research support.

Continuing Resolution. Meanwhile, because fiscal year 1988 begins October 1, Congress has passed a temporary continuing resolution, H.J.Res. 362, which would allow programs to continue at current levels through November 10 while Congress continues work on appropriations.

GPO. The Senate Appropriations Committee on September 15 approved its version of HR 2714, the FY 1988 Legislative Branch Appropriations bill. It includes \$25.3 million for the Government Printing Office Superintendent of Documents operation, of which \$5.5 million would be from the revolving fund. This amount is the same as the House-passed HR 2714, but \$6.7 million below the budget request.

Re the \$800,000 requested by transfer from the revolving fund to begin pilot projects to test distribution to depository libraries of government information in electronic formats, the Appropriations Committee report (S. Rept. 100-158) says:

The Committee concurs with the House and has not included funds for the electronic dissemination pilot test. The Committee believes that the results of a study, due by the end of calendar 1987, by the Office of Technology Assessment on the issues involved in such dissemination, should be considered before an undertaking of this nature is begun.

The Senate version of HR 2714 also includes a new section 308 which provides that executive agency printing and related work must be performed by GPO, except for individual and nonrepetitive work costing \$1,000 or less.

LC. In the Senate version of HR 2714, the Library of Congress would receive \$255,235,000, compared with the House-passed \$252,786,000, and LC's request of \$271,365,000. The increase over the House would be mainly for automated systems and the Congressional Research Service.

NEH. HR 2712, the FY 1988 Interior and Related Agencies Appropriations bill, was approved by the Senate Appropriations Committee on September 22 with the following amounts for the National Endowment for the Humanities.

(Amounts in thousands)	FY 1987	FY 1988	FY 1988	FY 1988
	Approp.	Budget	House-passed	Sen. Com.
NEH Total	\$138,890	\$126,890	\$139,640	\$139,291
Humanities Projects				
In Libraries	2,900	1,892	2,400	2,900
Office of Preservation	4,000	3,594	4,500	4,500
Research Grants	16,400	14,897	16,400	16,400
Challenge Grants	16,500	15,937	16,500	15,051

The Senate committee restored \$500,000 for NEH Humanities Projects in Libraries, while leaving an extra \$500,000 for the Office of Preservation. The House increased preservation funding at the expense of Humanities Projects in Libraries. The Senate committee apparently made adjustments between NEH programs at the expense of Challenge Grants, cut by \$1,449,000 below current funding and the House level.

Postal. For postal revenue forgone in FY '88, the Senate has provided \$517 million, enough to keep free mail for the blind and nonprofit postal rates at current levels, despite the fact that it is below the House-passed level of \$556,507,000. The Senate figure assumes that the USPS-requested general rate increase will take effect in mid-1988, and defers payment of previously unfunded liabilities. Funding was contained in the Treasury, Postal Service, and General Government Appropriations Bill, HR 2907, passed by the Senate on September 25 by a vote of 84-7.

NARA and NHPRC. The Senate-passed version of HR 2907 also included \$117 million for the National Archives and Records Administration, of which \$4 million is for the grant programs of the National Historical Publications and Records Commission, and \$6 million is for the design and planning of a new archival facility. The House passed \$116,266,000.

Contracting Out. In its report (S. Rept. 100-160) on HR 2907, the Treasury, Postal Service, and General Government Appropriation Bill, 1988, the Senate Appropriations Committee said it "is concerned regarding the wholesale privatization of Federal nonrecreational libraries. Nonrecreational libraries are those that play a direct research, information development/data base management, and technical dissemination role for the Federal Government." As examples, the committee mentioned the Administration's intent to privatize the National Technical Information Service, and turning over government "scientific and technical information to private contractors which may be controlled by foreign interests or can be bought by foreign firms." The committee concluded:

Given the dynamics of public policy development, the Committee believes that certain positions in nonrecreational library positions are presumptively governmental in nature....Therefore, the Committee fully expects the head of each Federal agency to notify the applicable appropriations subcommittee and other appropriate authorizing committees, using the proper reprogramming procedures, before initiating the contracting out of any Federal library.

Balanced Budget and Deficit Control Act

Congress has approved a revision of the Gramm-Rudman-Hollings balanced budget and deficit control law, and coupled it with a necessary extension of the public debt limit (H.J.Res. 324). The changes, explained in the House-Senate conference report (H. Rept. 100-313), include extending by two years, until FY 1993, the deadline for achieving a balanced budget, requiring \$23 billion in deficit reduction

for FY '88, and giving the Office of Management and Budget the responsibility for triggering the automatic cuts if the required deficit reduction is not achieved by other means. Cuts would remain evenly divided between defense and domestic programs. The revision is seen by many in Congress as a way to force the President to compromise on budget and tax issues when faced with the unpalatable alternative of cutting defense. President Reagan has indicated he will reluctantly sign H.J.Res. 324.

