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12/30

APPROVED  
DEC 31 1974

THE WHITE HOUSE  
WASHINGTON

ACTION

Last Day: January 4\*\*

December 30, 1974

*Put in Calendar 12/31/74  
To Archives 1/3/75*

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Resolution S.J. Res. 40  
White House Conference on Libraries  
and Other Educational Amendments

Attached for your consideration is S.J. Res. 40, sponsored by Senator Pell, which:

- authorizes a White House Conference on Libraries not later than 1978,
- modifies the "Buckley amendment" governing access to student records at educational institutions, and
- amends Title IX of the Education Amendments of 1972 to permit traditional single sex youth organizations, social fraternities and sororities.

Highlights of the provisions contained in this resolution are:

White House Conference on Libraries

This resolution would authorize up to \$3.5 million and requests that the President convene a White House Conference on Libraries and Information Services not later than 1978. In 1973 you sponsored H.J. Res. 734 (similar to S.J. Res. 40) requesting such a conference.

\*\* Action is recommended by December 31st so that revised regulations can be published by January 3rd, the date on which education institutions must comply with existing law pertaining to release of student records.

The Administration has opposed this legislation on the basis that while in certain circumstances, a White House Conference may serve a need for the exposure and examination of critical and neglected problems of national concern, there is no need for convening a White House Conference in this area.

Since the resolution is only an authorization, the determination as to whether the conference should actually be convened can be made at a later time in connection with the appropriations process.

#### Buckley Amendment

Provisions in this resolution would set limits on student access to all of the records maintained on them by an education institution. Certain records, such as letters of recommendation, financial statements and other confidential recommendations, would be exempted from access by the student.

#### Title IX

The amendments to Title IX contained in this resolution are similar to the corrective draft legislation recently submitted to Congress.

They exempt from Title IX, membership practices of tax-exempt social fraternities of sororities whose members consist primarily of students at institutions of higher education, thus continuing coverage for alumni groups.

Although this resolution does not remove all of the difficulties pertaining to the Family Educational Rights and Privacy Act of Title IX and further corrective legislation will need to be developed, the proposed amendments will be of great benefit to HEW and the education community.

Paul O'Neill (OMB) recommends approval and provides you with additional background information in his enrolled bill report (Tab A).

RECOMMENDATIONS

HEW, OMB, Goldwin, Areeda and Friedersdorf recommend approval.

DECISION - S.J. Res. 40

Sign (Tab B) NR7

Pocket Veto \_\_\_\_\_  
(Prepare memorandum of  
Disapproval)



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 29 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 40 - White House  
Conference on Libraries, and other educational  
amendments  
Sponsor - Sen. Pell (D) Rhode Island

Last Day for Action

January 4, 1975 - Saturday. Action is recommended before  
January 3, the date on which educational institutions must  
comply with any request for access to students' records  
under the terms of the existing law.

Purpose

Authorizes and requests the President to call a White House  
Conference on Libraries and Information Services not later  
than 1978; contains two riders amending laws (1) governing  
access to student records at educational institutions, and  
(2) prohibiting sex discrimination at educational institutions.

Agency Recommendations

Office of Management and Budget	Approval
Department of Health, Education, and Welfare	Approval
National Commission on Libraries and Information Science	Approval
Domestic Council Committee on Privacy	Approval
General Services Administration	Approval (White House Conference provisions)
Civil Service Commission	Approval (personnel provisions)
Department of Justice	No objection
Commission on Civil Rights	No comment (informally)

Discussion

Senate Joint Resolution 40 originally was a measure which  
only would have authorized and requested the President to  
call a White House Conference on Libraries and Information

Services. In the waning days of the 93rd Congress, two significant riders of an educational nature were added to amend existing law in two areas, both of which have been the subject of widespread debate and controversy.

The first of these would amend the Family Educational Rights and Privacy Act (Section 513 of Public Law 93-380, the so-called "Buckley Amendment") to revise and clarify the intent of Congress with respect to this major new area of legislation regarding the rights of individual students and parents to access to educational records. The original provisions were added as a floor amendment when the Senate last May was considering H.R. 69 (the "Education Amendments of 1974"), without the benefit of congressional hearings or committee reports. Subsequently, serious questions have been raised by educational administrators and others with respect to several issues, such as the effect of the provisions on existing letters of recommendation in students' files which were submitted with the understanding of confidentiality, and students' access to their parents financial statements submitted in connection with applications for scholarships and other aid.

