

**GET
CONNECTED!**



**National Library
Legislative Day 1998
Washington, D.C.**

Key Library Issues & Messages for Congress

Budget/Appropriations for FY99

- **Fund the Library Services & Technology Act at \$160 million.** A modest increase over the President's request and the current level of \$146.3 million would position LSTA to help public, school and academic libraries in all states make needed new investments to: connect to the Internet, support literacy, provide job and consumer health information, serve small business, support lifelong learning, and assist and train students and the public in new technology.

- **Fund the existing ESEA Title VI as much above the current \$350 million as possible.** Some 40 percent of this el/sec school block grant is spent on badly needed school library and other instructional materials, yet the President requested no funds. According to School Match research, student achievement correlates with school library support.

Literacy/Reading Programs

- **Pass the children's literacy initiative before July 1.** Encourage the Senate Labor and Human Resources Committee to add library amendments. Under FY98 law, \$210 million for children's literacy in FY99 will be used for this purpose only if authorizing legislation is passed by July 1. The Administration recommended America Reads Challenge. The House passed the Reading Excellence Act, H.R. 2614, now introduced in the Senate by Sen. Paul Coverdell (R-GA) as S. 1596. ALA expects to support S. 1596, especially if the Senate Labor and Human Resources Committee adds recommended school library amendments.

Copyright/Intellectual Property

- **House—Cosponsor H.R. 3048, the Boucher/Campbell Digital Era Copyright Enhancement Act.** It would maintain balance in the Copyright Act while fully protecting fair use, digital preservation, library lending, distance learning, and access to the technology needed to engage in such activities.

- **House—Oppose the database protection bill, H.R. 2652, if it comes to the House floor.** The bill's broad new protections (in addition to copyright) are unjustified and overbroad. As now drafted, they would damage education and research and restrict use of many scientific and other databases now in the public domain.

- **Senate—Thanks to the leadership and key members of the Senate Judiciary Committee** for recently opening and calling for successful negotiations on copyright law amendments to address the concerns of the library, education, and related communities. At this writing, progress is encouraging on some issues, but the full nature of the evolving copyright bill is still unknown. Judiciary Committee action on Chairman Orrin Hatch's (R-UT) as yet unnumbered Digital Millennium Copyright Act was scheduled for April 30.

Telecommunications Discounts

- **Protect the E-rate.** Congressional actions can affect basic library operations as well as library services to constituents. Telecommunications discounts for libraries and schools are the result of the

Telecommunications Act universal service legislation, intended to connect rural America and low-income communities. But it is threatened even before it has a chance to get off the ground. The message to Congress and the Federal Communications Commission (1-888-CALL-FCC) is:

- **Don't cut funding for these discounts.** A \$2.25 billion annual cap was put on the universal service fund designated for schools and libraries. Maintain this funding.
- **Keep all eligible and necessary services in place.** Keep inside connections and related services that will make these networks reach to the end-users.
- **Keep universal service moving forward.** Don't let other policy disputes disrupt this program. It must move forward to assure every community is connected by the year 2000.

Filtering and the E-rate

• **Respect local decision making; do not impose a single solution on schools and libraries.** The Internet School Filtering Act, S. 1619, (and a similar House bill, H.R. 3177) would deny to libraries and schools that do not use filtering or blocking software the eligibility to use telecommunications discounts under the Telecommunications Act. A more acceptable approach would be to require local Internet use policies but to leave the details of these policies to local library boards, school boards, and other appropriate authorities. Such an approach has been proposed as an amendment by Sen. Conrad Burns (R-MT) and in H.R. 3442 by Rep. Edward Markey (D-MA).

Public Access to Government Information

• **Work with librarians to strengthen and fund the Federal Depository Library Program.** Libraries in nearly every congressional district are partners with Congress to ensure constituents no-fee public access to government information in print and electronic formats through the FDLP administered by the Government Printing Office. The Joint Committee on Printing is working on a proposal to revise Title 44 *US Code* governing the distribution of information through depository libraries. Library groups have developed a consensus legislative proposal, and ask that Congress work with librarians, the specialists in how the public uses government information, to strengthen and improve the FDLP. Legislative Branch appropriations fund the program, which needs the full \$30.2 million requested by GPO for FY99.

Library Postal Rate

• **Protect the library postal rate.** The library rate used for sending books and films among libraries and to rural and homebound users would increase 26.53% if the U.S. Postal Service pending request is approved. This would mean the cost of a typical 3-lb. book package would have risen 117% in little more than 4 years—making the preferred nonprofit library rate higher than the commercial book rate!

• **Adopt alternative library rate increase in pending rate case.** The Postal Rate Commission's Office of Consumer Advocate has proposed alternative and more modest library rate increases. The rate case is now closed, but the PRC has not yet announced its recommendation to the USPS Board of Governors. Contact: *Edward J. Gleiman, Chairman, U.S. Postal Rate Commission, 1333 H St., N.W., Suite 300, Washington, D.C. 20268-0001*

• **Support a revised H.R. 22 postal reform bill with recommendations from nonprofit mailers.** House Postal Service Subcommittee Chairman John McHugh (R-NY) is preparing a revision to his bill. The Alliance of Nonprofit Mailers and ALA have recommended that all future changes in nonprofit postal rates be limited to the same percentage as the corresponding commercial rate, assuming that legislation also requires the library rate to be set at enactment at an appropriate percentage below the commercial book rate.

*The U.S. Capitol Switchboard at 202-224-3121 will connect to all congressional offices.
For more information, please contact the ALA Washington Office at 800 941 8478.*

American Library Association

THE LATEST ON DIGITAL COPYRIGHT LEGISLATION

THE BIG PICTURE

STATUS: Legislation intended to update American copyright law for the digital age and to implement a new copyright treaty has been approved by the Judiciary Committees of both chambers of Congress and is poised for action by the full House and Senate. Although improved in Committee, these bills: (1) fail to affirm that fair use applies with full force in the digital environment; and (2) undermine fair use, by making it illegal to “circumvent” copyright protection *even if* that action is taken to make fair or other lawful use of the work.

MESSAGE: Urge your legislator to **affirm and enable fair use** in the these bills and their Committee reports.

