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AMERICAN LIBRARY ASSOCIATION
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Contents:

November 30, 1987, Volume 39, Number 12

Bal. Budget and Deficit Reduction	p. 1	Contracting out Fed. Libraries.	p. 3
G-R-H Automatic Cuts	p. 1	Perf. of Commercial Activities	p. 5
Deficit Reduction Agreement	p. 1	HEA II-C Regs Extended	p. 5
Comparison of Options	p. 2	Copyright - States' Immunity	p. 6
Congressional Letters	p. 2	OMB Circ. A-128, Single Audits	p. 6
ACTION NEEDED	p. 2	OMB "Bad Grantee" Guidelines	p. 6
Appropriations, FY 1988	p. 2	Archivist Confirmed	p. 6
Librarian of Congress	p. 2	Fed Librarians Register	p. 7

Attachments: 1) Congressional Letters to Budget Negotiations

Balanced Budget and Deficit Control

G-R-H Automatic Cuts. The sequester or automatic cuts mandated by the Gramm-Rudman-Hollings deficit reduction law took effect at midnight November 20. The effect on library programs is an 8.9 percent cut from FY 1987 funding levels. (See the October 28 ALA Washington Newsletter for a table of sequester levels for library programs and background on how the 8.9 percent level was calculated.) The cuts will remain in effect unless within ten legislative working days, ending about December 15, alternative means of reducing the deficit by \$23 billion are signed into law.

Up until November 19 it was expected that Congress would vote to extend the sequestration deadline if an agreement between congressional and White House negotiators on reducing the deficit was reached or was imminent. However, it became apparent that the votes to pass such an extension were not there, and the President signed the order allowing the sequester to take place.

Deficit Reduction Agreement. On November 20, President Reagan and congressional leaders announced agreement on the broad outlines of a deficit reduction agreement which would reduce the deficit by \$30.2 billion in FY 1988 and \$45.9 billion in FY 1989. FY 1988 savings include, in addition to asset sales, user fees and lower interest costs on the national debt, \$9 billion of unspecified taxes, \$5 billion in defense spending cuts, and \$6.6 billion in domestic cuts, of which \$4 billion would be in entitlement reductions, and \$2.6 billion in discretionary programs. The Appropriations Committees would decide where the discretionary program savings would be made.

It was the precipitous drop in the stock market on October 19, and the market's continued volatility since then, that brought the President to the

bargaining table with Congress. However, the budget agreement by itself does not accomplish anything except to show good faith by both sides and perhaps reassure Wall Street. Details must be fleshed out and implementing legislation enacted and signed. If implementation is completed within ten legislative days (ending about December 15), the G-R-H automatic cuts would be rescinded. However, the procedural and political hurdles are formidable. Two major bills must be developed and passed--a reconciliation bill with revenue measures and entitlement changes, and a spending bill with program cuts, probably combined with a continuing resolution for the full 1988 fiscal year.

Comparison of Options. Implementation of the budget agreement would be far less damaging for library programs than the G-R-H cuts now in effect. G-R-H cuts domestic and defense programs equally, but exempts many domestic programs, thus concentrating \$11.5 billion in domestic cuts on 20 percent of programs, including Education Department library programs, GPO's Superintendent of Documents, the national libraries, the National Endowment for the Humanities, and the National Commission on Libraries and Information Science, etc. The sequester also cuts all eligible programs across the board. The budget agreement would cut \$2.6 billion from domestic discretionary programs, and would allow the Appropriations Committees to prioritize and decide where to cut.

Congressional Letters. On November 6 and 10, key House and Senate education and library supporters sent letters signed by 117 Representatives and 38 Senators to the congressional leaders negotiating with the Administration on deficit reduction. Led by Reps. Hawkins (D-CA) and Natcher (D-KY) and Sens. Stafford (R-VT) and Pell (D-RI), the letters made the following points: (1) education has already been cut more than many other segments of the budget; (2) education was made a high priority this year in budget and appropriations decisions; (3) across-the-board cuts cause disproportionate harm to education; and (4) deficit reduction and a high priority for education are not incompatible. For the list of cosigners and addressees, see the attachment to this newsletter.