Librarian of Congress

James H. Billington was sworn in as the 13th Librarian of Congress by Chief Justice William Rehnquist on September 14. "We...are proud to have you as America's Librarian," said President Reagan in welcoming remarks at the ceremony at the Library. The President also said: "There's a creative genius that is unleashed when people are free. Restrict information and you restrict the potential of the nation. Limit public debate and you limit the dynamism of liberty."

Dr. Billington in his remarks noted "two general directions in which this institution should move simultaneously...out more broadly and in more deeply":

Moving out means making the riches of this place even more broadly available to ever wider circles of our multiethnic society: lending materials to local libraries, using new technologies to share the substantive content and not merely the descriptive catalogue of the nation's library, and extending even further out into the world this Library's unique and invaluable mission of foreign collection on behalf of all our people.... This library serves both the working government of a free people and the scholarly frontiers of all people. It will not serve either well if it simply spreads information to other places without generating knowledge and distilling wisdom in this place. We need to keep the record from disintegrating on acid paper and nitrate film and to celebrate the intellect as we do the arts....

FBI Visits to Libraries

A September 18, 1987, article in The New York Times, "Libraries Are Asked by F.B.I. to Report on Foreign Agents," reported that Federal Bureau of Investigation agents have asked librarians in New York City to watch for and report on library users who might be diplomats of hostile powers recruiting intelligence agents or gathering information potentially harmful to United States security.

In response to inquiries received about the article, the FBI offered the following press response. The statement was not available in written form, but was dictated over the telephone.

The FBI is responsible for countering the intelligence gathering efforts of hostile foreign intelligence services. The damage being done to our country by such foreign intelligence services is substantial. The FBI's foreign counter intelligence investigative efforts encompass a variety of approaches, all of which are within U. S. Attorney General guidelines and United States laws.

The FBI has documented instances, for more than a decade, of hostile intelligence officers who have exploited libraries by stealing proprietary, sensitive, and other information and attempting to identify and recruit American and foreign students in American libraries. The FBI therefore, in an effort to thwart this activity, is endeavoring, on a limited basis,

to educate knowledgeable individuals in specialized libraries to this hostile intelligence threat.

The FBI has historically depended upon the American public's assistance in carrying out its investigative responsibilities. The FBI has absolutely no interest in interfering with the American public's academic freedoms or First Amendment rights.

ALA's Intellectual Freedom Committee is preparing the Association's response to this FBI program which has extended apparently over the past year. FBI agents have also approached staff at the libraries of major universities and have asked for information on the use of the facilities of those libraries by foreign students. The agents have been particularly interested in the searches of scientific and mathematical databases made by these students.

ALA has had a "Policy on Confidentiality of Library Records" since 1970. This formal policy was adopted at that time in response to attempts by U. S. Treasury agents to examine circulation records in a number of cities.

INFORMATION NEEDED: The ALA Office of Intellectual Freedom, 50 East Huron, Chicago, IL 60611, asks to be informed of any visits by FBI agents to any segment of any library.

Depository Libraries

The U. S. Patent and Trademark Office issued a notice in the August 20 Federal Register, pp. 31442-44 (with corrections in the Aug. 26 FR, p. 32240), requesting public comment on policies and guidelines for the dissemination and distribution of electronic patent and trademark data by the PTO. The original deadline for comment was September 21, but PTO is planning to extend the comment period until November 30 on the part of the notice concerning three potential funding alternatives to support the automated public search rooms.

The PTO plans to revise its pricing policy for sale of database products in compliance with OMB Circular A-130. By recovering only the marginal cost, PTO would lower most fees charged for database products. The November 30 extension for comments applies to the alternatives for funding public access to PTO search rooms and libraries once automated systems are deployed. Alternatives listed are (1) taxpayer revenues, (2) general fees, and (3) specific user charges. Current law prohibits "a fee for use of public patent or trademark search rooms and libraries," and requires costs to come from congressional appropriations.

Decisions made for funding public access to patent search rooms and libraries could establish precedents for such access to government information in electronic formats in other libraries.