STATUS

MESSAGE

SENATE

On April 30, the Senate Judiciary Committee approved a new bill the Digital Millennium Copyright Act (“DMCA”). In the last few weeks Committee members opened negotiations among affected parties and pressed for resolution of several issues of concern to the library, education and related communities, including digital preservation and distance education. While some of those negotiations produced results included in the bill adopted by the Committee, others remain partially or wholly unaddressed. The Committee’s action is so recent, however, that the import of the DMCA has not yet been fully analyzed.

- The library and education communities **appreciate the intense and hard work** that the Senate Judiciary Committee has engaged in over the last few weeks.

- Please **continue to work with representatives of library and education organizations** as the DMCA moves forward and to develop critical legislative history for the Committee’s report on this legislation.

- **Achieving an appropriate balance** in copyright law between protecting information and affording access to it -- particularly through fair use -- is critical to meeting the needs of libraries and educational institutions and the public which depends on them.

HOUSE

On April 1, the House Judiciary Committee approved a new version of, H.R. 2281: that chamber’s version of a copyright treaty implementation bill. Although scheduled for floor consideration 10 days ago, the bill has not been scheduled for a House vote because it remains so controversial. As adopted, H.R. 2281 does not include any of the provisions of the Boucher/Campbell Digital Era Copyright Enhancement Act (H.R. 3048) to update the parts of the Copyright Act enabling fair use, digital preservation, library lending, distance learning, and access to the technology needed to engage in these activities. H.R. 3048, strongly supported by all major national library organizations, has been cosponsored to date by nearly 40 members of the House of both parties.

- **Thank H.R. 3048 authors Rick Boucher (D-VA) and Tom Campbell (R-CA), and all cosponsors**, for their commitment to balancing protection for copyright owners with lawful access to information by students, teachers, library users, researchers, authors, and others.

- Ask **all others to cosponsor** H.R. 3048.

- Emphasize that, when copyright treaty legislation comes to the House floor, **all relevant amendments -- particularly those which affirm fair use -- should be in order.**

- Request that all members’ **support any “library-endorsed” amendment** to the copyright treaty legislation.

Intellectual Property Issues

WIPO Copyright Treaty and Implementing Legislation

Message for the Senate: Thanks to the leadership and key members of the Senate Judiciary Committee for recently opening and calling for successful negotiations on copyright law amendments to address the concerns of the library, education, and related communities. At this writing, progress is encouraging on some issues, but the full nature of the evolving copyright bill is still unknown. Judiciary Committee action on Chairman Orrin Hatch's (R-UT) as yet unnumbered Digital Millennium Copyright Act was scheduled for April 30.

Message for the House: Cosponsor H.R. 3048, the Boucher/Campbell Digital Era Copyright Enhancement Act. It would maintain balance in the Copyright Act while fully protecting fair use, digital preservation, library lending, distance learning, and access to the technology needed to engage in such activities.

Background

The debate over whether and how to update copyright law to reflect and encourage the development of digital networks, begun by the Clinton administration in 1995, is now in full swing in Congress where it is focused on new treaties produced in December 1996 by the World Intellectual Property Organization and how best to implement them in the United States. Because the WIPO copyright treaties are general in nature, their full impact upon the public and private sectors in the United States cannot be gauged unless and until a balanced package of related copyright legislation that enjoys broad support is crafted in both chambers of Congress.

ALA (and its 41 partners in the Digital Future Coalition) is strongly backing Sen. John Ashcroft's (R-MO) Digital Copyright Clarification and Technology Act (S. 1146) and similar House legislation by Reps. Rick Boucher (D-VA) and Tom Campbell (R-CA), the Digital Era Copyright Enhancement Act of 1997 (H.R. 3048).

Database Protection Legislation

Message: Oppose H.R. 2652 if it comes to the House floor for a vote, particularly if it is not able to be freely amended. The bill's broad new protections (in addition to copyright) are unjustified and overbroad. As now drafted, they would damage education and research and restrict use of many scientific and other databases now in the public domain.

Introduced by Rep. Howard Coble (R-NC), the chair of the House Courts and Intellectual Property Subcommittee, H.R. 2652 is a new and even more sweeping version of legislation proposed in 1996 to

protect databases, particularly those with insufficient originality to merit copyright protection. The Collection of Information Antipiracy Act is intended to supplement current copyright law, which already protects databases that meet the low threshold of "originality" established in the Supreme Court's Feist decision, by allowing database proprietors to seek damages from any party who "misappropriates" all or part of such material without authorization.

While H.R. 2652 is styled as misappropriation legislation, the bill would sweep far more broadly than traditional misappropriation case law would permit. ALA Executive Board member James Neal testified about library concerns on the bill at a subcommittee hearing last October on behalf of ALA, the American Association of Law Libraries, the Association of Research Libraries, the Medical Library Association, and the Special Libraries Association. The bill was approved in March by both the subcommittee and the full House Judiciary Committee with limited changes intended to address concerns raised by the scientific, educational and library communities. ALA and many other major national library associations—as well as significant commercial database producers—continue, however, to oppose this legislation as unjustified and overbroad.

Copyright Term Extension Act

Message: Oppose S. 505 and H.R. 2589; the "exceptions" included for libraries and archives will not make works available in practice as intended. The result would reduce the public's access to the vast majority of material no longer commercially viable when older than the current "life of the author life plus 50 years," but yet lost to the public domain for a further 20 years.

Legislation has again been introduced in both House and Senate to extend the length of copyright protection by 20 years both for new and currently copyrighted works. Significantly, however, this year's primary version of the bill (S. 505 and H.R. 2589) does not propose covering works which remain unpublished. Moreover, it includes a special exception specifically intended to permit libraries and archives—under defined circumstances—to make more extensive use of copyrighted material not "subject to normal commercial exploitation" than fair use would most likely allow. The exception would apply during the new 20 year term of protection. To achieve its intent, however, the exception needs further fine tuning, which has been resisted by the House Judiciary Committee and major information proprietors.

Accordingly, shortly after the House Judiciary Committee approved the current flawed version of this major legislation, ALA and several other major national library associations announced for the first time their formal opposition to the bill. Nonetheless, the House on March 25 voted to approve the proposed 20 year extension of the copyright term.