The second rider would amend Title IX of the Education Amendments of 1972 (P.L. 92-318), which prohibits sex discrimination in any Federally-assisted educational program or activity. The draft regulations to implement this law--only recently issued by HEW--have received widespread attention, and have raised concern with respect to the effect of this statute on youth organizations such as the traditionally single-sex Boy Scouts and Girl Scouts, as well as on social fraternities and sororities.

#### Major Provisions of S.J. Res. 40

White House Conference on Libraries and Information Services.--  
S.J. Res. 40 would authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, to develop recommendations for the improvement of libraries and information centers and their use by the public. The Conference would be composed of local, State, regional, and national institutions, agencies and organizations which provide library services; representatives of educational and scholarly agencies, organizations and institutions; persons with special knowledge of technology related to library services; and representatives of Federal, State, and local governments and the general public.



Planning and direction of the Conference would be carried out by the National Commission on Libraries and Information Science (NCLIS), an independent executive branch agency established in 1970. NCLIS would be authorized to make technical and financial assistance available to States to enable them to prepare for participation in the Conference.

A 28-member advisory committee would be established to assist in planning and conducting the Conference, of which 15 members would be appointed by the President.

Following the Conference, a report would be submitted to the President and the Congress, and the President would be required to submit to the Congress his recommendations regarding the report. The enrolled resolution would authorize the appropriation -- without fiscal year limitation -- of "such sums as may be necessary" to carry out the joint resolution, but not to exceed \$3.5 million.

The Administration had opposed this legislation on the basis that while in certain circumstances, a White House Conference may serve a need for the exposure and examination of critical and neglected problems of national concern, there is no need for convening a White House Conference in this area. Existing forums--such as the NCLIS, professional associations, civic groups, and governmental and legislative processes at all levels--are already providing an adequate opportunity for the identification and discussion of issues and ideas.

In commenting on this section of the enrolled resolution, HEW indicates in its attached views letter that there are a number of facets of S.J. Res. 40 which mitigate the basis of its previous opposition.

"First, the bill is only an authorization and not a mandate that such a Conference be held. The determination as to whether the Conference should actually be convened can be made at a later time in connection with the appropriations process. In view of present fiscal constraints, the Department does not plan to request funds for this activity. Furthermore, the maximum amount of the authorization has been reduced from the \$10,000,000 in the Senate version of the bill to such sums as may be necessary not to exceed \$3,500,000....



"Second, the resolution calls for the active involvement of the States in preparing for the Conference....Should the Conference actually take place, this emphasis on State involvement could serve as a useful means of demonstrating the ability of the States to provide leadership in this field, the development of which has been a major goal of the Administration's policy with respect to libraries."

Family Educational Rights and Privacy Act amendments.--  
Section 2 of S.J. Res. 40 contains a series of amendments to the Family Educational Rights and Privacy Act (FERPA), designed to correct deficiencies in the current law. These amendments and HEW's views on them are explained in detail in the attached letter from the Department.

The amendments deal principally with defining what records are to be available to students, their parents, and others; the effective date after which files are to be accessible; and an expansion of the number of individuals who would have access to a student's files. Current law either does not treat these issues or does so in an ambiguous fashion; the enrolled resolution would clarify it in response to heavy public criticism.

For example, current law does not provide--in the view of some in the educational community--an adequate definition of "education records." S.J. Res. 40 would attempt to correct that problem.

FERPA currently gives students access to all of the records maintained on them by an educational institution. Provisions of the enrolled resolution would set limits on this access, by exempting such records as parental financial statements submitted for the purpose of securing scholarships or other aid; any letters of recommendation which were placed in the student's file prior to January 1, 1975; and confidential recommendations to which the student has waived his rights of access.

Current law also contains a list of officials and circumstances with respect to which the prohibition on the release of records does not apply. This would be expanded to exempt from such prohibition the following additional categories:

-- State and local officials to whom information in education records is specifically required to be reported



or disclosed pursuant to State statute enacted before November 19, 1974 (the effective date of FERPA); however, this exception would not prevent a State from further restricting access to education records.

-- organizations conducting studies on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies will not permit the personal identification of students and their parents by persons outside the organization and if the information is destroyed when no longer needed.

-- accrediting organizations.

-- parents of a dependent student as defined in section 152 of the Internal Revenue Code.

-- information necessary to protect the health or safety of the student or other persons in connection with an emergency.

There are various other amendments in Section 2 of S.J. Res. 40 described in HEW's letter such as authorization for educational institutions to release "directory information" (student's name, address, phone number, major field of study, etc.), if public notice is given of the categories of information proposed to be made available and students or parents are given a reasonable time to inform the institution that such information should not be made available.

