



RESOLUTION ON THE LIBRARY OF CONGRESS FUND ACT OF 1992, S. 2748

WHEREAS, The Library of Congress, in addition to its mission to serve Congress, and its library service to researchers on site, provides essential national services to the nation's libraries which include provision of cataloging records, provision of free domestic interlibrary loans, online access to information files for state libraries and cooperative cataloging partners, promotion of reading and literacy through the Center for the Book and state affiliates, copyright registration and related services, and provision of national library service for the blind and physically handicapped; and

WHEREAS, ALA recognizes that some of LC's national library services are based on outdated 1902 statutory language authorizing the sale of surplus copies of card indexes and other publications—language which needs updating; and

WHEREAS, ALA understands that the General Accounting Office, in its audit of LC (GAO/AFMD-91-13), identified accounting weaknesses and the need to have authority for a revolving fund; and

WHEREAS, LC officials have, since first proposing to establish the LC fee-services fund in June 1990, met in a cooperative spirit with ALA representatives to discuss ALA's concerns about the proposed legislation and to consider suggestions for revision; and

WHEREAS, Some but not all suggestions for revision made by representatives of ALA and other library associations have been incorporated in S. 2748; and

WHEREAS, ALA identified four goals for its work with LC officials to suggest revisions to improve the legislation:

- 1) to ensure that core services continue to be provided at no cost, and that core services not be frozen in time but reflect changes in the field;
- 2) to ensure that national library products and services which should be provided at no more than distribution cost are not subject to full-cost recovery;
- 3) to ensure that fees are not a barrier to access; and
- 4) to ensure compliance with other applicable statutes such as depository library requirements and the copyright law;

now, therefore, be it

RESOLVED, That the American Library Association consider the following to be improvements that the Library of Congress has made to its fund legislation as a result of library community suggestions:

A new framework which provides a clearer delineation of three different kinds of Library of Congress products and services—core (no cost), national (distribution cost only), and specialized (full-cost recovery);

Clarification that depository library requirements are not modified, and that the Library is to continue to distribute publications to depository libraries as required by law;

A prohibition against redistribution fees on domestic end users of national library products and services;

Protection of reciprocal exchange agreements; and

Clarification that the copyright law is not modified or changed;

and, be it further

RESOLVED, That the American Library Association consider the following to be problem areas in S. 2748 as introduced on May 20, 1992:

The Library of Congress incorporated the new framework suggested by ALA but did not include all ALA recommendations to support the framework;

The placement by the Library of “electronic access to the contents of the collections” in the specialized full-cost-recovery category without consultation with the library community raises serious concerns as to how the Library will interpret and apply the framework;

Overarching problems, exacerbated by the addition of “electronic access...” to the full-cost recovery category, continue to be the difficulty of drawing the line between core and fee-based services, between distribution-cost-only and full-cost recovery, and how depository library requirements will be interpreted;

The protection against redistribution fees added at ALA’s request would apply only to domestic end users of national library products and services, and is too limited in light of the “electronic access...” language; and

Within the national library products and services category, the inclusion of both direct and indirect costs of distribution, and the very broad, inclusive, and unlimited list of distribution cost elements constitute major problems;

and, be it further

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RESOLVED, That in its work with the Library of Congress to improve the legislation, the American Library Association find that its four goals as enumerated above have not been fully met; and, be it further

RESOLVED, That the American Library Association recommend that Congress amend S. 2748 to achieve greater clarity in definitions, to more carefully define appropriate costs for different levels of service, to ensure that fees are not a barrier to access for the nation and its libraries to the national treasure which is the Library of Congress, and to ensure full compliance with all other applicable statutes, before taking action on the legislation; and, be it further

RESOLVED, That the American Library Association stand ready to be of assistance to Congress and to its Library in working to achieve these goals.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1992
(Council Document #20.7)