



# ALA Washington Newsletter

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Attachments: 1) WHCLIS Cosponsors, 2) Highlights of Senate-Passed HR 5 (S. 373), 3) GPO Gives Testing Electronic Formats to Private Sector, 4) Funding Table, and 5) Status of Legislation Chart

## Deficit Reduction

During a long and late session on December 21, Congress gave final approval to two omnibus measures developed to implement the deficit reduction agreement negotiated between congressional leaders and the White House. The President signed both mammoth measures into law the following day. H.J.Res. 395 (now PL 100-202) is a continuing resolution which provides appropriations for all agencies and programs for the entire 1988 fiscal year. HR 3545 (now PL 100-203) is an omnibus budget reconciliation measure which makes changes in tax laws and entitlement programs.

On December 22, a weary House and Senate adjourned the first session of the 100th Congress. The second session will begin on January 25, the date of the President's State of the Union address. The President's FY 1989 budget is expected to be submitted to Congress in mid-February.

## Continuing Resolution, FY 1988

Library Programs. H.J.Res. 395, the continuing resolution, is, at \$600 billion, the largest money bill ever passed. Federal library program funding levels

were uncertain until the very end because the House-Senate conference on HR 3058, the Labor-HHS-Education Appropriations Bill, was postponed until after the deficit reduction agreement, and finally took place during the third week of December in the context of the conference process on H.J.Res. 395. Subconferees on the L-HHS-ED portion went through a two-step process--first, reaching a conference agreement between House and Senate numbers; and then complying with deficit reduction instructions by applying a 4.2 percent across-the-board cut to all programs in the L-HHS-ED funding bill.

The major success story was first-time funding of the Higher Education Act title II-D College Library Technology and Cooperation Grants. Getting this new program, just enacted in the HEA Amendments of 1986, funded in this climate of deficit reduction was a major accomplishment for academic libraries. Our understanding is that the House side pressed hard for a good start-up level for II-D, especially Rep. John Porter (R-IL), who deserves thanks by interested librarians and constituents for his championship on the new II-D. The Senate insisted on its higher number for the Library Services and Construction Act title II public library construction. The LSCA II champion is Sen. Mark Hatfield (R-OR), who also deserves thanks.

For other programs, the effect varies, but final levels are either slightly above or slightly below FY '87 levels. When signed into law, these levels superseded the almost nine percent Gramm-Rudman-Hollings sequester. But the significant increases passed by the House or Senate for many library programs were lost. Education Department library programs ended up two percent above FY '87 levels, but only because the new HEA II-D was funded. HEA library programs were up 43.6 percent because of II-D. The LSCA total was marginally below last year. The outcome for selected library programs in the L-HHS-ED funding bill is shown below.

(Figures in thousands)	FY 1987 Approp.	88 House Passed	88 Senate Passed	88 Sequester Level	88 Hse-Sen Conference	FY 1988 Final
LSCA I	\$ 80,000	\$ 85,000	\$ 80,000	\$ 72,914	\$ 82,500	\$ 78,986
II	22,500	22,500	23,600	20,507	23,600	22,595
III	18,000	20,000	19,000	16,406	19,500	18,669
IV	(2 percent setaside of LSCA I, II, and III appropriations)					
VI	5,000	5,000	5,000	4,557	5,000	4,787
HEA II-B	1,000	1,000	500	911	750	718
II-C	6,000	6,000	6,000	5,469	6,000	5,744
II-D	-0-	5,000	2,500	---	3,750	3,590
ECIA Ch. 2	529,337	529,337	530,137	482,454	531,062	508,439
NCLIS	683	750	791	622	750	718

NEH. Other subconferees complied with deficit reduction requirements in different ways. One surprising result was funding for the National Endowment for the Humanities, where final levels ended up higher than either House- or Senate-passed amounts. Interior Appropriations Bill conferees apparently made savings in other areas.

(Amounts in thousands)	FY 1987 Approp.	FY 1988 Budget	88 House Passed	88 Senate Passed	FY 1988 Final
NEH Total	\$138,890	\$126,890	\$139,640	\$139,291	\$140,435
Humanities Projects					
In Libraries	2,900	1,892	2,400	2,900	2,900
Office of Preservation	4,000	3,594	4,500	4,500	4,500
Research Grants	16,400	14,897	16,400	16,400	16,400
Challenge Grants	16,500	15,937	16,500	15,051	16,500

Final funding levels for other library and related programs are shown on the attached funding table.

LC and GPO. For the Library of Congress, the continuing resolution provides \$247,971,000, 3.6 percent above FY '87, but 8.6 percent less than LC requested. The Government Printing Office Superintendent of Documents operation has available a total of \$24,662, a 3.8 percent increase, but 6.9 percent under the GPO request.

GPO/FAR. The Senate-passed version of HR 2714, the Legislative Branch Appropriations Bill, included a provision that executive agency printing and related work must be performed by GPO in almost all cases. Due to certain agency concerns that this provision could affect the use of word-processing and other state-of-the-art equipment, the provision was modified in conference. Conferees explained the final version as follows in the conference report (H. Rept. 100-498) on the continuing resolution (see the December 21 Congressional Record, p. H12737, with the provision's text, section 309, on H12484):

The conference agreement includes a provision which requires executive branch agencies who wish to procure printing services from commercial sources to do so through the Government Printing Office. Exceptions are provided for a number of printing practices and activities that for reasons of necessity, practicality, efficiency, or statutory authority have been, and should continue to be, performed other than through the Government Printing Office. The overall intent is to maintain the status that existed prior to the implementation of the recent change in the Federal Acquisition Regulation (see the Federal Register Vol. 52, No. 54, pages 9036-9038, March 20, 1987). This provision revises a provision inserted by the Senate.

NLM and NAL. The National Library of Medicine received a total of \$67,910,000 for FY '88, a 9.8 percent increase over '87. Of this total, \$9,414,000 is for the Medical Library Assistance Act, and \$3,830,000 for a new National Center on Biotechnology Information. The National Agricultural Library received \$12,194,000, a 9.8 percent increase, but 1.3 percent less than requested.