ACTION NEEDED: Let your legislators know how the 8.9 percent Gramm-Rudman-Hollings automatic cuts are affecting library services and planning. Urge them to enact a speedy alternative to year-long sequestration. Remind them they have already made education and libraries a priority in earlier budget and appropriations decisions. Thank those who signed on to the Hawkins-Natcher or Stafford-Pell letters. Urge them to maintain this priority. (New programs such as the Higher Education Act II-D college library technology and cooperation grants are especially at risk in the search for ways to reduce the deficit.)

Appropriations, FY 1988

Congress has passed and the President signed on November 10 a second temporary continuing resolution (H.J.Res. 394, now PL 100-162) which allows existing programs to continue at FY 1987 funding levels through December 16. Meanwhile, House-Senate conferees on HR 3058, the FY '88 Labor-HHS-Education Appropriations Bill, held a couple of meetings, but did not discuss education or library programs, and have not met again since the second week in November.

Librarian of Congress

Rep. Major Owens (D-NY) was the lead-off witness at a hearing October 29 on his bill, HR 683, to require that the Librarian of Congress "be appointed from among individuals who have specialized training or significant experience in the field of

library and information science." The hearing was held by the Committee on House Administration Subcommittee on Libraries and Memorials. Chairman Mary Rose Oakar (D-OH) noted that her mother was a librarian and said librarians were "undervalued, underpaid, and underrecognized."

Rep. Oakar complimented Rep. Owens on his comprehensive statement in tracing the history of LC leadership. Owens wished the new Librarian James Billington "a long, happy, and productive tenure." He noted that over the years since LC's founding in 1802, it has been transformed into the world's preeminent library, yet the law remains unchanged and provides no guidance on qualifications. In contrast, the Solicitor General is required to be "learned in the law," and the Surgeon General is required to have "specialized training or significant experience in public health programs." Therefore, he continued, "the Librarian of Congress would be required to bring to the office some prior education, background or experience, in the field in which he or she will automatically become an international leader upon confirmation."

Owens observed: "While the Library has generally suffered no great cataclysm or calamity when it has been headed by non-Librarians....It is surely not coincidental that it has been those Librarians who did have prior experience in the field who have made the single greatest contributions to the Library's extraordinary evolution as an institution." He listed the accomplishments and innovations of three such Librarians --Ainsworth Rand Spofford (1864-97), Herbert Putnam (1899-1939), and L. Quincy Mumford (1954-74).

For the future, Owens said the Librarian of Congress must seek "to coordinate and unify Federal information agencies and Federal information activities." He suggested the formation of an information policy coordinating body equivalent to the Joint Chiefs of Staff, composed of the heads of various federal agencies, with the Librarian of Congress at the head of the group.

Also testifying were ALA President-elect F. William Summers, Association of Research Libraries President Herbert Johnson, and Special Libraries Association President Emily Mobley. ALA strongly endorsed HR 683. ARL and SLA suggested other qualifications were also important in the appointment of a Librarian of Congress.

Subcommittee member Bill Frenzel (R-MN) said he would hate to see criteria which fenced out such individuals as Daniel Boorstin and James Billington. He observed that Rep. Owens was concerned about information policy developments at agencies such as the Office of Management and Budget over which LC had no control.

Rep. Oakar, noting witnesses' concern with the advancement of library and information science particularly as related to new technology, asked whether a special congressional committee could look at this rather than changing the law. ALA's Bill Summers responded that LC's role was a complex one in support of Congress as well as a leader in the development of information systems for the U.S. and the world. The issue can't be once addressed and resolved, he said; it would be best to have Librarians who are knowledgeable in the library and information science field.