The Senate Judiciary Committee has yet to consider its version of this bill in this Congress and, unless a compromise can be reached between parties to an unrelated dispute over the terms of music licensing in restaurants, further action on this bill is unlikely to occur before the 105th Congress adjourns in October 1998. ♦

Library Telecommunications Discounts—Protect the E-rate

Message to Congress: The telecommunications discount program for libraries, schools, and rural health care providers is one of the most historic universal service programs. Mandated in the Telecommunications Act of 1996, the program is intended to connect rural America and low-income communities. Tell Congress:

- ◆ **Don't cut funding for these discounts:** A \$2.25 billion annual cap was put on the part of the universal service fund designated for the school-library program. Maintain this funding and promote the rural health care initiatives.
- ◆ **Keep all eligible and necessary services in place:** Keep inside connections and related services that will make these networks reach to the end-users.
- ◆ **Keep the program moving forward and protect this as well as the entire universal service program:** Don't let policy disputes or debates over how to administer the program disrupt its implementation. It must move forward to assure every community is connected by the Year 2000.

Background:

There has been considerable congressional scrutiny of the e-rate program during the second session of the 105th Congress. A provision included in the Senate Supplemental Appropriations, S.1768, would require the Federal Communications Commission (FCC) to engage in a study to examine alternative administrative structures for the programs, determine appropriate levels of funding and propose consolidation of administrative entities. This bill, along with with the House Supplemental Appropriations bill (H.R. 3579), are now in conference.

The official time clock for the application window for libraries and schools to apply for the discounts and assure consideration began January 30, 1998. By the close of the initial 75-day window on April 15, SLC received some 30,000 complete applications. Only 15% of the applications received have no problems, about 10% are being rejected, 60-75% of the applications are either incomplete or inaccurate, but are not rejected.

This program has been of such interest that the SLC had to expand its staffing and the hours of operation to accommodate the over 62,000 callers to the help line. The SLC is tabulating the final numbers of applications submitted and the amount of support requested in this first cycle. That and other information will be incorporated into the report that the FCC will be making to Congress on May 8 as called for in S. 1768.

Key Information Resources for Universal Service:

The Universal Service program to provide discounts to libraries and schools is in flux. It is vitally important that state libraries, librarians, educators, and others interested in the program keep up to date on the latest developments.

WEBSITES:

*ALA Office for Information Technology
Policy (OITP)*

www.ala.org/oitp/getdisc.html
www.ala.org/washoff/alawon/

Schools and Libraries Corporation (SLC)

www.neca.org/funds/faslc.htm
www.slcfund.org

Federal Communications Commission

www.fcc.gov/ccb/universal_service/
www.fcc.gov/learnnet/

Education and Library Networks Coalition

(EdLiNC) E-rate Hotline
www.eratehotline.org

LISTSERVS:

ALA Universal Service Listserv
Email asj@alawash.org for
information on subscribing

ALA Washington Office Newslines
see [http://www.ala.org/oitp/
alawon/](http://www.ala.org/oitp/alawon/) for archive and
subscription information

HOTLINES:

SLC Client Service Bureau Hotline
1 888 203 8100

E-rate Hotline
1 800 733 6860

For further information contact:
Lynne Bradley (ext. 210)

1301 Pennsylvania Avenue NW, Suite 403
Washington, D.C. 20004-1701
800 941 8478 phone 202 628 8419 fax

alawash@alawash.org
www.ala.org/washoff

The Internet School Filtering Act, S. 1619

Message:

- ◆ **Respect local decision making; do not impose a single solution on schools and libraries.** The Internet School Filtering Act, S. 1619 (and a similar House bill, H.R. 3177) would deny to libraries and schools that do not use filtering or blocking software the eligibility to use telecommunications discounts under the Telecommunications Act.
- ◆ **A more acceptable approach would be to require local Internet use policies but to leave the details of these policies to local libraries and schools, their boards, and other appropriate authorities.**

Background:

The Senate Commerce Committee approved S. 1619, the Internet School Filtering Act, in March with the agreement that modifications would be made based upon proposals made by Sens. Conrad Burns (R-MT) and John Breaux (D-LA). At this time, discussions continue on how to incorporate elements of both the Burns and Breaux amendments into modified language.

As originally introduced in February by Committee Chair John McCain (R-AZ), S. 1619 would require libraries and schools to certify they have installed Internet filtering or blocking software in order to receive the E-rate telecommunications discounts authorized in the Telecommunications Act of 1996 under universal service provisions. The bill was cosponsored by Sens. Fritz Hollings (D-SC), Dan Coats (R-IN), Patty Murray (D-WA), Ted Stevens (R-AK), Daniel Inouye (D-HI), Kay Bailey Hutchison (R-TX), and Herbert Kohl (D-WI).

Two proposals made as alternatives to S. 1619 are now forming the basis for negotiating modified language for the bill. Sen. Burns proposed an amendment that would require libraries and schools to certify that they have appropriate Internet local use policies in order to obtain the discounts (instead of requiring filtering.) His amendment was strongly supported by Sens. Jay Rockefeller (D-WV) and Ron Wyden (D-OR). They argued that a federal mandate to use blocking software would interfere with local control and would not be flexible enough to allow for use of new technologies in the future. Sen. Burns and supporters proposed that local use policies are a more responsible method to deal with the complex issues of Internet safety and leave the responsibility for content and safety with local library boards, school boards, parents and local officials.

Another amendment proposed by Sen. Breaux would have required that schools and libraries use software that is narrowly targeted to meet First Amendment concerns, is responsive to the needs of different age groups, and provides the local flexibility to make appropriate content decisions.

In S. 1619 as introduced, libraries would be required to use a filtering system on one or more of their computers so that at least one computer will be appropriate for minors' use. Schools would have to install a filtering system on all of their computers so that objectionable online materials would not be accessible to students. Although not in the bill language, supporters of S. 1619 have suggested that they would make such filtering technology eligible for the E-rate discount.

The original bill also says that "determination of what matter is appropriate for minors shall be made by the school, school board, library or other authority responsible for making the required certification" and that no agency of the United States government may "establish criteria" or review the decisions made by a local governing board.

The Administration favors the approaches backed by Sens. Burns and Rep. Edward Markey (D-MA) over that of Sen. McCain, according to the March 25 electronic publication, Telecom AM (see <http://www.telecommunications.com/am/>). The Vice President has also publicly endorsed the Burns alternative in a speech at the National PTA Legislative Conference. (The entire transcript of the Vice President's speech is available online at <http://www.pta.org/events/legconf2/goresp.html>.) Modification of S. 1619 was also supported in a March 16 *New York Times* editorial, which said, "...recognizing potential opposition from educators and librarians, Mr. McCain kept open the possibility that a compromise would be offered when the bill reached the Senate floor" ("Filtering the Internet", sec. A, pg. 24).