NARA and NHPRC. For the National Archives and Records Administration, the continuing resolution provides a total of \$116 million, a 14 percent increase over FY '87. However, \$6 million is for the design and planning of a new archival facility in Maryland. As in FY '87, \$4 million is for the grant programs of the National Historical Publications and Records Commission.

Nondisclosure Agreements. Section 630 of H.J.Res. 395 provides that no funds appropriated for FY '88 may be used to enforce federal employee nondisclosure agreements (Standard Forms 189 and 4193 and other such agreements) except for information specifically marked classified. Conferees noted their concern that such agreements have required federal employees to safeguard any information which may be considered to be "classifiable," an overbroad and ambiguous term. Congress will examine the entire issue of nondisclosure agreements during the second session.

Fairness Doctrine. A dispute over codification of the Fairness Doctrine was a sticking point holding up approval of H.J.Res. 395, the continuing resolution. The Fairness Doctrine requires broadcasters to provide balanced coverage of controversial issues of public importance. The Federal Communications Commission ruled that the doctrine violated First Amendment rights and ended its enforcement. Congress passed a bill to codify the doctrine, but the President vetoed it. Unable to muster enough votes to override a veto, House supporters of the Fairness Doctrine added

codification as an amendment to the omnibus funding bill, insisted on retaining the amendment in conference with the Senate, and figured the President would not refuse to sign such a large, essential measure because of one provision. However, White House officials insisted he would indeed veto H.J.Res. 395 and shut the government down. After a stand-off, the Fairness Doctrine provision was pulled just before final passage.

#### WHCLIS II

The Senate passed S.J.Res. 26, legislation authorizing a second White House Conference on Library and Information Services between 1989-91, by voice vote on December 15. The Senate substituted the text of the amended S.J.Res. 26 for the House text of H.J.Res. 90, passed it and sent it back to the House. House-Senate differences will now have to be worked out, since the Senate version contains some provisions not in the House-passed H.J.Res. 90 as well as some unrelated provisions attached as riders.

WHCLIS provisions contained in the Senate, but not the House version, include clarifying that state and territorial conferences are optional, limiting federal funding to \$5 million rather than such sums as necessary, and limiting the use of Library Services and Construction Act funds for conference activities to title III Interlibrary Cooperation and Resource Sharing appropriations.

Thanks to all librarians, trustees, friends, and WHCLIS Task Force members who worked so hard to obtain cosponsors. It would be appropriate to thank the 178 House and 72 Senate cosponsors; see the attached list of names. In his floor speech, Senate sponsor Claiborne Pell (D-RI) had some advice on planning: "Though the national Conference may be a few years away, it is time now for the States to begin serious planning for their own State-level gatherings at which conference themes will be developed to be taken later to the national forum."

#### ECIA Reauthorization

The Senate passed on December 1 by a vote of 97-1 its version of HR 5 to reauthorize several elementary/secondary education programs. The lone "no" vote was by Sen. Jesse Helms (R-NC). The Senate bill substituted the text of S. 373, the Robert T. Stafford Elementary and Secondary Education Improvement Act of 1987, as approved by the Labor and Human Resources Committee (S. Rept. 100-222). The Senate bill was named in honor of Sen. Robert Stafford (R-VT), the former Chairman and current ranking minority member of the Education, Arts, and Humanities Subcommittee, who is retiring at the end of the 1988 session.

The Senate-passed bill retains library resources as one of 11 targeted areas for local use of the Education Consolidation and Improvement Act Chapter 2 school block grant funds. See the attachment for further detail on the Senate bill, and comparison with the House-passed HR 5. The next step will be a House-Senate conference, a process not expected to be completed until sometime in the 1988 session.

#### Telecommunications

Staff of the Federal Communications Commission have indicated by phone that the proposal to impose access charges on "enhanced service providers" or value-added networks will not go into effect January 1 as proposed (CC Docket 87-215). No new date has been set, and no written announcement made; the proposal will simply not be in effect unless and until further notice from the FCC. FCC staff attorney

Ruth Milkman said recently that the FCC was still analyzing the approximately 20,000 communications received on the issue.

### Depository Libraries

Electronic Formats. Public Printer Ralph Kennickell has announced plans to test the dissemination of government publications in electronic formats to depository libraries by supplying data tapes of such items as the Congressional Record and the Federal Register to private-sector information service providers. The Government Printing Office has delayed a planned presolicitation conference pending discussions with the Joint Committee on Printing about the initiative. For further details and some of the concerns raised by the GPO plan, see the attached fact sheet.

Patents. ALA submitted comments November 25 on the Patent and Trademark Office proposed amendment of electronic patent data dissemination policies and guidelines as published in the August 20 Federal Register pp. 31442-44 (with corrections in the August 26 FR, p. 32240). The PTO planned 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 comment deadline was extended for comments on the three potential alternatives for funding public access to PTO search rooms and libraries once automated systems are deployed. Alternatives listed were (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.

ALA recommended that the PTO adopt alternative 1, that it support the automated public search rooms through funds appropriated specifically for that purpose by Congress, and that PTO request sufficient funds from Congress. ALA also expressed concerns about the proposed revision of the PTO pricing structure, and said instituting user fees in the search rooms and libraries would have a negative effect on U.S. business and technology communities, as well as individual inventors.

### Postal Issues

The final FY '88 appropriation in the continuing resolution (H.J.Res. 395, PL 100-202) for postal revenue forgone was \$517 million, enough to keep nonprofit rates at current levels until the pending general rate increase takes effect, probably in April. However, the reconciliation bill (HR 3545, PL 100-203) included provisions affecting the U.S. Postal Service. The Senate-passed version of HR 3545 would have required USPS to absorb \$1.7 billion in employee retirement costs over two years, imposing several restrictions on USPS in how it made such savings, including not raising rates.

In conference with the House, the postal provisions were modified, but the Postal Service must still absorb about \$1.24 billion in such costs over two years. It has more leeway in making the savings, but may not raise nonprofit rates. It could, however, cause USPS to request another general rate increase sooner than it might otherwise have done so, and it may affect service levels because operating expenses are reduced and many capital improvement projects will be cancelled or postponed.