HEW indicates its satisfaction with the bulk of the amendments proposed in Section 2. The Department bases its approval as follows:

"In the course of implementing the Family Educational Rights and Privacy Act (FERPA).... a large number of postsecondary educational institutions have raised serious objections to the fact that many documents in their files which were formerly considered confidential would now be fully available to students under FERPA. For those reasons, the amendments to FERPA provided in Section 2 of the enrolled bill were agreed upon between Senator Buckley and Senator Pell. Those amendments resolve most of the problems which the Department has encountered in developing regulations to implement FERPA."

HEW notes, however, that problems still remain. For example:

-- The exceptions from the types of records that are covered include the records of a school law enforcement unit, but only if such records are not transferred to anyone outside of that unit. This limitation may cause problems with regard to cooperation between law enforcement units.

-- The provisions respecting confidential documents and waiver of rights of access to such documents apply only to postsecondary institutions, and not to elementary and secondary schools.

-- A modification of FERPA in S.J. Res. 40 would prohibit HEW from assigning any functions, other than the conduct of hearings, to the Department's regional offices. This provision is an undesirable limitation on the Secretary to use such offices if he were to determine that they could assist in administering the Act.

Amendments to Title IX of the Education Amendments of 1972.--  
Subsequent to issuance of HEW's draft Title IX regulations relating to sex discrimination in educational activities, public response indicated serious concern with regard to how this law would be applied in three specific areas: (1) social fraternities and sororities, (2) youth organizations--such as the Girl Scouts and Boy Scouts--which traditionally have been single sex, and (3) physical education activities at schools and colleges.

Section 3 of S.J. Res. 40 is similar to corrective draft legislation which HEW recently submitted to the Congress.

-- It would exempt from Title IX membership practices of tax-exempt social fraternities or sororities whose members consist primarily of students at institutions of higher education, thus continuing coverage for alumni groups. The HEW bill would have exempted clubs or similar organizations as well as fraternities and sororities "associated with or recognized by an educational institution."

-- It would exempt youth organizations on a somewhat narrower basis than the Administration's proposal in that S.J. Res. 40 would apply only to the membership practices of such organizations, whereas the HEW bill would have exempted from Title IX all of the program activities of such organizations.

HEW did not address the issue of physical education activities in its proposed legislation, since the Department believes this issue can be resolved through its regulations under present law. S.J. Res. 40 is also silent with respect to this issue.

In commenting on this provision of S.J. Res. 40, HEW states

"...Even with these differences, however, the title IX amendments...are fully acceptable to the Department and will be extremely useful in resolving a number of very difficult questions that have arisen in the development of regulations to implement title IX. As in the case of the amendments to FERPA, if the amendments to title IX are not enacted, the Department will be in the anomalous position of having to issue regulations reflecting policy with which neither we nor the Congress agree."

#### Recommendations

HEW strongly urges approval of the enrolled resolution. The Department's letter concludes:

"In summary, we feel that the amendments added to S.J. Res. 40 concerning FERPA and title IX are of such benefit to the Department and to the education community that they far outweigh the undesirable features of the resolution itself."

The National Commission on Libraries and Information Science, the Domestic Council Committee on Privacy, CSC, and GSA also recommend approval. The Justice Department has no objection to approval.

\* \* \* \* \*

While we concur with HEW's comments with regard to Section 2 (student records) and Section 3 (sex discrimination) of S.J. Res. 40, we are not as sanguine as the Department that a White House Conference on Libraries can be avoided if the resolution is approved. Its approval will create expectations and very heavy public pressure for a White House Conference of dubious need. We are aware of no other instance in which a White House Conference has been authorized but never convened. Moreover, congressional advocates will likely provide funds for this purpose, regardless of whether HEW requests them.

More importantly, if the Conference is held, it will be at once an acknowledgement of an important Federal responsibility for library programs and a national forum for recommending a major expansion in Federal support.

We are also concerned with regard to Section 2 of the enrolled resolution. Reaction in the educational community subsequent to initial passage of FERPA indicates that there are many problems inherent in this sensitive area. These problems become even more difficult when we attempt to legislate new due process rights without adequate consideration in the form of congressional hearings, which could provide the forum for all points of view. It is clear that the provisions in this bill do not remove all of the difficulties contained in FERPA and that additional amendments will have to be seriously considered.

If S.J. Res. 40 had become enrolled at a time when the Congress was in session, we would have recommended a veto on the basis that major legislation of this type should not be enacted in such a haphazard fashion. With the sine die adjournment of the Congress on December 20, however, such a course of action is more difficult. FERPA became effective on November 19, 1974, and contained a provision giving schools 45 days to comply with any request. Schools must therefore comply with the current provisions of law as of January 3, 1975.

