



NCLIS

U.S. National Commission on
Libraries and Information Science

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July 31, 2002

The Honorable Edward M. Kennedy
Chairman, Committee on Health, Education,
Labor and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510-6300

The Honorable Judd Gregg
Ranking Minority Member, Committee on
Health, Education, Labor and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510-6300

Dear Senators Kennedy and Gregg:

I am writing to you in my capacity as Chairperson of the National Commission on Libraries and Information Science (NCLIS) regarding S. 2611, a bill to reauthorize the Museum and Library Services Act, which is currently before your committee.

Prior to the introduction of the Senate bill, I expressed my unqualified support for reauthorization in written testimony submitted for the record of the April 10 hearing held by this Committee. In my testimony I indicated my support for Senate approval of H.R. 3784, the reauthorization bill reported by the House Committee, as a most efficacious means of assuring speedy enactment. At the same time, I asked that certain amendments to the statute under which NCLIS operates (20 U.S.C. 1501 - 1506) be included if the Senate were to proceed with the consideration of its own legislation. These provisions were designed to provide continuity for the Commission by continuing Commissioners' service until their replacements are appointed, redefining a quorum in terms of the actual number of Commissioners, rather than the total number authorized, and improving the operation of the Commission's authorized gift account. These provisions are consistent with those of many other Federal Boards and Commissions. I am pleased and grateful that these requests were accommodated in S. 2611.

I have recently learned that the Administration, speaking through the Director of the Institute of Museum and Library Services (IMLS), has indicated opposition to the NCLIS provisions in the Senate bill in a letter to the Committee dated July 18, 2002.

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This opposition is based on the OMB proposal to eliminate funding for the Commission that was submitted in the President's Budget for both FY 2002 and FY 2003. The Congress rejected this proposal last year by continuing funding for NCLIS. In the current year, the Senate Appropriations Committee has reported a bill that provides funding for the Commission in the upcoming fiscal year. This action is the only official action that has occurred on the Labor, Health and Human Services, and Education appropriation bill thus far.

I am grateful for the opportunity to address issues raised in the letter from IMLS Director Robert Martin to this Committee. To begin with, I want to emphasize what I said in my oral testimony defending our FY 2003 budget request before the House appropriations subcommittee. At that time, I confessed to being mystified at the proposal to eliminate the Commission. I remain mystified. The objectives of the Commission are wholly consistent with the beliefs and goals of the President and First Lady. The President has worked long and hard to develop policies and programs that will assure that no child is left behind when it comes to education. We know that libraries play a key role in meeting the educational needs of our Nation. Indeed, First Lady Laura Bush, a professional librarian herself, convened a White House Conference on School Libraries, where she described libraries as "places that are designed to enrich lives and learning." Libraries and information services are critical not only to our Nation's education system, but to its economic development and the life long learning of its people.

I remain hopeful that we can speedily put this proposal to eliminate the Commission behind us and instead move forward expeditiously with new appointments from the Administration. I take solace in knowing that there are a host of highly qualified individuals from throughout the Nation who have indicated to the White House their desire to serve on the Commission. Such individuals can strengthen the Commission and engage it in supporting the President's education initiatives. I also am heartened by the President's own words in his book, *A Charge To Keep*, where he describes his approach to appointments. He doesn't seek people who are trying to pad their resumes or seek a reward for prior political service; he wants those with demonstrated ability, with broad, not parochial, interests, and those with "strength of character to do the right thing even when it may not be popular." We currently have 10 vacancies on the Commission, and I yearn to see these vacancies filled with the type of individuals President Bush described in his book.

The letter from IMLS to the Committee says in part:

However, S. 2611 differs from H.R.3784 in that S.2611 includes amendments to the National Commission on Libraries and Information Sciences Act. ... The Administration does not support these amendments because they are not consistent with the President's FY 2003 budget

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request, which recommends no funding for the National Commission on Libraries and Information Science. The Administration believes that other Federal agencies can take on the responsibilities of the Commission that continue to be necessary, and that low priority activities should be eliminated so that resources can be directed to high priority activities that will strengthen our Nation's libraries.

In my testimony before the House appropriations subcommittee I rebutted the Administration's claims. I pointed to a long record of accomplishments of the Commission. I expressed my opinion that there were no other agencies that could "take on the responsibilities of the Commission" and, if there were, funding for such responsibilities would still be required and statutory changes would need to be enacted by the Congress to effect the transfer of authority.

When the original sponsors of the legislation to create the Commission introduced their bill more than three decades ago, they recognized the key role that libraries and information services played in all aspects of the lives of the citizens. They also recognized the need for an independent voice to articulate the needs of those citizens. We are grateful to all those sponsors and recognize that three such sponsors, including you, Chairman Kennedy, still serve in Congress today; Senator Ted Stevens and Representative Patsy Mink complete that group.