The USPS "savings" provision generated a dispute over how to "score" the savings among USPS, the Office of Management and Budget, and the Congressional Budget Office. House Post Office and Civil Service Committee Chairman Bill Ford

(D-MI) pointed out on the House floor the problems this caused:

...we may be requiring deferrals over and above those actually needed to make the savings because, under the rules of the budget summit, we were required to base savings on figures supplied by OMB and CBO. And in the area of the Postal Service's Capital Investment Program, the OMB, and CBO figures differ dramatically from those provided by the Postal Service. ...the budget process has become so driven by figures, or "scorekeeping" as the budgeteers call it, that often the merits of the public policy underpinning budget savings are not adequately considered....I am convinced, after several sessions with the Office of Management and Budget, that it was an aim of the administration to advance its effort to privatize the Postal Service by denying it, through the budget process, an ability to modernize and provide up-to-date service. (Congressional Record, December 21, 1987, p. H11986, daily edition)

### Taxation

Manuscript Donations. Sen. Daniel Moynihan (D-NY) introduced on December 10 the National Heritage Resource Act (S. 1940) to restore a tax deduction for artwork or manuscripts donated by their creators to libraries and museums. Since 1969, such deductions have been limited to the cost of the materials rather than the fair market value of the items. S. 1940 is the companion to HR 2050, introduced on April 9 by Rep. Thomas Downey (D-NY). In his introductory statement (in the December 10 Congressional Record, pp. S17760-61, including the text of the bill), Sen. Moynihan spoke about how the deduction was lost:

...it seems to me time that we be open about the origins of the 1969 legislation....It was inserted in the Tax Reform Act of 1969 with the specific intent of denying a tax deduction to former President Lyndon B. Johnson and former Vice President Hubert H. Humphrey....One Senator sought to punish, in their political eclipse, two great public men who had been unassailable at the apogee of their influence and strength. But the legislation went far beyond its original narrow intent, catching in its net the entire creative community. A matter of indifference to its sponsor, perhaps, but hardly to us. A full political generation later, it is time for remedy.

Tax-Exempt Lobbying and Political Activities. HR 2942, the Tax-Exempt Organizations' Lobbying and Political Activities Accountability Act of 1987, was included in the House-passed reconciliation bill, and retained with only minor modifications by conferees on HR 3545. Sections 10701-10713 of PL 100-203 call for 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.

### Contracting Out Federal Libraries

ALA Washington Office Director Eileen Cooke testified December 17 at a hearing before the Senate Governmental Affairs Subcommittee on Federal Services, Post Office, and Civil Service on S. 909, the Commercial Activities Contracting Act of 1987. The bill would require that all amounts saved as a result of contracting in accordance with Office of Management and Budget Circular A-76 be returned to the Treasury, that

employees of an executive agency be consulted before contracting determinations are made by the agency head, and that manpower savings resulting from such contracting be made permanent.

Cooke said ALA would support the first two provisions of the bill, but because of the contracting anomaly involving the use of volunteers in the National Oceanic and Atmospheric Administration's determination to contract out its Central Library, she hesitated to endorse the provision that manpower savings be made permanent. She found it questionable that the advantage of permanent manpower savings can be realized if the quality and continuity of government services depends on volunteers coming forward. Among her recommendations to the Subcommittee were that:

- o Congress should delay the award of the contract to operate the NOAA Central Library until questions about the legality of NOAA's acceptance of a bid using volunteers have been resolved.
- o Congress should act to prevent NOAA from giving the winning contractor any opportunity to amend their best and final cost proposal unless the government employees who currently operate the library are given the same opportunity.
- o Congress should ask the General Accounting Office to review the legality of contractors bidding "volunteers" to carry out contracts under the Service Contract Act.
- o Congress should examine what appeared to be a pressure campaign on GAO by NOAA agency personnel with a direct stake in the outcome of a GAO review.
- o Congress should consider the consequences of awarding contracts to operate federal libraries to subsidiaries of foreign-owned companies.
- o NOAA should start over with a total rebid of the NOAA Central Library as the only equitable and prudent course the government should take.

#### Sensitive Information

The President signed into law (PL 100-235) on January 8 a bill (HR 145, the Computer Security Act of 1987) which would reestablish civilian agency responsibility for computer standards programs. Congress passed HR 145 by voice vote--the Senate on December 21, the House on June 22. The bill represents a congressional response to Administration attempts to restrict access to "sensitive but unclassified" information; as finally passed, it is a compromise agreed to by the White House.

HR 145 provides the National Bureau of Standards with primary responsibility for setting computer security standards for systems which contain unclassified information. Considerable background on the issues addressed by HR 145 and on hearings on National Security Decision Directive 145 of 1984 which set up a category of "sensitive, but unclassified government or government-derived information" appear in House Report 100-153, Parts 1 and 2. ALA testified against restrictive policies at the February 1987 hearings.

#### HEA Regulations, Grant Deadlines

HEA II-B Training. Proposed regulations for the Higher Education Act II-B Library Career Training Program were published in the December 14 Federal Register, pp. 47538-42, along with a notice of applications (p. 47543). Comments on the

proposed regulations are due January 13. Applications from institutions of higher education or library organizations or agencies are due February 18.

In a major departmental initiative, the regs propose that the Secretary may give priority to one or more of six needs. Priorities proposed for FY '88 are for applications which provide training in (a) new library organizational formats such as networks, consortia, and information utilities; (b) library management; (c) new techniques of information acquisition, transfer, and communication technology; and (d) personnel shortage areas such as school media, children's services, young adult services, science reference, and cataloging. In FY '88, 30 percent of available funds would be allocated to institutes (specialized group training projects), with the remainder for fellowships.

HEA II-B Research. A notice of application for the HEA II-B Library Research and Demonstration Program was published in the December 14 Federal Register, p. 47447. The deadline for applications is March 18. About three to six grants averaging \$50,000-\$100,000 are expected to be awarded. Final regulations for II-B research are to be published soon.

For application forms or further information on the HEA II-B programs listed above, contact Frank Stevens, Director, Library Development Staff, USED, 555 New Jersey Ave., NW, Rm. 402M, Washington, DC 20208-1430 (202/357-6315).