At this juncture there are two possible courses of action:

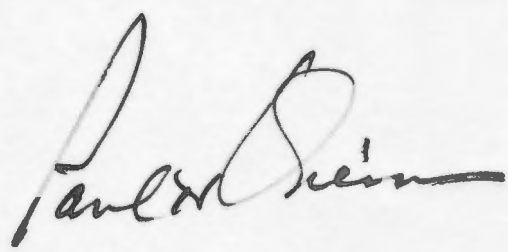
Alternative 1--Approve the bill; resist any attempt to fund the White House Conference; and develop further corrective amendments.

This would minimize the confusion among colleges and universities and secure some significant improvements in FERPA and Title IX now.

Alternative 2--Withhold your approval; request the Congress upon its return on January 14, 1975 to take immediate action to delay precipitous implementation of the FERPA provisions and to proceed with hearings on amendments to the law in a careful and considered manner. While this would result in a period of uncertainty, it would also (a) place responsibility for remedying a poorly drawn law where it belongs and (b) eliminate the authorization for a White House Conference which could increase pressure for a greatly expanded Federal library program.

OMB Recommendation

On balance we recommend approval since the amendments to FERPA contained in S.J. Res. 40 clearly improve the earlier statutes and because there is a chance of avoiding the unnecessary White House Conference while reducing substantial confusion in colleges and universities.

A handwritten signature in black ink, appearing to read "Paul W. Simon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Acting Director

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 899

Date: December 29, 1974

Time: 2:30 p.m.

FOR ACTION: Roger Semerad  
Max Friedersdorf  
Phil Areeda *sign*

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 10:00 a.m.

SUBJECT:

Enrolled Resolution S.J. Res. 40  
White House Conference on Libraries, and other  
educational amendments

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

To  
Kamun  
12-29-74

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

DEC 29 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Resolution S.J. Res. 40 - White House  
Conference on Libraries, and other educational  
amendments  
Sponsor - Sen. Pell (D) Rhode Island

Last Day for Action

January 4, 1975 - Saturday. Action is recommended before  
January 3, the date on which educational institutions must  
comply with any request for access to students' records  
under the terms of the existing law.

Purpose

Authorizes and requests the President to call a White House  
Conference on Libraries and Information Services not later  
than 1978; contains two riders amending laws (1) governing  
access to student records at educational institutions, and  
(2) prohibiting sex discrimination at educational institutions.

Agency Recommendations

Office of Management and Budget	Approval
Department of Health, Education, and Welfare	Approval
National Commission on Libraries and Information Science	Approval
Domestic Council Committee on Privacy	Approval
General Services Administration	Approval (White House Conference provisions)
Civil Service Commission	Approval (personnel provisions)
Department of Justice	No objection
Commission on Civil Rights	No comment (informally)

Discussion

Senate Joint Resolution 40 originally was a measure which  
only would have authorized and requested the President to  
call a White House Conference on Libraries and Information





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

DEC 24 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Ash:

This is in response to Mr. Rommel's request for a report on S.J. Res. 40, an enrolled bill "To authorize and request the President to call a White House Conference on Library and Information Services not later than 1978."

The first section of the enrolled bill would authorize the President to call a White House Conference on Library and Information Services not later than 1978. The purpose of such a Conference would be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public.

The Conference would be composed of representatives of local, State, regional, and national institutions, agencies and organizations which provide library services; representatives of educational and scholarly agencies, organizations, and institutions; persons with special knowledge of technology related to library services; and representatives of Federal, State, and local governments and the general public.

The Conference would be planned and conducted under the direction of the National Commission on Libraries and Information Science, which would be authorized to request the cooperation and assistance of other Federal agencies. The Commission would also be authorized to make technical and financial assistance available to States to enable them to prepare for participation in the Conference. The





Commission would be further authorized to engage such personnel as may be necessary and to utilize personnel provided by other Federal agencies in order to carry out its responsibilities.

A twenty-eight member advisory committee would be established, composed of three members of the Commission, five persons designated by the Speaker of the House of Representatives, five persons designated by the President pro tempore of the Senate, and not more than fifteen persons appointed by the President. The advisory committee would assist and advise the Commission in planning and conducting the Conference.

The bill would authorize the appropriation, without fiscal year limitation, of such sums as may be necessary to carry out the joint resolution, but not to exceed \$3,500,000.

Section 2 of the enrolled bill would make a number of technical and perfecting amendments to the Family Educational Rights and Privacy Act (the Buckley Amendment). The most significant of these amendments are as follows:

(1) The amendment would make it clear that FERPA applies in the case of present or former students, but does not give any rights to persons who have applied for but are not admitted to an educational institution.

