

Testimony of
Hon. Martha B. Gould
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Washington, DC

Before the
Health, Education, Labor, & Pensions Committee
United States Senate

Hearing on Reauthorization of the Institute for Museum and Library Services
April 10, 2002

Mr. Chairman, and Members of the Committee:

I am grateful for the opportunity to submit testimony for consideration by the Committee. I am Martha B. Gould, Chairperson of the National Commission on Libraries and Information Science. At the time of my retirement in 1995, I was the Director of the Washoe County Public Library in Reno, Nevada, where I continue to maintain my residence.

President Clinton appointed me to the Commission in 1994 and reappointed me in 1998. Shortly after joining the Commission, I was designated Vice Chair and I worked closely with our Chairperson, Jeanne Hurley Simon. Jeanne—along with her husband, Senator Paul Simon—was a tireless activist for libraries and the people who use them. Shortly after her death in February 2000, I was named by President Clinton to chair this Commission.

I graduated from library school in the days before federal aid to libraries. I cheered the passage of the original Library Services Act in 1956, and I have been personally involved in advocacy on behalf of that legislation as it matured and changed over the years. I worked side by side with Jeanne Simon in 1995 and 1996 to secure the passage of the legislation in its latest form, the Library Services and Technology Act as part of the Museum and Library Services Act, which your committee is examining today. Some would argue that Jeanne played an indispensable role in the final passage of the law.

As reauthorization efforts took shape over the past year or two, the Commission maintained a vigorous involvement. The library community organized a task force on the reauthorization, and while the Commission, as a government agency, did not formally join the task force, representatives of the Commission attended most of the task force meetings as observers. Recommendations made by the Commission observers were

frequently incorporated in the work of the task force. The Commission supports the consensus legislation that was developed by the task force and to a large extent incorporated in the legislation now proceeding through Congress. The Commission believes that it is too soon to recommend any substantive changes to the significant modifications contained in the legislation enacted in 1995. On the other hand, it is appropriate to begin assessing the results of these changes and therefore it is reasonable to include in the reauthorization an explicit call for such assessment.

Please be assured that the legislation to reauthorize the Museum and Library Services Act, as reported out of the Committee on Education and the Work Force in the House of Representatives (H.R. 3784) receives my full support. If that bill passes the House without amendment, and it is the wish of the Senate to pass it with no further amendment, you will find no stronger supporter of such action than I.

However, I recognize that the Senate may wish to make one or more amendments, and under those circumstances, I would ask that you consider some of the concerns I will raise in this testimony.

Background

For reasons that still mystify me, the Office of Management and Budget (OMB) has proposed the elimination of the National Commission on Libraries and Information Science. I have discussed this issue in detail in testimony before the House Appropriations Subcommittee on Labor, HHS and Education. I am submitting a copy of that testimony for the record, but do not request that it be included in the printed record inasmuch as it will appear in the House Appropriations Committee hearing record*.

The essence of the OMB position is that NCLIS is “duplicative or ineffective,” has “failed to have a significant effect on public policy,” and “other agencies can take on the responsibilities of NCLIS....” The former claims are made without any supporting facts and the latter is made without recommendations for legislation that would transfer responsibilities to, or provide funding for, the “other agencies.” In my testimony before the House subcommittee, I provided extensive information about NCLIS accomplishments and contributions and also described the funding needed to continue and enhance the Commission’s work.

Let me take just a moment to describe what NCLIS is and what it does. I approach this task with some hesitancy recognizing that Chairman Kennedy has a long and deep understanding of the Commission. He is one of the original sponsors of the legislation that established the Commission in the 91st Congress, and one of three original sponsors that still serve in the Congress (Senator Ted Stevens and Representative Patsy Mink are the others.)

* The NCLIS testimony is available at <http://www.nclis.gov/news/FY2003.Appropriations.Testimony.pdf>; the Appropriations Justification is at <http://www.nclis.gov/news/FY2003AppropriationsJustification.pdf>.

In 1970, Congress affirmed a policy “that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation’s educational resources and the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services.” (15 USC 1501) It established the Commission and gave it “primary responsibility for developing or recommending overall plans for, and advising governments and agencies on, the policy.” The Commission is composed of the Librarian of Congress, The Director of the Institute of Museum and Library Services, and fourteen individuals appointed by the President with Senate approval who serve five-year terms. Members of the Commission normally meet about four times a year.

Congress enumerated specific functions for the Commission: 1) advising the President and Congress on policy; 2) performing research on the information needs of the Nation; 3) assessing the current state of library resources, services and programs; 4) developing and coordinating plans at all levels, Federal, State and local; 5) advising government and private agencies of any type on library matters; 6) promoting library and information science research and development; 7) preparing an annual report; and 8) publishing additional reports as we deem necessary. Also, we are assigned the role of advising the Director of the Institute of Museum and Library Services. We have the authority to enter into contracts and hold hearings. Other Federal agencies are directed to cooperate with us in carrying out our responsibilities. These assignments all appear in 15 USC 1504.

I should emphasize that this work is done for the American people very inexpensively. If the Commission receives its full FY 2003 funding request of \$2.8 million, it will cost each American about a penny a year.

There are two topics that I would like to ask the committee to consider in relation to the Museum and Library Services Act. The first is the means for providing advice to the Director of the Institute of Museum and Library Services (IMLS). The second concerns technical changes in the enabling statute for the Commission that would ameliorate some of the difficulties faced by us as a result of the OMB proposal to eliminate NCLIS.