HEA VI Foreign Periodicals. Proposed regulations for the Foreign Periodicals Program under the HEA VI International Education programs, as amended by the HEA Amendments of 1986 were published in the December 29 Federal Register, pp. 49122-23. The program, although not funded for FY '88, provides for acquiring, preserving, making available, and providing bibliographic control of periodicals published outside the U.S., that are of scholarly or research importance and not commonly held by American libraries. To be eligible, higher education institutions, public or nonprofit private libraries, or consortia must have appropriate collection strengths and a demonstrated commitment to share resources. For more information, contact Joseph Belmonte, Center for International Education, USED, 400 Maryland Ave., SW, (Rm. 3054, ROB-3) Washington, DC 20202 (202/732-3304).

#### NHPRC Reauthorization

The Senate Governmental Affairs Subcommittee on Government Efficiency, Federalism, and the District of Columbia held a hearing December 15 on S. 1856, a bill to reauthorize the National Historical Publications and Records Commission for five years (through FY 1993) at an authorized level of \$10 million per year. The NHPRC is a small grants program within the National Archives which supports the publication of documentary editions and historical papers, and the preservation of historical records. It is currently authorized at \$5 million and funded at \$4 million. S. 1856 was introduced by Subcommittee Chairman Jim Sasser (D-TN) and ranking minority member John Heinz (R-PA), as well as full committee Chairman John Glenn (D-OH) and Sen. Mark Hatfield (R-OR). ALA submitted a statement for the hearing record in support of S. 1856.

#### Volunteers - Liability

Legislation to encourage states to grant volunteers of tax-exempt organizations immunity from personal civil liability under certain circumstances is pending in Congress and will carry over to the second session. The Volunteer Protection Act of 1987--introduced by Rep. John Porter (R-IL) as HR 911, and by Sen. John Melcher

(D-MT) as S. 929--has generated considerable interest but so far no action. As of December 17, HR 911 had 217 cosponsors; S. 929 had seven.

The Volunteer Protection Act would apply to volunteer directors, officers, trustees, or direct service volunteers of governmental entities or nonprofit organizations exempt from taxation under section 501(c) of the Internal Revenue Code. Such volunteers would be immune from civil liability for actions or omissions taken in good faith, within the scope of their official duties, and not due to willful and wanton misconduct.

The bills were introduced because it was felt the willingness of volunteers to offer their services has been increasingly deterred by the perception that by doing so they put their personal assets at risk in the event of liability actions. This increases the costs of social service programs which depend heavily on volunteers. In addition, nonprofit organizations have had difficulty finding liability insurance, and have had to pay ever-higher insurance premiums.

#### Permanent Paper

ALA submitted comments December 9 on the proposed rule published by the Environmental Protection Agency on "Minimum Recovered Materials Content in Paper and Paper Products Procured by the Federal Government" in the October 6 Federal Register, pp. 37335-41. ALA noted that the proposed specifications for waste content would not meet end-use standards of performance for paper intended for books and publications of research value. ALA recommended that (1) EPA consider redrafting the amendment to include reference to permanence and durability as performance standards for books and records, and that (2) it consider the exclusion of offset printing and book paper from the list of categories for which a minimum percentage of waste paper is specified.

#### NCLIS

Appointments. On December 11, the Senate confirmed the following nominations to the National Commission on Libraries and Information Science: Raymond J. Peterson of Greenwich, CT, executive vice president of Hearst Magazines and publishing director of Good Housekeeping; Sally Jo Vasicko of Muncie, IN, chairperson and professor of political science at Ball State University; and reappointment of Julia Li Wu, head librarian, Virgil Junior High School, Los Angeles, CA. Vivian Arterbery, Executive Director of NCLIS since November 1986, is leaving in January 1988 to return to the Rand Corporation as Corporate Secretary.

Glenerin Declaration. The National Commission on Libraries and Information Science has requested comments (without a deadline) on the Glenerin Declaration Toward a Coordinated Policy Agenda In Response to the Changing Role of Information in the Economy. The declaration is a tri-national statement which resulted from a series of meetings of information specialists from Canada, the U.K. and the U.S. See the December 10 Federal Register, pp. 46980-81, for the text of the declaration, or contact David Hoyt, NCLIS, 1111 18th St. NW, Suite 310, Washington, DC 20036 (202/254-3100).

#### ALA Federal Legislative Policy

The revised "ALA Federal Legislative Policy" as adopted by Council on July 1, 1987, has been published by ALA and will be available at the ALA Midwinter meeting in San Antonio. Single copies of the 24-page booklet are available with a self-addressed mailing label form the ALA Washington Office, 110 Maryland Ave., NE, Washington, DC 20002 (202/547-4440).

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES  
Cosponsors of Legislation for a Second WHCLIS

H.J.Res. 90, calling for a second White House Conference on Library and Information Services to be held between 9/1/89 and 9/1/91, was passed by voice vote by the House on June 8, 1987, and by the Senate on December 15, 1987. H.J.Res. 90 (H. Rept. 100-121) had a total of 178 cosponsors; S.J.Res. 26 (S. Rept. 100-156) had a total of 72 cosponsors. The measures were introduced on January 21, 1987, by Rep. William Ford (D-MI) in the House and Sen. Claiborne Pell (D-RI) in the Senate.