Contracting Out Federal Libraries

In April 1987, Sen. Ernest Hollings (D-SC), chairman of the Senate Committee on Commerce, Science, and Transportation, requested the General Accounting Office (GAO) to examine the National Oceanic and Atmospheric Administration's (NOAA) decision to contract for the operation of its Central

Library. His letter noted that the library's employees were making a vigorous effort to have NOAA reconsider its decision, had solicited assistance from numerous Senators and Representatives, and had written the Comptroller General. A letter from Eileen Cooke, Director of ALA's Washington Office, raised additional issues related to the asbestos contamination of the library collection and building.

GAO issued its report in August 1987, "Contracting Out: National Oceanic and Atmospheric Administration's Central Library" (GAO/RCED-87-184), and summarized its conclusions:

In summary, we found that NOAA's determination to contract out generally complied with OMB Circular A-76. However, in one instance NOAA's process varied from the procedures. The Circular requires a comparison of private sector and estimated government costs to perform specified work. The cost estimate for continued government operation of the NOAA library was based on a different scope of work than the private sector bids. For situations such as this, the Circular requires that the estimate be corrected but states that the solicitation should not be cancelled. We found that the variance was not material enough to affect NOAA's decision to contract out. Regarding the legality of a U.S. subsidiary of a foreign company operating the library, we are aware of no legal prohibition to such a company entering into a contract to operate the library. Furthermore, because the library collection contains no classified information, any restrictions regarding access to the collection for national security reasons--under either a contract with a foreign-controlled firm or a domestic firm--are not necessary.

Cooke observed that ALA warned OMB in 1983 and has alerted Congress at every opportunity about ALA's concern that there is no legal prohibition to a foreign-owned company entering into a contract to operate federal libraries. She also pointed out that there is a great deal of information in the NOAA Central Library collection which has military as well as economic value: "The key issue here is not access, but control of this information."

One of the allegations GAO considered was that "The inaccurate solicitation sets the stage for expensive contract modifications by which the contractor, who has 'bought in,' can increase profits without competition." In responding to this allegation, GAO revealed startling information with profound implications for the future of public service in this country, and for the professional future of librarians in and out of the federal government. The GAO report states:

In discussing this issue with library staff, they pointed out that the contractor's bid decreased each year. According to information in the contract file, this decrease was based on the assumption that volunteer staff will be used and such use will increase by 0.5 staff years each year.

When Eileen Cooke wrote to Sen. Hollings about her disappointment at the results of the GAO review in an August 19 letter, she said:

We were astonished that NOAA management would be willing to accept a bid to contract out the library based on the assumption that the contractor's costs would decrease in the out years because "volunteers" would come forward to help staff the library. There are two things wrong here--first, where do these volunteers come from, what are their qualifications, and

who controls them; and second, isn't it against the law for unpaid volunteers to replace either federal servants or to work unpaid for the government contractors? Furthermore, what happens to the contract and to service if the "volunteers" quit? If this concept of "volunteer" service were to be carried out in other parts of Commerce, we would conceivably have "volunteers" from the business community helping in preparation of critical economic data! Are we going to eventually have "volunteers" replacing medical staff at our Veterans hospitals?

Just before the GAO report was made public, the Senate Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, which Sen. Hollings also chairs, approved NOAA's reprogramming request to permit the award of the contract to operate the Central Library. The analogous House subcommittee approved the reprogramming in April 1987.

In his continuing efforts in behalf of federal librarians, Rep. Major Owens (D-NY) wrote to J. Curtis Mack II, NOAA's Assistant Secretary for Oceans and Atmosphere, requesting that he suspend further action on the contract award until questions concerning the contract's compliance with applicable federal laws, particularly the Service Contract Act (41 USC 351 et seq.), have been resolved. However, on November 9, an OMB official reported that NOAA intends to award the contract to operate the NOAA Central Library in December.