(2) The material to which FERPA applies would be clarified by providing a definition of the term "education records". Such records would include those records, files, documents, and other material which contain information directly related to a student, and which are maintained by an educational agency or institution, or by a person acting for such agency or institution. Four exceptions would be provided to the term "education records": (A) records in the sole possession of instructional, supervisory, and administrative personnel which are not accessible or revealed to other persons; (B) records of a law enforcement unit which are kept apart from other student records, are maintained solely for law enforcement purposes, and are not made

available to persons other than law enforcement officials of the same jurisdiction; (C) employment records of a person who is not in attendance at the agency or institution; and (D) records relating to a student 18 years of age or older (or attending an institution of postsecondary education) which are created or maintained by a physician, psychiatrist or similar professional who is providing treatment to the student, but only if such records are not available to anyone other than persons providing such treatment.

(3) Under the amendment, a number of records would not be available to students in institutions of postsecondary education. So excluded would be (A) financial records of the parents of the student, (B) confidential letters or statements of recommendation which were placed in the student's record prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended, and (C) confidential recommendations to which the student has signed a waiver of his right of access; but such a waiver could not be required as a condition for admission to an institution or for the receipt of any services or other benefits from such institution. Any such waivers would be conditioned upon the student being notified of the names of all persons making confidential recommendations and such recommendations could be used only for the purpose for which they were specifically intended.

(4) Subsection (a) (2) relating to the right of a parent to challenge the content of a student's records would be amended to be a condition to the receipt of Federal funds, similar to the other provisions of FERPA, rather than as a statement of positive law. In addition, parents would be given the right to insert explanatory material into a student's record.

(5) Educational agencies and institutions would be authorized to release to the public "directory information" including the student's name, address, telephone listing, date and place of birth, major field of study, participation



in sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. However, the agency or institution would be required to give public notice of the categories of such information which it intends so to make available; and students or parents would be given a reasonable time to inform the agency or institution that such information should not be made available.

(6) Subsection (b)(1), which presently contains a list of a number of officials and circumstances with respect to which the prohibition on the release of records does not apply, would be expanded to exempt from such prohibition the following additional categories:

(A) State and local officials to which information in education records is specifically required to be reported or disclosed pursuant to State statute enacted before November 19, 1974; however, this exception would not prevent a State from further restricting access to education records;

(B) organizations conducting studies on behalf of educational agencies or institutions for the purpose of developing, validating or administering predictive tests, administering student aid programs and improving instruction if such studies will not permit the personal identification of students and their parents by persons outside the organization and if the information is destroyed when no longer needed;

(C) accrediting organizations;

(D) parents of a dependent student as defined in section 152 of the Internal Revenue Code; and

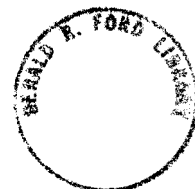
(E) information necessary to protect the health or safety of the student or other persons in connection with an emergency.

(7) The proviso to subsection (b)(3), which states that nothing in FERPA shall preclude authorized representatives of the Comptroller General, the Secretary, an administrative head of an education agency, or State educational authorities from having access to students or other records in connection with the audit and evaluation of Federal education programs or the enforcement of Federal legal requirements relating to such programs, would be amended to clarify the authority of those officials to collect personally identifiable data for the purposes of such audit, evaluations, or enforcement, provided that such data is protected in a manner which will not permit the personal identification of students and their parents by other than those officials and that such personally identifiable data is destroyed when no longer needed for such purposes.

(8) Subsection (b)(4)(A), which requires educational agencies and institutions to maintain a record indicating who has had access to student records, would be revised to eliminate the requirement that all persons having such access sign a written form to be kept permanently with the file of the student. Under the amendment the agency or institution would be required only to maintain a record of such access kept with the education records of each student indicating the legitimate interest that authorized the access. The purpose of this amendment is to conform this requirement with computerized record systems.

(9) Subsection (g), under which the Secretary is required to establish an office and review board for the purpose of investigating, processing, reviewing, and adjudicating violations and complaints under FERPA, would be amended to prohibit the delegation of any of those functions, except for the conduct of hearings, to the regional offices of the Department.

Section 3 of the enrolled bill would amend section 901 of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in Federally-assisted educational programs or activities, to except from the



operation thereof the membership practices of (a) tax exempt social fraternities and sororities, the active membership of which consists primarily of students in attendance at an institution of higher education and (b) the YMCA, YWCA, the Girl Scouts, the Boy Scouts, the Camp Fire Girls, and other tax exempt voluntary youth service organizations, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than 19 years of age.