In the House, Rep. Bob Franks (R-NJ) introduced H.R. 3177, a bill essentially identical to S. 1619. Rep. Edward Markey (D-MA) introduced H.R. 3442, a bill that would require appropriate local use policies in order to benefit from the discounts. No action has been taken in the House on these bills.

While blocking and filtering products can be tools for parents to use at home, libraries serve all families and all library users in a given community with vastly differing information needs. In addition, filtering and blocking software does not protect children from all inappropriate materials and is overly broad at blocking appropriate sites used for legitimate library information services and school curricular support. Federally mandated blocking software cannot responsibly anticipate the information and curricular needs of a community or determine the best sources of information for any particular set of public or school library users. ♦

Literacy Issues: The Reading Excellence Act; Adult Education Act Reauthorization

The Reading Excellence Act

Message: Pass the Children's literacy initiative before July 1. Add library amendments to the Senate version of the legislation.

Status:

The Reading Excellence Act, H.R. 2614, passed the House by voice vote last November. The bill would establish a competitive grant and subgrant program for states to obtain funds to improve the teaching of reading and to improve the reading and literacy skills of young children and families. In the Senate, a Labor and Human Resources Committee hearing on S. 1596, the companion bill introduced by Sen. Paul Coverdell (R-GA), was held on April 28. At the outset of the hearing Sen. Jim Jeffords (R-VT), chairman of the Committee, stated that "any reading legislation should be tied to libraries." Sen. Jack Reed (D-RI) spoke of the issue of literacy and the need to pass legislation. He emphasized the important role libraries can play and do play in the history of this country. Sen. Reed, later in the discussion, said that libraries are a "crucial resource". He said there were no book stores in his community in South Providence but there was a public library. A number of Senators mentioned the need to instruct health care providers, day care providers and HeadStart programs of the need to introduce reading activities and materials in their programs.

In the House Committee on Education and the Workforce, library amendments offered by Rep. Dale Kildee (D-MI) were adopted by voice vote. One would add a school or public library that offers reading or literacy programs for children or families to the list of optional members of a state's Reading and Literacy Partnership. The other would give a funding priority to applicants which demonstrate that they have a contractual association with one or more public libraries providing reading or literacy services to preschool children or preschool children and their families.

ALA has suggested library amendments to the Senate Committee. Such amendments, if accepted, would require grant applicants to conduct an assessment of the availability of reading materials within schools providing literacy services and include in their application a plan for assuring adequate supplies of age appropriate books and other reading materials. Another amendment would add purchase of reading materials to be used by children and families being served by Even Start grants.

It is expected that the Administration may also have amendments to offer on the Senate bill, since both Senate and House bills take a different direction in focusing on reading teachers than does the Administration's original America Reads Challenge legislation.

Authorization:

H.R. 2614 would authorize \$260 million in each of fiscal years 1998, 1998, and 2000 for grants to states for reading programs. States must use 95% of their funds in subgrants to local educational agencies for local reading improvement and for tutorial assistance. Small amounts of the total

appropriated would be used for the peer review panel, a national assessment, dissemination activities, and Even Start family literacy programs.

Funding:

Under FY98 law, \$210 million will be used for a children's literacy program in FY99 only if authorizing legislation passes before July 1. The Administration's FY99 budget requests an additional \$50 million.

Adult Education Act/Vocational Training/Literacy Programs

Message: Renew the Adult Education Act and related literacy and vocational training programs.

Status:

H.R.1385, The Employment, Training and Literacy Enhancement Act passed the House in May of 1997, but movement was slow during the first session of the 105th Congress. The Senate bill, S. 1186, The Workforce Investment Partnership Act of 1997, was amended and reported out of committee on October 15, 1997, and may see Senate floor action in the next week. Because the Senate and House bills are different, a conference committee will meet to confer on differences in the bills before final passage. This bill is a major reauthorization of the Adult Education Act and includes vocational education as well. Title II of the bill, Adult Education and Literacy, includes a library as an "eligible provider" of literacy services in section 2, Definitions. Funds in Title II would go to the State Department of Education and be distributed through a grant process. The Adult Education Act also includes a section on literacy activities to be carried out by the National Institute for Literacy.

Title III of the bill, Workforce Investment and Related Activities includes allotments to states for adult employment and training activities, dislocated worker employment and training and youth activities. This section describes "one-stop customer service centers" where core services, access to training, authorized job search, placement, recruitment services will be provided.

Funding:

Authorization levels are listed as "such sums" which leaves the amount to be set by appropriators. The Adult Education State grant program is currently funded at \$345 million. The literacy community is asking for increased appropriations for FY99 to \$500 million.

Action Needed:

Library supporters can contact their Senators regarding the passage of these bills by calling the Capitol Switchboard at: 202-224-3121. The members of the Senate Labor and Human Resources Committee are:

Senators Jim Jeffords (R-VT) Chair; Dan Coats (R-IN); Judd Gregg (R-NH); Bill Frist (R-TN); Mike DeWine (R-OH); Michael Enzi (R-WY); Tim Hutchinson (R-AR); Susan Collins (R-ME); John Warner (R-VA); Mitch McConnell (R-KY); Edward Kennedy (D-MA); Christopher Dodd (D-CT); Barbara Mikulski (D-MD); Jeff Bingaman (D-NM); Paul Wellstone (D-MN); Patty Murray (D-WA); Jack Reed (D-RI).

For further information contact:
Mary Costabile (ext. 216)

1301 Pennsylvania Avenue NW, Suite 403
Washington, D.C. 20004-1701
800 941 8478 phone 202 628 8419 fax

alawash@alawash.org
www.ala.org/washoff

President's FY99 Budget Proposal: Action Needed

Action needed:

In this second year of funding for the Library Services and Technology Act, it is particularly important for Congress to fund library programs at \$160 million. A strong investment will connect more libraries to the Internet, support literacy for young children and adults, help libraries provide job and consumer health information, serve small business, and provide information for lifelong learning.

School and public libraries provide not only up-to-date materials, but library professionals to teach students information-seeking skills. It is therefore critical to fund ESEA Title VI at least at the FY98 level of \$350 million, since at least 40 percent of this block grant is spent on school library and other instructional materials.