State	H.J.Res. 90 Cosponsors	S.J.Res. 26 Cosponsors
AL	Bevill (D), Callahan (R)	Shelby (D)
AK	Young (R)	Murkowski (R), Stevens (R)
AZ		DeConcini (D)
AR	Hammerschmidt (R), Robinson (D), Anthony (D), Alexander (D)	Bumpers (D), Pryor (D)
AS	Sunia (D)	
CA	Fazio (D), Dellums (D), Brown (D), Martinez (D), Coelho (D), Pannetta (D), Dymally (D)	Cranston (D), Wilson (R)
CO		Wirth (D)
CT	Gejdenson (D), Rowland (R), Morrison (D), Kennelly (D)	Dodd (D)
DE	Carper (D)	Biden (D)
DC		
FL	Shaw (R), Fascell (D), Smith (D), Grant (D), Chappell (D), Lehman (D), MacKay (D)	Chiles (D), Graham (D)
GA	Lewis (D), Rowland (D), Gingrich (R), Barnard (D), Swindall (R)	Nunn (D), Fowler (D)
HI		Inouye (D), Matsunaga (D)
ID		
IL	Porter (R), Fawell (R), Hayes (D), Gray (D), Evans (D), Price (D), Bruce (D), Hastert (R), Durbin (D), Madigan (R)	Simon (D), Dixon (D)
IN	Jontz (D), Jacobs (D), Visclosky (D)	Quayle (R), Lugar (R)
IA	Grandy (R), Leach (R)	Grassley (R), Harkin (D)
KS		Kassebaum (R)
KY	Perkins (D), Mazzoli (D)	Ford (D)
LA	Livingston (R)	Johnston (D), Breaux (D)
ME	Snowe (R)	Cohen (R), Mitchell (D)
MD	Cardin (D), McMillen (D), Mfume (D), Morella (R), Dyson (D), Bentley (R), Byron (D), Hoyer (D)	Sarbanes (D), Mikulski (D)
MA	Donnelly (D), Moakley (D), Atkins (D), Conte (R), Studds (D), Frank (D)	Kennedy (D), Kerry (D)
MI	FORD (D), Kildee (D), Levin (D), Traxler (D), Dingell (D), Crockett (D), Conyers (D), Pursell (R)	Riegle (D), Levin (D)
MN	Oberstar (D), Penny (D), Sabo (D), Weber (R), Stangeland (R), Vento (D), Frenzel (R), Sikorski (D)	Durenberger (R), Boschwitz (R)
MS	Dowdy (D), Lott (R), Montgomery (D)	Cochran (R), Stennis (D)
MO	Clay (D), Coleman (R), Taylor (R)	Bond (R), Danforth (R)

(over)

State	H.J.Res. 90 Cosponsors	S.J.Res. 26 Cosponsors
MT	Williams (D)	Melcher (D), Baucus (D)
NE	Bereuter (R)	Exon (D)
NV	Bilbray (D)	
NH		
NJ	Dwyer (D), Roe (D), Florio (D), Howard (D), Torricelli (D), Courter (R), Rinaldo (R), Rodino (D), Hughes (D), Gallo (R), Roukema (R)	Lautenberg (D)
NM	Richardson (D)	
NY	Ackerman (D), Biaggi (D), Downey (D), Fish (R), Horton (R), Kemp (R), Manton (D), Mrazek (D), Owens (D), Rangel (D), Solarz (D), Towns (D), Weiss (D), Wortley (R), Stratton (D), Garcia (D), LaFalce (D), Scheuer (D), DioGuardi (R), Schumer (D), Hochbrueckner (D), Martin (R), Slaughter (D), Green (R), McHugh (D)	D'Amato (R), Moynihan (D)
NC	Hefner (D), Lancaster (D), Jones (D), Clarke (D), Ballenger (R), Price (D)	Sanford (D)
ND		Burdick (D), Conrad (D)
OH	Traficant (D), Oakar (D), Sawyer (D)	Metzenbaum (D)
OK		Nickles (R)
OR		Hatfield (R), Packwood (R)
PA	Weldon (R), Kostmayer (D), Kolter (D), Yatron (D), Ridge (R), Gekas (R), Foglietta (D), Goodling (R), Clinger (R), Shuster (R), Borski (D)	Heinz (R), Specter (R)
PR	Fuster (D)	
RI	St Germain (D), Schneider (R)	PELL (D), Chafee (R)
SC	Derrick (D), Spence (R), Ravenal (R), Spratt (D), Tallon (D), Patterson (D)	Hollings (D), Thurmond (R)
SD		Pressler (R), Daschle (D)
TN	Boner (D)	Gore (D)
TX	Wilson (D), Leland (D), de la Garza (D), Frost (D), Hall (D), Gonzalez (D)	Bentsen (D)
UT	Nielson (R), Owens (D)	Hatch (R)
VT		
VI	de Lugo (D)	
VA	Boucher (D), Wolf (R), Pickett (D)	Trible (R), Warner (R)
WA	Swift (D)	Adams (D), Evans (R)
WV	Mollohan (D), Rahall (D), Staggers (D), Wise (D)	Rockefeller (D), Byrd (D)
WI	Kastenmeier (D), Roth (R), Gunderson (R), Petri (R)	Kasten (R)
WY		

## HIGHLIGHTS OF SENATE-PASSED HR 5 (S. 373)

Robert T. Stafford Elementary & Secondary Education Improvement Act of 1987

The Senate on December 1, 1987, passed by a vote of 97-1 a reauthorization for five years (FY 1989-93) of the major federal elementary and secondary education programs, including the Education Consolidation and Improvement Act Chapter 1 and Chapter 2. The Senate-passed HR 5, for which the Senate substituted the text of an amended S. 373 (S. Rept. 100-222), has "twin themes of equity and access" and would authorize \$7.4 billion for FY 1989, with five percent increases per year. Below are highlights of the Senate bill and some comparisons with the House-passed HR 5 (the School Improvement Act passed on May 21, 1987).

ECIA Chapter 1 assistance to disadvantaged students, as in the House bill, would be more closely targeted to the neediest areas, and expanded to preschool and secondary school students, the latter through basic skills development and dropout prevention.

Both House and Senate bills have the following provisions: It is specifically stated that Chapter 1 funds may be used for the acquisition of equipment and instructional materials, books and school library resources, the training of librarians, and parental involvement. Basic projects and innovative projects are to be designed and implemented in consultation with teachers and with librarians when appropriate. In determining eligible Ch. 1 children, local educational agencies must make an assessment of education needs each year, including determining "the special educational needs (and library resource needs) of participating children with specificity sufficient to ensure concentration on such needs." The required plan for schoolwide projects must be developed with the involvement of those carrying out the plan, including librarians, and with appropriate training for those carrying out the plan, including librarians. The state agency operated program for handicapped children allows use of funds for acquisition of equipment and instructional materials.