WHITE HOUSE CONFERENCE ON  
LIBRARY AND INFORMATION SERVICES

The Department has opposed the enactment of S.J. Res. 40 because of the absence of any need to focus special attention on the problems of libraries and information science that would justify the convocation of a White House Conference. There are, however, a number of facets of the bill as it relates to the White House Conference which, in view of the clearly desirable features of the bill discussed below, mitigate the basis of our previous opposition.

First, the bill is only an authorization and not a mandate that such a Conference be held. The determination as to whether the Conference should actually be convened can be made at a later time in connection with the appropriations process. In view of present fiscal constraints, the Department does not plan to request funds for this activity. Furthermore, the maximum amount of the authorization has been reduced from the \$10,000,000 in the Senate version of the bill to such sums as may be necessary not to exceed \$3,500,000. Of course, if the President does not convene the Conference, there would be no need to appoint the twenty-eight member advisory committee; and we do not read the bill as requiring the establishment of such a committee in that event.

Second, the resolution calls for the active involvement of the States in preparing for the Conference, thus implicitly recognizing the primary responsibility of the States in the area of libraries and information services. Should the

Conference actually take place, this emphasis on State involvement could serve as a useful means of demonstrating the ability of the States to provide leadership in this field, the development of which has been a major goal of the Administration's policy with respect to libraries.

AMENDMENTS TO THE FAMILY EDUCATIONAL  
RIGHTS AND PRIVACY ACT

In the course of implementing the Family Educational Rights and Privacy Act (FERPA) which was enacted as part of P.L. 93-380 on August 21, 1974, and which became effective on November 19, we discovered a large number of ambiguities and technical problems with the Act which have compounded the difficulty of developing implementing regulations. Furthermore, a large number of postsecondary educational institutions have raised serious objections to the fact that many documents in their files which were formerly considered confidential would now be fully available to students under FERPA. For those reasons, the amendments to FERPA provided in section 2 of the enrolled bill were agreed upon between Senator Buckley and Senator Pell. Those amendments resolve most of the problems which the Department has encountered in developing regulations to implement FERPA.

Under present law educational agencies and institutions have 45 days to comply with any request for access to a student's records. With respect to those requests which were made on the effective date of FERPA (November 19, 1974), the 45-day period will expire on January 3, 1975. While the Department has promised to issue a notice of proposed rulemaking by the end of the year which may clear up some of the problems that agencies and institutions have been encountering, those regulations cannot resolve some of the more difficult problems--such as access to confidential letters of recommendations--that are raised by FERPA in its present form. Only the enactment of these amendments will resolve those problems in a manner which will prevent the implementation and enforcement of this Act from being thrown

into a state of confusion on January 3. Of course, if the bill is not enacted, the Department will be required immediately to give notice of intent to issue regulations, under current law, incorporating policies with which we disagree and which the Congress has repudiated, but as to which we have no latitude.

We have the following specific comments concerning the principal amendments which were summarized above:

(1) The amendment relating to which students are covered would clear up a considerable ambiguity in the law as to the status of former students. We believe that former students should have the same rights as present students, and that persons who have never been admitted to an institution should not be accorded such rights. The amendments in this bill would accomplish that result.

(2) The present Act attempts to provide a listing of the types of records which are covered; but by doing so it leaves a large number of questions as to the status of particular types of records. Under the amendment, the term "education records" would be defined broadly, and a limited number of exceptions would be provided. This amendment significantly clarifies the scope of the Act. The exceptions that are set forth are generally acceptable to the Department; but it should be noted that while the exceptions include the records of a school law enforcement unit, the exception would apply only if such records are not transferred to anyone outside of that unit. This limitation may cause problems with regard to cooperation between law enforcement units.

(3) While we would have preferred that the provisions respecting confidential documents and waiver of the rights of access to such documents be applied to records of elementary and secondary as well as postsecondary institutions, the amendment as drafted would provide significant relief to colleges and universities which were justifiably disturbed by the fact that students would be able to obtain access to documents which the institution had received under a promise or understanding of confidentiality.

(4) The amendment to subsection (a)(2) of FERPA is essentially technical in that it conforms that section to the "funding condition" format of the Act, rather than standing as a statement of positive law. The provision authorizing parents to insert an explanatory statement into the record of a student is desirable in that it offers some relief in those cases where a parent is unable to establish the falsity or irrelevance of a particular record in his student's file.

(5) The exception to the operation of the Act in the case of so-called "directory information" would eliminate an ambiguity in the legislative history of FERPA with regard to "public information" which Senator Buckley stated in the original floor debate on his amendment was not intended to be covered. As drafted, this exception would prevent such possible absurd results as a school not being able to publish a directory or a program to a sports event.