Library supporters should contact their Representatives and Senators about the importance of FY99 funding for these programs. The U.S. Capitol Switchboard phone number is (202) 224-3121. E-mail also can be effective. For a directory of Congressional e-mail addresses, consult the Library of Congress web page at <http://lcweb.loc.gov/global/legislative/email.html>.

Background:

On February 2, 1998 President Clinton's FY99 budget was released. The FY99 budget includes major increases in funding for education programs with significant attention paid to a variety of new Presidential initiatives. Those initiatives include: reducing class size and recruitment of new teachers, improving school facilities infrastructure, increasing the amounts of Pell Grants, and adding a \$70 million increase to work study grants and technology.

- ◆ Library program funding for FY99 would be set at \$146 million, the same as appropriations for FY98. Now in its second year, the Library Services and Technology Act is not authorized at a dollar amount but rather "such sums" as the Congress determines. An increase in library program funding to \$160 million for FY99 would allow more libraries in every state to connect to the Internet and support literacy for young children and adults. According to the *ALA/NCLIS 1997 National Survey of U.S. Public Libraries and the Internet*, only nine percent of public libraries provide World Wide Web access to the public in all branch libraries. While the "e-rate" discounts will help increase connections to the Web, libraries must also invest in computers, content, and competencies. An increase in funding to \$160 million would also help libraries provide job and consumer health information, serve small business and provide information for lifelong learning. The U.S. Department of Education's *1994 National Adult Literacy Survey* found that between 23 and 27 million adults performed at or below the fifth-grade level in reading and math.
- ◆ Although no legislation is completed on the subject of children's literacy, the President's budget adds \$50 million to the \$210 million approved in FY98 for a literacy initiative. However, the budget fails to fund ESEA Title VI, the block grant which many school libraries depend upon for materials. School librarians and public librarians are well aware of the need for a variety of materials to interest young children and students in reading. Because of strong House leadership and "grassroots" support, Title VI was funded at \$350 million in FY98.
- ◆ The Administration's continuing emphasis on technology is reflected in proposed funding for: the Technology Literacy Challenge Fund at \$495 million, Education Technology Part A at \$116 million, and three programs which will require legislation to be enacted—Teacher Training in Technology at \$75 million, Community Based Technology Centers at \$10 million, and Technology Leadership Activities at \$2 million.

FY99 Budget Request for Federal Library and Related Programs

	FY98 Budget Req.	FY98 Approp.	FY99 Budget Req.
LIBRARY PROGRAMS <i>(amounts in thousands)</i>			
GPO Superintendent of Documents	\$ 30,477	\$ 29,077	\$ 30,200
Library of Congress	387,600 ¹	376,719 ²	397,002 ³
Library Services and Technology Act (or predecessor)	136,370	146,340	146,340
National Agricultural Library	19,000	19,000	19,000
National Commission on Libraries and Information Science	1,123	1,000	1,000
National Library of Medicine (includes MLAA)	153,000	161,185	174,725
LIBRARY-RELATED PROGRAMS <i>(amounts in thousands)</i>			
Adult Education and Literacy	394,000	360,551	394,000
ESEA title I, Education for Disadvantaged	8,077,266	8,012,112	8,480,892
<i>ESEA title I - B, Even Start</i>	<i>108,000</i>	<i>124,000</i>	<i>114,992</i>
ESEA title II-A - Eisenhower professional development Federal activities	30,000	23,300	50,000
ESEA title II-B - Eisenhower professional development State grants	360,000	335,000	335,000
ESEA title III, Educational Technology	545,035 ⁴	584,035	721,000
<i>Technology Literacy Challenge Fund</i>	<i>425,000</i>	<i>425,000</i>	<i>475,000</i>
<i>Star Schools - part B</i>	<i>26,000</i>	<i>34,000</i>	<i>34,000</i>
ESEA title VI - Innovative education program strategies State grants	0	350,000	0
ESEA title X-1 - 21st Century Community Learning Centers	50,000	40,000	200,000
Education of Handicapped Children (state grants)	3,947,539	4,531,695	4,554,685
Educational Research & Dissemination	134,535	128,567	178,567
Educational Statistics	66,250	59,000	68,000
Educational Assessment	38,373	35,471	40,000
Goals 2000	620,000	491,000	501,000
HEA title III, Institutional Development	202,071	210,945	252,500
HEA title IV-C, College Work-Study	857,000	830,000	900,000
HEA title VI, International Education	60,251	60,351	61,117
HEA title X-A, Postsecondary Education Improvement Fund	18,000	25,200	22,500
Inexpensive Book Distribution (RIF)	12,000	12,000	13,000
Literacy Initiative (proposed legislation such as Am. Reads)	260,000	210,000	260,000 ⁵
Museum Grants	26,000	23,280 ⁶	26,000
NTIA Information Infrastructure Grants (TIIAP)	36,000	20,000	22,000
National Archives and Records Administration	206,479	205,167	230,025
National Endowment for the Arts	136,000	98,000	136,000
National Endowment for the Humanities	136,000	110,700	136,000
National Historical Publications and Records Commission	4,000	5,500	6,000
¹ Includes authority to obligate \$30.4 million in receipts ² Includes authority to obligate \$30.3 million in receipts ³ Includes authority to obligate \$27.67 million in receipts ⁴ Includes funds for the Technology Literacy Challenge Fund (sec. 3132) requested under Education Reform for FY 1998 ⁵ Includes \$210 million permanent authority from FY98 ⁶ Includes \$1 million for joint library/museum projects under LSTA National Leadership Projects grants.			

For further information contact:
Anne Heanue (ext. 209)

1301 Pennsylvania Avenue NW, Suite 403
Washington, D.C. 20004-1701
800 941 8478 phone 202 628 8419 fax

alawash@alawash.org
www.ala.org/washoff

Library Postal Rate Case Enters Home Stretch

Message to Congress:

- ◆ **Protect the library postal rate.** The library rate used for sending books and films among libraries and to rural and homebound users would increase 26.53% if the U.S. Postal Service pending request is approved. This would mean the cost of a typical 3-lb. book package would have risen 117% in little more than 4 years—making the preferred nonprofit library rate higher than the commercial book rate!
- ◆ **Adopt alternative library rate increase in pending rate case.** The Postal Rate Commission's Office of Consumer Advocate has proposed alternative and more modest library rate increases. To support this alternative, legislators and library supporters can write to: *Edward J. Gleiman, Chairman, U.S. Postal Rate Commission, 1333 H St., N.W., Suite 300, Washington, D.C. 20268-0001.*
- ◆ **Support a revised H.R. 22 postal reform bill with recommendations from nonprofit mailers.** House Postal Service Subcommittee chairman John McHugh(R-NY) is preparing a revision to his bill. The Alliance of Nonprofit Mailers and ALA have recommended that all future changes in nonprofit postal rates be limited to the same percentage as the corresponding commercial rate, assuming that legislation also requires the library rate to be set at enactment at an appropriate percentage below the commercial book rate.