According to an article by Lee Bandy, "Probe into Bidding Meets with Resistance," in the July 14, 1987, Columbia, S.C., The State, NOAA management pressured the GAO "...to speed up its investigation in an apparent effort to avoid a thorough review. 'They want GAO to whitewash the whole thing,' charged a government official involved in the investigation." In her August letter to Sen. Hollings, Cooke said: "We would find it extraordinary if Congress would countenance a pressure campaign on its investigative agency by executive agency personnel with a direct stake in the outcome of a GAO review."

Performance of Commercial Activities

Making it clear that he intends to push his privatization initiatives, President Reagan signed Executive Order 12615, Performance of Commercial Activities, on November 19, 1987 (see November 23 Federal Register, pp. 44853-54). Heads of each executive department and agency are directed to identify by April 29, 1988, in cooperation with the Director of the Office of Management and Budget, all commercial activities currently performed by government. Department and agency heads are encouraged to consult with the President's Commission on Privatization in making such identification. By June 30, 1988, all identified commercial activities are to be scheduled for study to determine whether they could be performed more economically by private industry. Estimates of expected yearly budget savings from the privatization of commercial activities are to be included in each annual budget proposal to OMB. These estimates shall be based on analysis of savings under previous studies and estimated savings to be achieved from future conversions to contract.

HEA II-C - Regulations Deadline Extended

Both ALA and the Association of Research Libraries requested an extension of the November 13 deadline for comments on the proposed regulations for the Higher Education Act II-C Strengthening Research Library Resources Program. The changes proposed in the October 14 Federal Register, pp. 38192-95, were numerous; the combined effects uncertain, and the 30-day comment period too short to allow comment from interested

libraries. According to Department of Education officials, an extension of the comment deadline until December 15 is expected to be published shortly in the Federal Register. Interested libraries are urged to look at the proposed regulations and contact the ALA Washington Office immediately with any comments or suggestions. The deadline for new II-C applications remains unchanged at December 21.

Copyright - States' Immunity

The Copyright Office has requested the help of a number of associations, including ALA, to alert state governments and agencies to a recent request for information on an important copyright issue. The Copyright Office has requested information or comments by February 1 on the issue of states' Eleventh Amendment immunity from suit for money damages in copyright infringement cases. The question has arisen whether Congress in enacting the Copyright Act has subjected the states to copyright liability and overcome any claim of immunity under the Eleventh Amendment to the Constitution, which generally prohibits federal courts from entertaining suits brought by citizens of one state against another state.

At the request of the House Subcommittee on Courts, Civil Liberties and the Administration of Justice, the Copyright Office is conducting inquiries concerning (1) the practical problems relative to the enforcement of copyright against state governments, and (2) the presence, if any, of unfair copyright or business practices vis a vis state governments. The notice indicates "it is sometimes alleged that some copyright owners or their representatives may put undue pressure on state governments to pay for their uses of copyrighted works that might in fact, be 'fair use' under section 107 of the Copyright Act of 1976 or exempt under another provision of the act. See the November 2 Federal Register, pp. 42045-46, or contact Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Dept. 100, Washington, DC 20559 (202/287-8380).

OMB Circular A-128 - Single Audits

The Office of Management and Budget has published a question and answer booklet to help federal, state and local officials gain a better understanding of OMB Circular A-128, "Single Audits of State and Local Governments," which governs audits of federal aid programs. See the November 13 Federal Register, pp. 43712-18, or contact OMB's Financial Management Division, Washington, DC 20503 (202/395-3993).

OMB Guidelines for Nonprocurement Debarment and Suspension

Federal agencies have begun to propose regulations to implement the Office of Management and Budget's final Guidelines for Nonprocurement Debarment and Suspension published in the May 29, 1987 Federal Register, pp. 20360-69. The OMB guidelines 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. For instance, in the November 2 Federal Register, pp. 39015-42016 several agencies propose to establish a uniform system of nonprocurement debarment and suspension, including the National Endowment for the Humanities and the National Archives and Records Administration. Comments are due December 21.