(6) The additional categories which would be added to the list of those to whom educational records can be released without permission are acceptable to the Department.

(A) The exception with regard to State and local officials is reasonable, especially as it limits access to that authorized under State statutes in existence at the present time. That limitation will prevent States from enacting new legislation which could further infringe on the privacy of students and parents.

(B) The exception relating to organizations conducting studies is designed to authorize colleges and universities to continue to cooperate with the College Entrance Examination Board in conducting follow-up studies to determine the reliability of their tests in predicting college performance.

(C) Institutions may experience some difficulty in determining which students are "dependent" for the purpose of the exception relating to dependent



students; but in the event of any dispute arising out of this provision, we anticipate that the burden will fall on a parent to prove that a student is dependent.

(7) The revision to subsection (b)(3), concerning the access by the Comptroller General, the Secretary, and other officials to student records, would resolve one of the more serious problems which the Department had with the original Buckley Amendment. Under the original language the ability of the Department to maintain data necessary to conduct longitudinal evaluations was in serious doubt. As that subsection would be amended, the authority of Federal and State officials to have access to and use of student data would be sufficient to carry out all anticipated audit and evaluation activities, as well as to enforce Federal legal requirements.

(8) The main purpose for the amendment to subsection (b)(4)(A) was to accommodate the requirement for maintaining a record of those persons who had access to student records with modern data processing practices. As originally enacted, this subsection literally required a signed statement by each person having such access to be kept permanently with the file of the student. Such a requirement could not have been met with regard to computerized records. As amended, it will still be necessary for educational agencies and institutions to maintain such a record, but there is no longer a requirement for that record to be kept "in the file" of the student.

(9) The modification of subsection (g) is an amendment which is viewed as undesirable to the Department. That amendment would prohibit the Secretary from assigning any functions of this Act, other than the conduct of hearings, to the regional offices of the Department. Although we had not anticipated the decentralization of the enforcement of FERPA, the language added to subsection (g) limits the ability of the Secretary fully to utilize the resources of the regional offices in the event that he determines that such offices could assist in the administration of this Act.

## AMENDMENT TO TITLE IX

The amendment to section 901 of title IX of the Education Amendments of 1972 is consistent with a draft bill which the Department submitted to the Congress on December 16. With regard to social fraternities and sororities, the only differences between the amendment and our draft bill is the reference to the tax exempt status of such organizations and the limitation of the exception to fraternities and sororities at institutions of higher education.

The exception for youth organizations in the amendment is somewhat narrower than our proposed amendment in that it relates only to the membership practices of such organizations, whereas our draft bill would have exempted from title IX all of the program activities of those organizations.

Even with these differences, however, the title IX amendments contained in the enrolled bill are fully acceptable to the Department and will be extremely useful in resolving a number of very difficult questions that have arisen in the development of regulations to implement title IX. As in the case of the amendments to FERPA, if the amendments to title IX are not enacted, the Department will be in the anomalous position of having to issue regulations reflecting policy with which neither we nor the Congress agree.

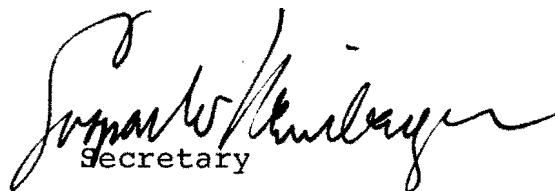
In summary, we feel that the amendments added to S.J. Res. 40 concerning FERPA and title IX are of such benefit to the Department and to the education community that they far outweigh the undesirable features of the resolution itself. The resolution concerning the White House Conference on Library and Information Sciences is only an authorization and not a requirement that such a Conference actually be convened. As stated earlier, we do not expect to request funds for this activity. That fact coupled with the clear need for the amendments to FERPA and title IX provided in sections 2 and 3 of the enrolled bill overcome the serious reservations we had concerning the original resolution.

Honorable Roy L. Ash

12

The Department therefore strongly supports the enactment of S.J. Res. 40 and recommends that it be approved by the President.

Sincerely,

  
Secretary





# NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SUITE 601 • 1717 K STREET, N.W. • WASHINGTON, D.C. 20036 • TELEPHONE (202) 382-6595

FREDERICK H. BURKHARDT  
Chairman

26 December 1974

Mr. W. H. Rommel  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Washington, D.C.

Dear Mr. Rommel:

The Chairman of the National Commission on Libraries and Information Science, Dr. Frederick Burkhardt, testified at the hearings before the Select Subcommittee on Education of the Committee on Education and Labor on November 29, 1973, in support of S.J. Res. 40. In addition, there was supplied to Mr. Roger Semerad, Staff Assistant to the President, Domestic Council, at his request, a fact sheet on the White House Conference on Library and Information Services. I am enclosing a copy of that fact sheet for your information.