Background

The Postal Rate Commission has now completed its hearings on postal rate increases proposed in July 1997 by the U.S. Postal Service. The PRC's recommendations on rate changes are expected to be announced during the second week of May. Their recommendations will be made to the U.S. Postal Service Board of Governors who then make the decision on changes to postal rates.

LIBRARY RATE	POSTAGE			% INCREASE	
	1994	1995-Present	Proposed	Present to Proposed	1994 to Proposed
First Pound	\$0.66	\$1.12	\$1.44	28.57%	118.18%
Each adtl. lb. through 7 lbs.	.24	.42	.52	23.81%	116.66%
Each adtl. lb. over 7 lbs.	.12	.22	.25	13.64%	108.33%
-----	-----	-----	-----	-----	-----
Typical 3-lb. library rate pkg.	\$1.14	\$1.96	\$2.48	26.53%	117.54%

The U.S. Postal Service proposed a 28.57% increase for the first pound of the library rate as part of its July 1997 request to the Postal Rate Commission to change postal rates. Such a drastic increase inevitably would lead to cuts in library services, especially in rural areas. The American Library Association is participating in the pending postal rate case to challenge the proposed increases in the library rate, increases much higher than the average 4.5% proposed across all types of domestic mail.

Importance of the library rate. The library rate is used for mailing books and other library and educational materials among libraries, schools, colleges, museums, and other nonprofit entities at less than commercial rates. This same rate is used by libraries for interlibrary loans, delivery of books reserved by users, and books-by-mail programs which provide books for rural, isolated and homebound users. In rural areas especially, there are rarely alternative delivery mechanisms available.

Proposed increases. The new rates, if adopted, are expected to be implemented sometime between June and October 1998. The current and proposed USPS rate schedules and classification changes were published by the Postal Rate Commission in the July 23 *Federal Register*, pp. 39660-709. Although a table (p. 39661) states the library postal rate increase at 13.1%, the proposed rate changes are much higher in the standard mail rate schedules for the library rate (p. 39695).

Increase of 117.5% in a little more than 3 years. The proposed increases in the library postal rate come on top of a 69.9% increase in 1995—a marginal improvement over the 73.7% requested by USPS in the last rate adjustment. In 1995, a typical 3-lb. library rate package increased from \$1.14 to \$1.96. If the 1997 request by USPS were accepted, that same 3-lb. package would cost \$2.48 to mail—a 117.5% increase in a little more than 3 years.

ALA's participation. ALA is an intervenor in the rate case proceeding. With the assistance of the postal attorney who also represents the Alliance of Nonprofit Mailers, a coalition to which ALA belongs, the Washington Office has filed specific questions to the USPS and has interrogated USPS witnesses.

The litigation team working with the Alliance and ALA attempted for months to analyze the USPS data which the agency claims prove that the costs of nonprofit and library rate mail have increased much faster than the costs of commercial rate mail. The USPS claims that the costs to handle and deliver a nonprofit, letter-sized fundraising appeal have soared, while the costs of handling an identical commercial letter-sized advertising piece have dropped dramatically.

Something similar seems to be happening with the library rate. USPS has yet to explain how the library rate, a preferred rate, can exceed the commercial book rate for a piece of the same size, shape and weight. In one of its questions, ALA asked USPS to identify any audits, studies, changes in costing data and collection systems, and other efforts taken since the last rate case in 1994 to improve the accuracy of USPS attributable cost data for library rate mail. USPS responded: "There were no efforts directed specifically to measurement of the costs of Library Rate."

Consumer Advocate proposes lower library rates. In testimony filed on December 30, 1997, the PRC's Office of Consumer Advocate asked the Commission to reject the massive increases proposed for the library rate by the USPS. The Consumer Advocate found that the requested increases are based on scanty and unreliable cost data. Instead, the Consumer Advocate would base the library rate on cost data for the regular book subclass. Applying the library rate markup data to those costs would produce rates that are comparable to, or even lower than, the rates that are now in effect.

The Office of Consumer Advocate repeated its recommendation to the PRC on April 10 when it filed a document highly critical of the Postal Service treatment of library rate mail, stating that the requested rates "will result in the virtual elimination of library rate mail...a category of mail deemed worthy of special status by Congress and awarded preferential treatment by statute." The document stated, "The OCA does not see elimination of a preferred subclass as an appropriate method of ameliorating outrageous rate increases." The OCA further said, "Contrary to its claim on brief, in reality, it is the Postal Service's proposal which would have 'seriously detrimental rate results for the Library rate subclass.'"

ALA files brief endorsing the Consumer Advocate proposal. On April 1, ALA filed a brief with the Postal Rate Commission requesting that if the PRC determines that some rate changes are appropriate, then the Commission should adopt the cost method proposed by the PRC's Office of Consumer Advocate for the library rate mail, which would result in much less drastic increases. Further, ALA stated, "the Postal Service's failure of proof with respect to its overall revenue requirement warrants rejection of the entire rate request...."

ALA also joined the Alliance of Nonprofit Mailers and the Coalition of Religious Press Associations in filing a joint reply brief with the PRC on April 10 that asserted the rate changes proposed by the Postal Service should be denied. The three organizations argued that the Postal Service's favorable financial performance this year has demolished the financial projections underlying USPS' rate request increases.