In the Senate bill, school dropout prevention and reentry projects may be carried out in consortia with other agencies such as libraries. Both bills incorporate an Even Start program to combine adult basic education and literacy training for parents with limited skills and school readiness training for their young children through cooperative projects using existing community resources. In the House version, Even Start is part of Chapter 1; in the Senate it is a separate program.

ECIA Chapter 2. The Senate's statement of purpose for the school block grant specifies six critical areas: (1) programs for at-risk and high-cost students, (2) basic skills for secondary school students, and literacy instruction, (3) programs for the gifted and talented, (4) acquisition of library materials and resources, (5) school reform and improvement, and (6) programs in personal excellence and student achievement. For the most part, these purposes parallel those in S. 627, the Chapter 2 bill of Education, Arts, and Humanities Subcommittee Chairman Claiborne Pell (D-RI).

The Senate reduced the current 32 eligible uses of local funds to 11 targeted areas: (1) programs for at risk and high cost students, (2) basic skills for secondary school students, including literacy instruction, (3) programs for the gifted and talented, (4) dropout prevention, (5) parental involvement, including literacy enhancement, (6) early childhood education, (7) enrichment of secondary school curricula, especially math, science and foreign languages, (8) acquisition of library materials and resources, (9) school reform, innovation and improvement, including personnel training, (10) personal excellence and student achievement (including instruction in ethics, arts, humanities, fitness and health, and community service), and (11) implementation of educational reforms adopted by the state. Local funds may also be used for educational personnel training related to any of these areas.

The eighth use of local funds is spelled out as follows in the Senate bill:

(8) the acquisition and use of school library books, textbooks, and other printed materials and resources, including---

(A) school library books and textbooks for use of children and teachers in public and private elementary and secondary schools which are used for instructional purposes only;

(B) instructional materials and equipment and other printed materials suitable for use in providing elementary and secondary education in academic subjects for use by students and teachers in public and private elementary and secondary schools which shall be used for instructional purposes only; and

(C) educational materials accessible through video technology, including videotape and laser disc resources.

The House-passed HR 5 includes a slightly different list of five general areas for local use of funds, including school library resources.

In both Senate and House bills, the state share would remain at 20 percent, and state advisory committees would have to include librarian representation. Both bills retain the Inexpensive Book Distribution program through contract with Reading Is Fundamental (RIF). Both authorize \$580 million for Ch. 2 for FY 1989. The House has "such sums" in the out years; the Senate levels rise five percent per year to \$706 million in FY '93.

The Senate Labor and Human Resources Committee report (S. Rept. 100-222) indicates that the six purposes for Chapter 2 represent national priorities with respect to education. On school libraries, the report says:

The fourth category of educational assistance is acquisition of library materials and other media resources. Testimony before the Education Subcommittee outlined the relationship between student achievement in reading and school library collections. Studies indicate that there is a significant increase in student test scores in schools where students have greater access to library centers and materials, and that there is a positive relationship between scholastic achievement and a high level of library service.

According to a recent study by the Center for Education Statistics, library use is on the rise. Ninety-eight percent of pupils in public schools and 75 percent of pupils in private schools have

access to a library media center in their schools. These figures represent a 30 percent increase over a similar study done in 1968. However, while library use is up, materials and collections are often inadequate and out-of-date. The Center for Education Statistics study reports that school library per pupil expenditures have declined by 16 percent since 1978.

The Committee believes that an investment of this nature will improve the educational achievement of all students and that access to up-to-date library and other media materials and equipment is among our national priorities.

Definitions. The Senate report (S. Rept. 100-222) clarifies definitions involving materials, media and equipment:

The Committee uses various terms throughout the bill such as "books", "curriculum materials", "instructional supplies", "instructional equipment and materials", and "educational materials", the acquisition of which are eligible for federal funding. These terms should not be limited to traditional notions of a bound "book". It is the Committee's intent that these terms be expansively construed to include literary, pictorial, or graphic works, whether or not in book form or presented in the form of text matter. "Instructional materials" and similar terms therefore would include electronic and other innovative means of presenting materials prepared for the purpose of use in systematic instructional activities. The Committee intends that the full range of "instructional materials" would be eligible for acquisition under any of these terms, unless otherwise specified, including but not limited to books, workbooks, computer software and materials for instructional purposes in use of this software, tests, including evaluation and scoring materials, related support materials for students and teachers, such as teaching materials to supplement textbooks, instructional manuals, and teacher aides, and audio-visual materials, such as laser discs, phone records, and filmstrips prepared for use in programs of systematic instruction rather than for a general readership.

The Committee recognizes the rapid spread of the use of video technology across all sectors of American life. The Committee encourages the use of video technology as a powerful learning tool. Given the fact that there are those who respond better to visual aids, video technology should be used to develop and improve basic literacy skills as well as higher level critical thinking skills such as writing, listening, creativity, and comprehension development. It, therefore, believes that when regarding the use of instructional equipment, software, and published materials that videotapes and laser discs be included in that group.

Adult Education Act authorization levels in both bills are raised from the last specified level of \$140 million to \$200 million, and the requirement to expand service delivery through the use of agencies such as libraries is continued. The Senate requires a setaside of at least ten percent of funds for educational programs for those in correctional and other institutions; eligible uses include library development and library service programs (an adaptation of education subcommittee Chairman Claiborne Pell's correctional

education bill, S. 1373). The Senate also adds workplace literacy and English literacy grants for the limited English proficient. The House, but not the Senate, requires state advisory councils; groups to be represented include libraries.

Other Programs reauthorized in both bills include math/science education (Education for Economic Security Act), including the current references to instructional materials and the carrying out of programs through agreements with agencies such as libraries; the Magnet Schools program for implementing desegregation, retaining acquisition of books, materials and equipment as an eligible use of funds; the Women's Educational Equity Act; and the Bilingual Education Act. Both bills include a new program for the gifted and talented.

Star Schools provisions, passed separately by the Senate as S. 778 (S. Rept. 100-44) and in the Senate-passed trade bill (HR 3, S. 1420), also appear in the Senate-passed HR 5. Star Schools, developed by Senate Labor and Human Resources Committee Chairman Edward Kennedy (D-MA), would authorize demonstration grants to education partnerships to encourage improved instruction through the use of telecommunications networks.