Archivist Confirmed

The Senate on November 20 confirmed Don W. Wilson as Archivist of the United States. Sen. William Roth (R-DE), the ranking minority member of the Governmental

Affairs Committee, called Dr. Wilson "eminently qualified" and noted his "strong background and the unique expertise that comes with serving as the director of former President Ford's library." Sen. Roth also expressed thanks to Frank Burke, who served as Acting Archivist for over two and one-half years since the retirement of Archivist Robert Warner.

Federal Librarians Register Opens

The federal register for librarians (GS-1410) maintained by the Office of Personnel Management's Washington Area Service Center will open around December 1, 1987 for certification of positions, grades 7-12, in the metropolitan Washington area. For application forms for Announcement WA0515-FASS 1410 and the librarian packet call the Job Information and Testing Center, 202/653-8468. (Note: A caller usually must wait through 15-20 minutes of a recorded message before a job specialist takes the call.) To obtain the forms by mail write: U.S. Office of Personnel Management, Washington Area Service Center, Rm. 1416, 1900 E Street, NW, Washington, D.C. 20415. Information available at this time indicates that the register will be open until January 31, 1988.

On November 1, 1987, OPM decentralized the Library Register to its various regions in the U.S. Contact OPM's regional offices in Atlanta, Chicago, Dallas, Philadelphia, and San Francisco to find out when the register for librarians will be open in those regions. OPM says that recruiting efforts can now be tailored to local situations with more current information and applications on file. However, decentralization means that applicants will have to apply to each of the regional offices where they want to be considered for federal library positions.

CONGRESSIONAL LETTERS TO BUDGET NEGOTIATORS

Key House and Senate education and library supporters spearheaded letters to the congressional teams negotiating with the Administration on deficit reduction. The letters made the following points: (1) education has already been cut more than many other segments of the budget; (2) education was made a high priority this year in budget and appropriations decisions; (3) across-the-board cuts cause disproportionate harm to education; and (4) deficit reduction and a high priority for education are not incompatible.

Representatives Signed on to Hawkins-Natcher Letter (117)

On November 6, Education and Labor Committee Chairman Augustus Hawkins (D-CA) and Labor-HHS-Education Appropriations Subcommittee Chairman William Natcher (D-KY) delivered a letter to the following House negotiators: Democrats Wright, Foley, Gray (PA), Rostenkowski, Whitten, Panetta, and Williams, and Republicans Michel, Lott, Latta, Duncan, and Conte. The letter had a total of 117 signatures:

DEMOCRATS

Gary Ackerman (NY)	Barney Frank (MA)	Joe Moakley (MA)
Daniel Akaka (HI)	Harold Ford (TN)	Alan Mollohan (WV)
Glenn Anderson (CA)	William Ford (MI)	Jim Moody (WI)
Frank Annunzio (IL)	Jaime Fuster (P.R.)	Bruce Morrison (CT)
Chester Atkins (MA)	Robert Garcia (NY)	Austin Murphy (PA)
Les AuCoin (OR)	Joseph Gaydos (PA)	David Nagle (IA)
Tom Bevill (AL)	Sam Gejdenson (CT)	William Natcher (KY)
Mario Biaggi (NY)	Henry Gonzalez (TX)	Major Owens (NY)
Lindy Boggs (LA)	Ken Gray (IL)	Nancy Pelosi (CA)
Don Bonker (WA)	Claude Harris (AL)	Carl Perkins (KY)
Rick Boucher (VA)	Augustus Hawkins (CA)	David Price (NC)
Joseph Brennan (ME)	Charles Hayes (IL)	Nick Rahall (WV)
Terry Bruce (IL)	Jimmy Hayes (LA)	Charles Rangel (NY)
John Bryant (TX)	Dennis Hertel (MI)	Bill Richardson (NM)
Albert Bustamante (TX)	George Hochbrueckner (NY)	Peter Rodino (NJ)
Ben Campbell (CO)	Carrol Hubbard (KY)	Edward Roybal (CA)
William Clay (MO)	Tim Johnson (SD)	Marty Russo (IL)
Tony Coelho (CA)	Walter Jones (NC)	Tom Sawyer (OH)
William Coyne (PA)	Jim Jontz (IN)	James Scheuer (NY)
George Crockett (MI)	Paul Kanjorski (PA)	Gerry Sikorski (MN)
Ronald Dellums (CA)	Robert Kastenmeier (WI)	Norman Sisisky (VA)
Ron de Lugo (V.I.)	Joseph Kennedy (MA)	David Skaggs (CO)
John Dingell (MI)	Barbara Kennelly (CT)	Lawrence Smith (FL)
Julian Dixon (CA)	Dale Kildee (MI)	Neal Smith (IA)
Byron Dorgan (ND)	Joe Kolter (PA)	Stephen Solarz (NY)
Thomas Downey (NY)	Tom Lantos (CA)	Harley Staggers (WV)
Richard Durbin (IL)	William Lehman (FL)	Louis Stokes (OH)
Bernard Dwyer (NJ)	Mickey Leland (TX)	Gerry Studds (MA)
Roy Dyson (MD)	Mike Lowry (WA)	Al Swift (WA)
Joseph Early (MA)	Frank McCloskey (IN)	Robin Tallon (SC)
Dennis Eckart (OH)	Matthew McHugh (NY)	Esteban Torres (CA)
Don Edwards (CA)	Edward Markey (MA)	James Traficant (OH)
Lane Evans (IL)	Matthew Martinez (CA)	Bruce Vento (MN)
Dante Fascell (FL)	Robert Matsui (CA)	Henry Waxman (CA)
Vic Fazio (CA)	Romano Mazzoli (KY)	Robert Wise (WV)
Edward Feighan (OH)	Kweisi Mfume (MD)	Howard Wolpe (MI)
James Florio (NJ)	Norman Mineta (CA)	Ron Wyden (OR)

REPUBLICANS

Sherwood Boehlert (NY)
Robert Davis (MI)

Benjamin Gilman (NY)
James Jeffords (VT)

Carl Pursell (MI)
Connie Morella (MD)

Senators Signed on to Stafford-Pell Letter (38)

On November 10, Education, Arts, and Humanities Subcommittee Chairman Claiborne Pell (D-RI) and ranking minority member Robert Stafford (R-VT) delivered a letter to the following Senate negotiators: Democrats Byrd, Chiles, Stennis, Bentsen and Johnston, and Republicans Dole, Domenici, Hatfield, and Packwood. The letter had a total of 38 signatures:

DEMOCRATS

Brock Adams (WA)
Max Baucus (MT)
Joseph Biden (DE)
Jeff Bingaman (NM)
David Boren (OK)
Bill Bradley (NJ)
Quentin Burdick (ND)
Christopher Dodd (CT)
Albert Gore (TN)
Howell Heflin (AL)

Ernest Hollings (SC)
Daniel Inouye (HI)
Edward Kennedy (MA)
Frank Lautenberg (NJ)
Patrick Leahy (VT)
Carl Levin (MI)
Spark Matsunaga (HI)
John Melcher (MT)
Howard Metzenbaum (OH)
Barbara Mikulski (MD)

George Mitchell (ME)
Daniel Moynihan (NY)
Claiborne Pell (RI)
Donald Riegle (MI)
John Rockefeller (WV)
Terry Sanford (NC)
Paul Sarbanes (MD)
Richard Shelby (AL)
Paul Simon (IL)
Timothy Wirth (CO)

REPUBLICANS

John Chafee (RI)
Alfonse D'Amato (NY)
John Danforth (MO)

Charles Grassley (IA)
Larry Pressler (SD)
Arlen Specter (PA)

Robert Stafford (VT)
Pete Wilson (CA)