Congressional developments. Rep. John McHugh (R-NY), chair of the House Postal Service Subcommittee (under the Government Reform and Oversight Committee), requested public input this spring on a revision to his postal reform bill (H.R. 22). The Alliance of Nonprofit Mailers and ALA recommended that all future changes in nonprofit postal rates be limited to the same percentage as the corresponding commercial rate, assuming that legislation also requires the library rate to be set at enactment at an appropriate percentage below the commercial book rate. This would be a fair and easily understood solution which would vastly simplify future postal rate proceedings. ♦

For further information contact:
Anne Heanue (ext. 209)

1301 Pennsylvania Avenue NW, Suite 403
Washington, D.C. 20004-1701
800 941 8478 phone 202 628 8419 fax

alawash@alawash.org
www.ala.org/washoff

Library Associations' Present Legislative Proposal on Depository Library Law

As Congress began considering various options to revise the law governing government printing, information dissemination and depository libraries, the American Library Association organized an inter-association working group to develop a legislative proposal to amend the Depository Library Act (44 USC 19). The proposal, delivered to Congress in early June 1997, included a draft bill, the **"Federal Information Access Act of 1997,"** which proposes a comprehensive rewrite of chapter 19.

In December 1997 and March 1998, the working group sent revised legislative proposals to Congress with changes resulting from discussions and developments during the past nine months. The **"Federal Information Access Act of 1998"** would:

- ◆ Enhance public access to government information in all formats from all three branches of government;
- ◆ Strengthen the Federal Depository Library Program to improve public access to government information;
- ◆ Ensure that the public has continuous and permanent access to electronic government information.

Highlights of Library Proposal:

- ◆ Recommends changing the name of the Federal Depository Library to the Federal Information Access Program, and the name of participating libraries to federal information access libraries.
- ◆ Allows for more flexibility in the library designation process.
- ◆ Includes important provisions necessary to ensure that the program will function efficiently and effectively in the electronic age.
- ◆ Clarifies through new definitions that the scope of the program includes government information in all current or future media formats from all three branches of government.
- ◆ Reinforces the requirements that all government information products should be provided for no-fee public access through depository libraries.
- ◆ Proposes elevating the office of the Superintendent of Documents to a presidential appointment.
- ◆ Proposes that the Superintendent of Documents be vested with authority to develop regulations and to coordinate the adoption of standards and guidelines to implement the Federal Information Access Program.
- ◆ Confers on the Superintendent of Documents a new responsibility for coordinating continuous and permanent public access to electronic government information products, extending the role traditionally performed by the regional depository libraries into the electronic age.

The draft bill is on the IAWG web site at <http://www.lib.berkeley.edu/GODORT/iawgpage.html>

(over)

Additionally, the following recommendations were made for inclusion in other chapters of the revised Title 44 *USC* in order to best serve the interests of the American public:

- ◆ Continue strong congressional oversight of government information policies and practices, including an annual hearing on agency compliance with the provisions of Title 44, and the bipartisan, bicameral support that the Federal Depository Library Program has enjoyed from dedicated members of the Joint Committee on Printing.
- ◆ Create mechanisms to enforce compliance with the provisions of the law in each branch of government, and develop a uniform, coordinated set of regulations and guidelines to govern printing, dissemination and public access.
- ◆ Develop government-wide standards, policies, and guidelines to assist agencies in all three branches of government to recognize their responsibilities for the life cycle of electronic government information.
- ◆ Provide a central appropriation through the Superintendent of Documents that is sufficient to maintain the program at the level necessary to comply with the statutory requirements of this law and the new costs brought about by electronic technologies.

Goals for Revising Title 44 Developed:

The library organizations and Congress share the commitment to revise Title 44 to improve the public's ability to access and use information already paid for by their tax dollars. To achieve that end, the working group developed a set of Goals for Revising *USC* Title 44 to Enhance Public Access to Federal Government Information. The draft bill incorporates these goals:

- ◆ The law must broaden, strengthen, and enhance public access to all forms of government information.
- ◆ The law must strengthen the role of the Superintendent of Documents and the Federal Depository Library Program in providing public access to government information.
- ◆ The law must establish the affirmative responsibility of the federal government to preserve and provide permanent public access to its information, and to develop regulations and guidelines to ensure the authenticity of government information.

These goals and explanatory text can be found at
<http://www.lib.berkeley.edu/GODORT/iawgpg2.html#documents>

National Associations Working Together:

ALA and other library groups have participated actively in the policy debates with federal agency and congressional players. Recognizing that the use of new electronic technologies presents many new challenges and opportunities for the federal government, for libraries and users of government information, seven library organizations joined in the effort to develop a legislative proposal intended to improve public access to government information. These organizations are: the American Association of Law Libraries, American Library Association and representatives of several of its divisions and round tables, Association of Research Libraries, Chief Officers of State Library Agencies, Medical Library Association, Special Libraries Association, and Urban Libraries Council. ◆

For further information contact:
Anne Heanue (ext. 209)

1301 Pennsylvania Avenue NW, Suite 403
Washington, D.C. 20004-1701
800 941 8478 phone 202 628 8419 fax

alawash@alawash.org
www.ala.org/washoff

Public Access to Government Information

Message to Congress:

Work with librarians to strengthen and fund the Federal Depository Library Program. Libraries in nearly every congressional district are partners with Congress to ensure constituents no-fee public access to government information in print and electronic formats through the FDLP administered by the Government Printing Office. The Joint Committee on Printing is working on a proposal to revise Title 44 *US Code* governing the distribution of information through depository libraries. Library groups have developed a consensus legislative proposal, and ask that Congress work with librarians, the specialists in how the public uses government information, to strengthen and improve the FDLP. Legislative Branch appropriations fund the program, which needs the full \$30.2 million requested by GPO for FY99.

Background

For decades, Congress has been considering revising Title 44 of the *United States Code*, the statute that governs printing and public dissemination of government information. Several bills have been introduced in recent years in Congress that would revise this law, but none has been enacted. Currently, the staff of the Joint Committee on Printing is working on a legislative proposal to revise the printing and publication law. There are three main goals for reform of Title 44:

- ◆ Resolve constitutional issues regarding the appropriate roles of the legislative, judicial, and executive branches in the production of government publications and other printing,
- ◆ Improve efficiency and economy in the production of government publications and the printing of government materials, including increasing reliance on private sector procurement, and
- ◆ Enhance public access to government publications in the electronic era, while ensuring that a safety net exists for those without computer technology.

The Inter-Association Working Group

For the past year, as congressional staff and OMB officials worked on a legislative proposal, ALA and other library groups have participated actively in the policy debates. The Inter-Association Working Group on government information policy, organized by ALA in January 1997, developed a legislative proposal to revise the depository library law that was sent to Congress. (See the ALA Washington Office Issue Brief, "Library associations' present legislative proposal on depository library law" at <http://www.ala.org/washoff/fdlp.html>.)