New Senate Programs not in the House bill include: Family School Partnership Act, Rural Educational Opportunities, Dropout Prevention Demonstrations and Basic Skills Instruction, Fund for the Improvement and Reform of Schools and Teaching (FIRST), and Secretary's Fund for Innovation in Education to include materials for use in educational TV and radio, programs for computer-based instruction, and telecommunication and video instruction programs. The Senate has no provisions comparable to the House-passed audit reforms or changes to the Center for Education Statistics.

## GPO Gives Testing Electronic Formats to Private Sector

Public Printer Ralph Kennickell made the following statement to Rep. George Brown (D-CA) during hearings on Scientific and Technical Information: Policy and Organization in the Federal Government (H.R. 2159 and H.R. 1615) in the House Subcommittee on Science, Research and Technology, July 15, 1987:

...it troubles me that some people want to privatize everything. Now when you deal with Government information you've got to either take it all or leave it all alone. And I know that there are a lot of people who would love to have the information dissemination of the Congressional Record. They would love to have the information dissemination of the Federal Register, and the Commerce Bulletin.<sup>\*</sup> But they're not willing to disseminate the books on ticks; they're not willing to disseminate the books on how to take care of your babies, and all the other child-care books and products....if you have to make a buck on something, you are not going to carry the dogs....And GPO does not, or the Government, I should say, does not copyright its information. For example, if I sell the franchise handbook from Commerce, there's nothing to prevent the private sector from buying a copy, cutting off the cover, and reprinting this product on their own, putting a new cover on it, and selling it for any price they want--which has happened to that publication. But I submit to you, sir, that I think Government information is a take it all or leave it all proposition, and you can't go in there and pick this thing apart. It's just too important.

\* Probably refers to Commerce Business Daily.

### A Private Sector Intermediary

Despite his concern that "some people want to privatize everything," Public Printer Ralph Kennickell has announced an initiative which could radically change the nature of the Depository Library Program by interposing a private sector intermediary between the government and depositories in making government publications available for the free use of the general public.

In a December 10 letter to Rep. Frank Annunzio (D-IL), he says he will "seek proposals from interested vendors in the information services industry...for dissemination of government publications to depository libraries...at little or no cost to the government, possibly because of the development or enhancement of the vendor's commercial interests." GPO would "supply the successful information service provider with government publication data tapes, at no charge, for loading onto its own computers. The information would be retrievable on-line from terminals in a test group of depository libraries, where information searches would be conducted for citizens without charge." The number of online access hours available to test libraries would be limited. A request for proposal is to be announced by February 1, 1988, leading to the initiation of online delivery of services to depository libraries by July 1988.

A presolicitation conference to be held at GPO at 10:00 a.m. on January 19,\*\* 1988, was announced in the December 22 Commerce Business Daily. To be discussed is the work statement for acquiring online interactive search and retrieval services for a sample set of Federal Depository Libraries, at little or no cost to the federal government, by use of the following government-provided data tapes: Congressional Bills, Congressional Record, Federal Register, Code of Federal Regulations, and Monthly Catalog of U.S. Government Publications.

Registrants will be sent a conference agenda and further information. Interested parties may register for the conference by writing:

U.S. Government Printing Office, Materials Management Service, Mail Stop: MMP, Room A-332, Washington, DC 20401, ATTN: Joel Hettger, Contracting Officer. Phone: (202) 275-2761.

\*\* GPO officials said December 31 that the conference had been postponed, pending consultation with the Joint Committee on Printing.

#### Federal Information in Electronic Form Needed in Depositories

The federal depository library program was established by Congress to provide federal government information, at no cost to the public, through libraries. Currently almost 1400 libraries nation-wide participate in this joint venture with GPO. Traditionally, this information has been distributed in paper and microform. However, as more and more federal information is published through electronic means, it is essential for an informed public that they have access to information in this new format.

In response to this need, the Joint Committee on Printing passed a resolution on April 9, 1987, urging GPO to take the appropriate steps to initiate tests of the dissemination of federal information in electronic form to the depositories. The Public Printer responded to JCP's request by asking the Appropriations Committees for \$800,000 to establish a pilot project office and begin the work on tests. The Appropriations Committees denied funding the tests in FY '88, pending results of an Office of Technology Assessment study of federal information dissemination in early 1988. Kennickell's December 10 letter indicates that because "it appears that Congress will be denying our request for an additional \$800,000" for pilot projects, he is seeking to use existing resources to comply with the JCP's desire to test electronic formats in depository libraries.

#### A Few of the Concerns Raised by the GPO Plan

The library community was not consulted in this matter which could radically change the nature of the Depository Library Program.

- . GPO's test is of only one alternative--one which could set a precedent for a private sector intermediary in the dissemination of government publications in electronic formats to depository libraries. A balanced test is needed.
- . The private sector is under no obligation to make government information available to the public at an affordable price, nor to keep it easily accessible and readily available.
- . Legal and economic restrictions on government information make it difficult for agencies to enter into noncash contracts and barter arrangements with respect to information. Because government data bases are in the federal domain, the databases have little market value and cannot be bartered for valuable services unless restrictions can be imposed. Will GPO permit restrictions to enhance "the vendor's commercial interests"?
- . Who will pay telecommunications charges to access the vendor's database?