The Commission is an independent agency in the Executive Branch, given the unique assignment of "advis[ing] the President *and the Congress* on the implementation of national policy by such statements, presentations, and reports as *it* deems appropriate" [emphasis added]. It is abundantly clear in the legislative history—both from committee reports and floor debate—that Congress intended the Commission to be completely independent and to issue its reports without any prior clearance by any other entity. A more complete discussion on the independence of the Commission from my recent testimony before the House appropriations subcommittee is attached.

No other Federal agency currently has the authority to provide independent advice on the information needs of the American people. IMLS cannot provide independent advice to the Congress, even on matters within its jurisdiction. Dr. Martin's letter to the Committee indicates that it was sent only after approval by the Office of Management and Budget (OMB). His testimony on the reauthorization of the Museum and Library Services Act was also cleared by OMB.

Supporters of the continuation of the Commission frequently cite its independence as a major benefit. For example, the Software and Information Industry Association wrote to the House and Senate appropriations committees earlier this year stating:

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As we are still in the early years of the Information age, brought on by the Internet and other new information technologies, there is a critical need to examine policies pertaining to electronic publishing, dissemination and such new initiatives as digital libraries. The mission, experience and independence of NCLIS make it an ideal organization to pose policy recommendations regarding the impacts of new technologies on the public, libraries and information policy.

Similarly, the American Library Association, also writing to the appropriations committees in support for FY 2003 funding for the Commission, said:

The Commission was established in 1970, as a result of the combined wishes of a majority of library sectors, including our Association and a number of state library agencies, all of whom felt it was critical to create an independent agency to monitor the Nation's library resources and advise Congress on their adequacy, and whether the resources met the needs of the people of the United States.

The Institute of Museum and Library Services administers Federal funds for libraries and museums. Its responsibilities are complementary to the Commission, not duplicative. By statute, the Commission is assigned other obligations: conducting research on the information needs of the public; appraising the adequacies and deficiencies of current resources; developing overall plans for meeting the information needs of the people; advising the Congress and the President, as well as Federal, State, local and private agencies on these matters; promoting research and development activities; and publishing recurring and special reports. IMLS could not assume the responsibilities of the Commission without a substantial revision to its authorizing statute and additional funding.

Furthermore, the responsibilities of the National Museum Services Board (NMSB) and its proposed successor, the National Museum and Library Services Board (NMLSB), are limited to advising the Director of IMLS with the respect to the duties, powers and authority of the Institute. The NMSB and the proposed NMLSB have no authority to provide policy advice to the Congress, the President or any other agencies or organizations. NCLIS has this authority and this responsibility.

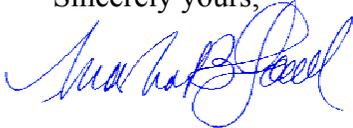
The priorities of the Commission are determined by its members, sometimes in response to requests from the Congress or the Administration or suggestions from other organizations. The Commission's *Comprehensive Assessment of Public Information Dissemination*, published last year, was requested by Senators McCain and Lieberman in response to recommendations in a Commission-initiated study on the Clinton Administration's proposal to close the National Technical Information Service. The members also bring their own expertise to the Commission and direct its

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priorities based on their own awareness of issues or events. The current initiative on the role of libraries in disaster preparedness and emergency response was initiated by a Commissioner, as were recent hearings on kids and the Internet, information services for individuals with disabilities and school libraries. The best way for the Administration to influence the priorities of the Commission is by appointing well qualified individuals and requesting adequate funding for the priorities they establish.

The appointed members of the Commission join me in requesting that you retain the provisions of S.2611 that make modest technical amendments to the statute governing the Commission and reaffirm its value to the Congress and to the Nation by ensuring that it continues as an independent voice on the information needs of the American people and how best to met them.

Sincerely yours,



Martha B. Gould
Chairperson

CC: Members of the Senate Committee on Committee on Health, Education,
Labor and Pensions

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The Honorable Christopher Dodd;
The Honorable Tom Harkin;
The Honorable Barbara Mikulski;
The Honorable Jim Jeffords;
The Honorable Jeff Bingaman;
The Honorable Paul Wellstone;
The Honorable Patty Murray;
The Honorable Jack Reed
The Honorable John Edwards;
The Honorable Hillary Clinton
The Honorable Bill Frist;
The Honorable Michael Enzi;
The Honorable John Warner;
The Honorable Kit Bond;
The Honorable Pat Roberts;
The Honorable Susan Collins;
The Honorable Jeff Sessions;
The Honorable Mike DeWine