The Inter-Association Working Group represents seven national library organizations: the American Association of Law Libraries, American Library Association and representatives of several of its divisions and round tables, Association of Research Libraries, Chief Officers of State Library Agencies, Medical Library Association, Special Libraries Association, and Urban Libraries Council. The goals, principles, and legislative proposal they have developed can be found at <http://www.lib.berkeley.edu/GODORT/iawgpage.html>

History

The public's right of access to government information is a cornerstone of our democratic society. Libraries in nearly every congressional district are partners with Congress in making sure their constituents have no-fee, public access to government information in print and electronic formats through the Federal Depository Library Program administered by the Government Printing Office. Legislative Branch appropriations make this possible.

Expert service is provided daily in the almost 1,400 depository libraries throughout the nation. These libraries invest funds for staff, space and equipment to provide the public with ready, efficient and no-fee access to government information. Libraries are equally committed to providing access to the broad and growing array of electronic products and services—all of which require a further investment in equipment, additional and highly trained technical staff, and greater service requirements to assist library users.

Congress and the Executive Branch have indicated that increasing amounts of government information will be made available electronically. Printing costs are likely to shift to the depositories which will be expected to access, download, and print documents for users who need them. Today printing costs are borne up-front by GPO through appropriated funds. Then the information is distributed through a centralized, coordinated government information program that has provided public access to government information for more than a century. Financially strapped libraries cannot necessarily assume the costs of printing millions of pages of government information.

Congress Considers Funding for Federal Depository Libraries

ALA Committee on Legislation Chair Patricia Wand testified in February before the House Appropriations Legislative Subcommittee chaired by Rep. James Walsh (R-NY). She supported the Public Printer's FY99 budget request of \$30.2 million for the Superintendent of Documents Salaries and Expenses appropriations, a slight increase over current funding. Most of these funds would be used to support public access to government information in multiple formats through the nation's nearly 1,400 Federal Depository Libraries. The Senate also has completed its hearings. Committee mark up is expected soon in the House Legislative Subcommittee.

Legislation Introduced to Put CRS Documents on the Internet

Bills introduced in the House and Senate would require the director of the Congressional Research Service to make accessible to the public, via the Internet, all information available through the CRS web site that is not confidential. This includes CRS issue briefs, reports, and authorization of appropriations products. The Senate bill, S. 1578, was introduced by Senator John McCain (R-AZ) in January. Rep. Christopher Shays (R-CT) is the principal sponsor of H.R. 3131, a similar House bill. Currently CRS does not have a publicly available Web site.

During its Midwinter Meeting, ALA passed a resolution about CRS publications urging that the Joint Committee on the Library, the Senate Rules and Administration Committee, and the House Oversight Committee take immediate action to assure that publicly released CRS reports and information products are distributed in a timely manner to the general public through Federal Depository Libraries and on the Internet.

GODORT prepares "Virtual Packet" for Legislative Day

The Government Documents Round Table (GODORT) of the American Library Association has a Web site with additional information at <http://www.lib.berkeley.edu/GODORT/legday98.html>

Other Issues and Programs

Other federal programs can have an effect on libraries. Further, library involvement helps forward the goals of many federal programs. *Messages for Congress:*

National Libraries

Library of Congress

- (1) **Fund the Library of Congress at the requested \$397 million for FY99:** The Library of Congress provides bibliographic, reference, preservation, and other services and expertise that support and coordinate with other libraries,
- (2) **Provide a permanent reauthorization for the Library's American Folklife Center (S. 1971), and**
- (3) **Support the Library's bicentennial plans** as a celebration of America's libraries.

National Agricultural Library

Fund the National Agricultural Library at least \$2.5 million above the President's level funding request of \$19 million: NAL cooperates with a network of other libraries to provide key materials on which the rural and scientific communities depend. NAL has cut services because it has had to service its collections at 1991 budget levels.

National Education Library

Fund National Education Library adequately as part of the Dept. of Education's Office of Educational Research and Improvement budget: This key educational resource emphasizes electronic linkages and backup to other libraries and resources in the field of education.

National Library of Medicine

Fund the National Library of Medicine adequately. The requested level is \$174,725,000 for FY99: NLM has recently made its MEDLINE database available at no fee on the Internet. Usage has skyrocketed; public and other libraries find it a health resource very popular with the general public.

National Commission on Libraries and Information Science

Fund National Commission on Libraries and Information Science at the requested level of \$1 million: In addition to advising Congress and the President on library and information policy and partnering on library research and statistics, NCLIS serves as the library advisory body to the Institute of Museum and Library Services.

Library Statistics and Research

Fund the Office of Educational Research and Improvement at the requested level of \$689.4 million, especially its statistics/research component: OERI's National Center for Education Statistics, in partnership with NCLIS, conducts surveys and publishes basic data on libraries that is used by libraries, educational institutions and all levels of government. Dept. of Education research institutes, such as the one on Postsecondary Education, Libraries, and Lifelong Learning, conduct needed research and disseminate results to improve practice.

National Endowment for the Humanities

Fund National Endowment for the Humanities at the requested level of \$136 million: Library eligibility and involvement in NEH's public programming, preservation assistance, state-based assistance, and challenge grants helps spread and preserve America's literary, historic, and social traditions.

Elementary and Secondary Education Programs

Fund adequately ESEA, the Improving America's Schools Act, and other el/sec education and technology programs: School library media centers and the librarians that staff them are a key part of student achievement efforts through provision of relevant reading materials, curricular support in print, audiovisual, and electronic formats, and the teaching of critical information skills.

Higher Education Act

Reauthorize and fund the Higher Education Act postsecondary education program: Academic libraries as a central part of advanced learning and a key support of academic research benefit from HEA. The college work-study program also provides library work opportunities, the opportunity to learn in-depth information-seeking skills, and potential career possibilities. The international education program assists some academic libraries in acquiring needed international and foreign-language materials.

Next Generation Internet

Fund Next Generation Internet at the requested \$110 million: Just as the ARPANET and NSFNET and NREN initiatives led to today's Internet and benefited educational institutions, libraries, and the public; NGI activities will produce leading-edge innovation with broad public benefits—if NGI is focused on applications research as well as bigger "pipes." ♦