FISCAL YEAR 1988 APPROPRIATIONS FOR LIBRARY AND RELATED PROGRAMS

(Figures in thousands)	FY 1987	FY 88 Reagan	FY 1988	FY 1988	With FY 88	Final <sup>2</sup>
LIBRARY PROGRAMS	Approp.	Budget	House	Senate	Sequester <sup>1</sup>	FY 1988 <sup>2</sup>
<b>LIBRARY PROGRAMS</b>						
Education Consolidation & Improvement						
Chapter 2 (incl. school libraries)	\$ 529,337	\$ 529,337	\$ 529,337	\$ 530,137	\$ 482,454	\$ 508,439
GPO Superintendent of Documents	23,763	26,500	25,300	25,300	21,765	24,662
Higher Education Act	7,000	-0-	12,000	9,000	---	10,052
Title II-A, College Libraries	-0-	-0-	-0-	-0-	---	-0-
II-B, Training & Research	1,000	-0-	1,000	500	911	718
II-C, Research Libraries	6,000	-0-	6,000	6,000	5,469	5,744
II-D, Technology	-0-	-0-	5,000	2,500	---	3,590
Library of Congress	239,305	271,365	252,786	255,235	218,110	247,971
Library Services & Construction Act	125,500	-0-	132,500	127,600	---	125,037
Title I, Public Library Services	80,000	-0-	85,000	80,000	72,914	78,986
II, Public Library Construction	22,500	-0-	22,500	23,600	20,507	22,595
III, Interlibrary Cooperation	18,000	-0-	20,000	19,000	16,406	18,669
IV, Indian Library Services	(funded	at 2%	of	appropriations	for LSCA	I, II & III)
V, Foreign Language Materials	-0-	-0-	-0-	-0-	---	-0-
VI, Library Literacy Programs	5,000	-0-	5,000	5,000	4,557	4,787
Medical Library Assistance Act	9,410	9,414	9,986	9,414	8,972	9,414
National Agricultural Library	11,098	12,356	11,962	12,795	10,097	12,194
Nat'l Commission on Libs. & Inf. Science	683	791	750	791	622	718
National Library of Medicine	52,428	54,985	61,479	60,985	47,785	58,496
<b>LIBRARY RELATED PROGRAMS</b>						
Adult Education Act	112,881	130,000	130,000	130,000	102,883	124,462
Bilingual Education	173,095	143,095	183,095	184,397	157,764	175,295
ECIA Ch. 1 (ESEA I Disadv. Children)	3,944,163	4,144,163	4,595,000	4,477,000	3,594,828	4,327,927
Educ. Handicap. Child. (state grants)	1,338,000	1,259,381	1,490,000	1,500,886	1,219,493	1,431,737
Educational Research	54,831	56,500	51,415	48,645	49,975	46,573
HEA title III, Developing Institutions	147,208	50,741	180,000	138,300	138,170	152,370
IV-C, College Work Study	592,500	-0-	625,000	614,423	540,022	588,249
VI, International Education	27,550	-0-	26,550	26,550	25,110	25,419
National Archives & Records Admin.	97,659	110,266	112,266	113,000	89,009	112,000
Center for Education Statistics	8,747	13,700	22,386	20,586	7,972	20,953
National Endowment for the Arts	165,281	145,200	166,531	165,956	150,642	167,731
National Endowment for the Humanities	138,890	126,890	139,640	139,291	126,588	140,435
Nat'l Historical Publ. & Records Comm.	4,000	-0-	4,000	4,000	3,646	4,000
Postal revenue forgone subsidy	650,000	71,795	556,507	517,000	592,430	517,000
Postsecondary Educ. Improvement Fund	12,163	7,500	12,163	12,163	11,086	11,645
Science and Math Education	80,000	-0-	55,000	150,000	72,914	119,675
VISTA Literacy Corps	2,000	-0-	-0-	3,000	1,823	2,872
Women's Education Equity	3,500	-0-	3,500	3,500	3,190	3,351

<sup>1</sup>8.5% automatic cut (figured from FY '87 base with 4.2% inflation factor added and then subtracted from FY '87 freeze level) imposed Nov. 20 under Gramm-Rudman-Hollings deficit reduction law.

<sup>2</sup>H.J.Res 395, Continuing Resolution which implemented deficit reduction agreement and rescinded sequestration as of Dec. 22 when signed into law (PL 100-202).

STATUS OF LEGISLATION OF INTEREST TO LIBRARIANS  100th Congress, 1st Session Convened January 6, 1987 Adjourned: December 22, 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	HR 145				X			235	
Copyright - Berne Convention	HR 1623, 2962	X			S 1301, 1971								
Copyright - Computer Software	HR 1743												
Copyright - Digital Audio Tape Recorders	HR 1384	X X											
Copyright - Manufacturing Clause	HR 2956				S 1785								
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 X	222	X					
English Language Amendment	HJRes 83				SJRes 13								
Government Information Agency	HR 1615	X											
Gramm-Rudman-Hollings revision	HJRes 324		none	X	HJRes 324		none	X		313	X	119	
LC Civic Achievement Awards	HJRes 309	X	221	X	HJRes 309		172	X		none	X	158	
Librarian of Congress appt. requirements	HR 683	X											
National Agricultural Library	HR 1435												
NBS authorization/NTIS	HR 2160	X	98	X		X							
NHPRC reauthorization					S 1856	X							
National Library of Medicine-Biotech. Info. Ctr.	HR 393				S 1354, 1966								
National Technical Information Corporation	HR 2159	X											
Omnibus Budget Reconciliation Act	HR 3545		391	X	S 1920		none	X		495	X	203	
Pay Equity	HR 386, 387	X X			S 5, 552								
Tax-Exempt Orgs. Lobbying, Political Activities	HR 2942	X											
Taxation - Manuscript Donations	HR 2050, 2239				S 1940								
WHCLIS II	HJRes 90	X	121	X	SJRes 26	X	156	X					
<u>Appropriations</u>													
Continuing Resolution, FY 1988	HJRes 395		415	X	HJRes 395		238	X		498	X	202	
Agriculture, FY 1988	HR 3520	X X	386		S 1800	X X	203						
Commerce, State Department, FY 1988	HR 2763	X X	182	X	HR 2763	X X	182	X					
HUD, Independent Agencies, FY 1988	HR 2783	X X	189	X	HR 2783	X X	192	X					
Interior, FY 1988	HR 2712	X X	171	X	HR 2712	X X	165	X					
Labor-HHS-Education, FY 1988	HR 3058	X X	256	X	HR 3058	X X	189	X					
Legislative, FY 1988	HR 2714	X X	173	X	HR 2714	X X	158	X					
Treasury, Postal, FY 1988	HR 2907	X X	211	X	HR 2907	X X	160	X					

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