Government Information

Several university libraries have recently called the Washington Office's attention to federal agency restrictions on the use of government information. The Department of Energy Office of Scientific and Technical Information has notified recipients of DOE microfiche that OSTI will begin distributing microfiche copies of some limited reports in September 1987. Although the library buys these microfiche, DOE is restricting use of the reports to government agencies, DOE offices and their contractors. The notice from DOE to recipients includes the following proviso:

By electing to receive this material, you are agreeing to limit access to the microfiche to only those persons and organizations authorized to receive them.

Another university reports that they have a contract with the National Aeronautics and Space Administration for access to NASA RECON, a bibliographic aerospace database. A recent contract the library has been asked to sign has a new clause restricting use of the database to U. S. citizens.

INFORMATION NEEDED: The ALA Washington Office is interested in hearing from other libraries which have had similar or other experiences involving access to government information.

Exemplary Library Programs

The Department of Education has published Check This Out: Library Program Models, a description of 62 exemplary public, state, school and college library programs. The 319-page publication was prepared by the RMC Research Corporation for the National Diffusion Network and the Division of Library Programs. It can be ordered for \$15 from GPO/SuDocs, Washington, DC 20402, Stock No. 065-000-00303-1.

LSCA IV Library Services to Indian Tribes - Grant Deadline

The Department of Education has invited applications for new awards under the Library Services and Construction Act title IV grants to Indian tribes and Hawaiian native organizations in the August 11 Federal Register, p. 29718. The estimated average award for basic grants is \$3,700, and the deadline is October 15, 1987. For special projects grants, the estimated average size of award is \$67,000, and the deadline is May 6, 1988. Contact Frank Stevens, Library Development Staff, Department of Education, 555 New Jersey Ave. NW, Rm. 402M, Washington DC 20208-1430 (202/357-6315).

LSCA VI Literacy - Grant Deadline

November 20 is the deadline for new applications under the Library Services and Construction Act title VI Library Literacy Program. The Department of Education estimates about 250 awards averaging \$20,000, according to the August 11 Federal Register, pp. 29717-18. For applications, contact Frank Stevens, Library Development Staff, Department of Education, 555 New Jersey Ave. NW, Rm. 402L, Washington DC 20208-1430 (202/357-6315).

Accrediting Agencies - Proposed Revision

In the September 8 Federal Register, pp. 33908-13, the Secretary of Education proposed changes in the criteria for recognition of accrediting agencies. Comments are due October 23. Major changes include placing greater emphasis on the assessment of documentable student achievements, a requirement for reciprocity among accrediting bodies, early notification to the Department of Education when accreditation is denied or withdrawn, limiting the Secretary's list of nationally recognized accrediting agencies to the postsecondary level, and extending the maximum period of recognition from 4 to 5 years. These changes could affect academic library eligibility for federal assistance, since accreditation by an agency on the Secretary's list is a prerequisite for eligibility for many federal programs.

FIPSE - Grant Deadline

The Department of Education's Fund for the Improvement of Postsecondary Education announced new grant deadlines of November 16 for preapplications and March 7, 1988 for applications in the September 23 Federal Register, p. 35756. A broad range of eligible projects includes: ensuring that undergraduate curricula provide the knowledge and skills an educated citizen needs; providing education for a changing economy by offering educational programs and services for workers, unemployed individuals, businesses, and communities; and developing educational uses of technology, including computers, television, and other electronic media. Contact FIPSE at 400 Maryland Ave. SW, Rm. 3100, ROB-3, Washington, DC 20202 (202/245-8091/8100).

Privatization Commission

By Executive Order on September 2, President Reagan established the President's Commission on Privatization. In a statement on September 3, the President said the commission will help fulfill his commitment "to end unfair government competition and return government programs and assets to the American people." He described its mission as follows:

The bipartisan Commission will study all activities of the Federal Government and report back to me on which government programs, enterprises, and activities are more appropriately part of the private sector. In addition, the Commission is expected to review scholarly work on privatization and examine the accomplishments of other countries and State and local governments. Based on its findings, the Commission will propose how we can return appropriate Federal activities to the private sector through the sale of government operations and assets, the use of private enterprise to provide services for government agencies, or the use of vouchers to provide services to the public through the private sector. It will recommend legislative and administrative action that can be taken to accomplish the privatization initiatives.