Advising the Director of IMLS

In passing the Museum and Library Services Act, the Congress called on two pre-existing bodies, the Commission, which I chair, and the National Museum Services Board, to provide advice to the Director of IMLS, individually on matters within their respective jurisdictions and jointly on matters involving library-museum collaboration. These two entities are similar, in that they are composed of citizens appointed by the President with Senate confirmation. They differ in that the Commission is an independent agency with its own organic powers, able to advise any agency or organization, whereas the Board is an entity within the Institute that provides advice only to the IMLS Director.

Because of the uncertain fate of the Commission, the House bill does not continue this advisory mechanism. Rather, it calls for a new advisory board modeled solely on the

Museum Services Board and including members who came from both the museum and the library communities. NCLIS would still exist under this legislation but would have no statutory requirement to advise the IMLS Director directly nor to meet with the newly established board. (The broad authority of the Commission under 20 USC 1504(a)(5) “to advise Federal, state, local, and private agencies regarding library and information sciences” would still permit NCLIS to examine IMLS activities.)

I do not believe such a new advisory board is needed. The existing arrangement, which was strongly endorsed in 1995 by my predecessor and the Director of the Institute of Museum Services (who became the first IMLS Director), provides an acceptable way for the IMLS Director to receive valuable input. An advisory board within an agency is prone to simply be a sounding board that listens to staff presentations; it may offer useful ad hoc reactions, but does not pursue in-depth examination of the programs of the agency. An advisory mechanism with an independent status is able to explore issues much more broadly.

Nonetheless, if the Congress determines that an in-house advisory mechanism as envisioned in the House bill is appropriate, I would offer one suggestion. Rather than create this board of ten individuals from the library community and ten from the museum community, the Congress may wish to consider having a smaller number of institutional representatives, say five or so from each, and populate the rest of the board with representatives with broader perspectives who comprehend how libraries and museums can work together to meet the information and cultural needs of their communities. Such composition may militate against developments where the interests of one group are positioned against the interest of the other and may instead bring to the fore the broader interests of the people.

Technical Amendments

I would like to discuss very briefly some technical amendments to the NCLIS statute that would insure the Congressional intention regarding the permanent and independent role of the National Commission on Libraries and Information Science. I discussed these concepts in my testimony before the House Appropriations subcommittee, but emphasized that these changes should appropriately originate with our authorizing committees. I am therefore grateful that I have the opportunity to present these provisions to this committee.

I hope you can understand how unsettling it has been to both the members and staff of the Commission to carry forward the substantive work of the Commission while also dealing with Administration proposals to eliminate our agency. I am not implying that the Commission should be immune to any action that might eliminate it. When President Bush signed the FY 2002 Appropriation, I issued a statement in which I indicated that it was quite appropriate for any public agency’s continued existence to be examined. NCLIS welcomes periodic review of its activities and recognizes that if it no longer performs the mission assigned to it by law, it should be eliminated. I do, however, believe that such review should come through the authorizing process.

Congress established the Commission as a permanent entity not subject to periodic reauthorizations, but it is always in order for Congress to conduct oversight of our programs and accomplishments. I believe the Commission's record justifies its continued existence and welcome any examination of this record. The testimony presented in support of our budget request and provided with today's testimony discusses this record in depth.

I also believe there are many in Congress who continue to see the need for an independent Commission. The Senate Appropriations Committee report on the Commission funding last year stated, "The Committee is considerably disturbed over the administration request to terminate this Commission at a time when information science and management continue to spur the economic growth of the Nation." (Senate Report 107-84, p. 346)

However, when an agency as small as the Commission must devote scarce resources to repeated proposals to do away with it through the appropriations process, the ability to do the real work of the Commission is seriously eroded. By adopting the following technical amendments, the Congress can declare its support for an independent Commission and indicate that indirect means of eliminating the Commission will not be acceptable.

First, therefore, we would propose that in the future the Commission submit its budget request to OMB in the normal course of events and that the amounts be forwarded to Congress without revision. This procedure is recognized in Section 25.1 of OMB Circular A-11, "Preparing and Submitting Budget Estimates." The budget of at least one other commission, the International Trade Commission, is handled this way. The process seems especially appropriate for an independent entity that is designed to serve both Congress and the President.

Second, the Commission needs to be assured of continued activity even during times when the White House is slow to appoint new members. Currently, while the Administration has a proposal in front of Congress to eliminate the Commission, the Office of Presidential Personnel has been disinclined to process any appointments to the Commission (despite, I should note, a good number of talented individuals who have made known to the White House and to me their interest in serving on the Commission.)

Under our current statute, the terms of Commissioners expire on a date certain. A 1991 amendment to the law allowed such terms to continue an extra year if the President had not appointed a replacement, but at the end of the year, the term ends. Because there have been no appointments in the current Administration and because the last Administration was slow to make appointments in the final year, there are now eight vacancies on the Commission.

We would ask that our statute be amended to continue the terms of Commissioners until the President has appointed a replacement. This approach is consistent with provisions in other statutes dealing with boards and commissions in the federal government (including

the language in H.R. 3784, regarding the proposed new advisory board in IMLS). We would also ask that the definition of a quorum that is in our statute be clarified so that a quorum is a majority of the commissioners in office. We currently operate under a legal opinion from the Department of Justice that defines a quorum as a majority of the number of authorized Commissioners, whether or not every position is filled.

Finally, we seek slight modification of the provision in our statute that authorizes our gift fund. Specifically, we want to clarify our ability to seek contributions and to invest them in the name of the United States. We also want it clear that we can accept services as well as property. These provisions are consistent with other federal statutes and are specifically modeled on the law relating to the Institute of Museum and Library Services.

Conclusion

I am grateful for the opportunity to submit this testimony. If members of the committee wish me to answer any questions, I would be pleased to submit answers for the record. I want to assure you once more of my unqualified support for the continuation of the Museum and Library Services Act, and I urge you to approve the reauthorization legislation as quickly as possible. Thank you.