Members of the commission are Chairman David Linowes, University of Illinois; Annelise Graebner Anderson, Hoover Institute, Palo Alto; Michael Antonovich, Los Angeles County board of supervisors; Walter Bish, Independent Steelworkers Union, Weirton Steel, WV; Sandra Mitchell Brock, Heron, Burchette, Ruchert & Rothwell, Washington, DC; Garrey Carruthers, Governor of New Mexico; Richard Fink, Citizens for a Sound Economy, Washington DC (and George Mason University); Melvin Laird, former Secretary of Defense, MD; James McIntyre, Jr., former OMB Director, VA; George Priest, Yale Law School; Ralph Stanley, Municipal Development Corp., NY; and Walter Wriston, Citicorp, NY.

Archivist Nominated

The Senate received on September 9 President Reagan's nomination of Don W. Wilson, Director of the Gerald R. Ford Library and Museum in Grand Rapids, Michigan, to the post of Archivist of the U. S. The President had announced his intention to nominate Wilson on August 14. Dr. Wilson has been director of the Ford Library since 1981, and an adjunct professor of history at the University of Michigan since 1982. He also has been associate director of the State Historical Society of Wisconsin, and deputy director, and earlier historian, at the Eisenhower Library. He is a graduate of Washburn University, and holds M.A. and Ph.D. degrees from the University of Cincinnati. His name was among those recommended to the White House by the National Coordinating Committee for the Promotion of History, a coalition in which ALA participates.

STATUS OF LEGISLATION OF INTEREST TO LIBRARIANS 100th Congress, 1st Session Convened January 6, 1987 Chart Date: September 28, 1987	HOUSE					SENATE					FINAL ACTION		
	Introduced	Hearings	Reported by Subcommittee	Comm. Report No. (H. Rept. 100-)	Floor Action	Introduced	Hearings	Reported by Subcommittee	Comm. Report No. (S. Rept. 100-)	Floor Action	Conference Report (H. Rept. 100-)	Final Passage	Public Law (PL 100-)
Competitiveness	HR 3	X	X	40	X	S 1420	X			X			
Computer Security	HR 145	X	X	153	X								
Congressional Budget Resolution	HConRes 93	X		41	X	SConRes 49	X		40	X	174	X	
Copyright - Berne Convention	HR 1623, 2962	X				S 1301							
Copyright - Computer Software	HR 1743												
Copyright - Digital Audio Tape Recorders	HR 1384	X	X										
Department of Industry and Technology/NTIS						S 1233			82				
Economic Equity Act	HR 2577	X				S 1309							
El/Sec Education Programs reauthorization	HR 5	X	X	95	X	S 373	X						
English Language Amendment	HJRes 83					SJRes 13							
Fairness Doctrine	HR 1934	X	X	108	X	S 742	X		34	X	none	X	veto
Government Information Agency	HR 1615	X											
Gramm-Rudman-Hollings revision	HJRes 324			none	X	HJRes 324			none	X	313	X	
LC Civic Achievement Awards	HJRes 309		X	221	X	HJRes 309			172				
Librarian of Congress appt. requirements	HR 683												
Librarian of Congress Emeritus	HJRes 291		X	215	X	S 1020			54	X	none	X	83
National Agricultural Library	HR 1435												
NBS authorization/NTIS	HR 2160	X		98	X		X						
National Library of Medicine-Biotech. Inf. Ctr.	HR 393					S 1354							
National Technical Information Corporation	HR 2159	X											
Pay Equity	HR 386, 387	X	X			S 5, 552							
Tax Exempt Orgs. Lobbying and Political Acts.	HR 2942	X											
Taxation - Manuscript Donations	HR 2050, 2239												
WHCLIS II	HJRes 90	X		121	X	SJRes 26	X		156				
<u>Appropriations</u>													
Continuing Resolution, FY 1988	HJRes 362			306	X	HJRes 362				X			
Agriculture, FY 1988		X					X						
Commerce, State Department, FY 1988	HR 2763	X	X	182	X	HR 2763	X	X	182				
HUD, Independent Agencies, FY 1988	HR 2783	X	X	189	X	HR 2783	X	X					
Interior, FY 1988	HR 2712	X	X	171	X	HR 2712	X	X	165				
Labor-HHS-Education, FY 1988	HR 3058	X	X	256	X	HR 3058	X	X					
Legislative, FY 1988	HR 2714	X	X	173	X	HR 2714	X	X	158				
Treasury, Postal, FY 1988	HR 2907	X	X	211	X	HR 2907	X	X	160	X			

For a free copy of bills, reports, laws write: Hse.Doc.Rm., H-226 Capitol, DC 20515; Sen.Doc.Rm., B-04 Hart, DC 20510.