Needless to say, the National Commission on Libraries and Information Science strongly urges favorable action on S.J. Res. 40. It is extremely important not only to the work of the Commission but to the development of a National Program of Library and Information Services that will have "grassroots" input, understanding and support. For a number of years now the Administration's policy regarding library programs supported by Federal funds has been in a transitional stage. The White House Conference on Library and Information Services will help provide ideas, priorities, momentum, and the direction for the Federal role in libraries for the next ten years.

In the closing days of the session, two Sections were added to S.J. Res. 40. Section 2 amends Section 438 of the General Education Provisions Act and Section 3 amends Section 901 of the Education Amendments of 1972. Both of these amendments are intended to clarify and strengthen the respective Acts.

Andrew A. Aines • William O. Baker • Joseph Becker • Frederick Burkhardt • Daniel W. Casey • Harold C. Crotty • Carlos A. Cuadra  
Leslie W. Dunlap • Martin Goland • Louis A. Lerner • Bessie Boehm Moore • L. Quincy Mumford • Catherine D. Scott  
John E. Velde, Jr. • Julia Li Wu

The National Commission on Libraries and Information Science does not have any official position on these two amendments as they do not directly relate to our statutory responsibility.

Sincerely,

*Alphonse F. Trezza*

Alphonse F. Trezza  
Executive Director (Designate)

WHITE HOUSE CONFERENCE  
ON  
LIBRARY AND INFORMATION SERVICES

Objective:

In any advanced society, a major part of its culture is cumulated and handed down to the generations in the form of records. These records consist of books, journals and other texts; of audio and visual materials; and of smaller units of data that can be separately manipulated, as by a computer. In recent years, these records have become increasingly varied through technological extensions of written words, pictures, sounds and other symbols. As the totality of knowledge grows, and as the number and variety of records increase, the dependence of society upon them becomes ever more crucial. Whether mankind progresses or regresses in the future will depend in large measure on the command of the collective memory of record.

Such command can occur only if the resources of multitudes of diverse public and private agencies that create, store, process and distribute the record are melded into a new national program--the publishing industry, the information industry, the indexing and abstracting services, the communications media, the information centers and the thousands of public, school, academic and special libraries in government and business, in the professions and in such institutions as museums, prisons and hospitals.

National leaders have recognized that information provided at the right time and in the right amount and format can improve the ability of an individual, an organization, a business, or a governmental agency to make an informed decision, produce a better product, or live a richer life. Better information services lead to a better informed citizenry--one that can cope with problems in the areas of neighborhood and personal security, adequate food and fuel, improved human relationships between persons of differing backgrounds and world peace.

The Immediacy of the Problem:

- (1) The information community in the public and private sectors is growing more diverse and the components--the libraries, the publishing industry, the indexing and abstracting services, the educational institutions, and the various government agencies--have had limited experience and success in working together toward a common national goal.
- (2) Existing Federal, state and local, institutional and private funding is unstable and insufficient.

- (3) These funding patterns are not designed to foster inter-jurisdictional cooperation. For example, general revenue sharing which cites libraries as an eligible expenditure category provides no incentive to interjurisdictional cooperation. Instead, it targets funds to over 38,000 individual localities for their own local needs. Unfortunately, only 6/10ths of one-percent of all general revenue sharing funds have gone to libraries for any purpose.
- (4) No national guidelines exist to insure the development of compatible statewide, multistate and nationwide library and information networks.

Unless we begin immediately to address such library and information problems at the national level, the present ineffectual pattern which is fragmented, inequitable and more costly will continue to persist, precluding the development of a coordinated nationwide program of library and information services.

The Reasons for a National Attention to and Federal Involvement with the Problem:

The Federal Government must be involved in developing a coordinated program for library and information services. Because library and other information resources are a national as well as a state and local concern, these resources in their totality belong to the people. Adequate means must exist to make this knowledge available to the people whenever it is needed and wherever they live in the United States.

A workable program for its dissemination requires close cooperation between the Federal Government and the states, between state and local governments and between the public and private sectors.

A White House Conference would provide a framework for Americans to focus on this problem, grapple with the complexities of the issue and contribute to the solution to the problem.

What a White House Conference on Library and Information Services Can Contribute to the Solutions to the Problem:

- (1) Because of the immediacy of the problem, it is time to develop a new sense of direction at the national level for the delivery of library and information services. This requires an evaluation of the entire range of issues involved by the citizens of the United States developing both long-range and interim plans to achieve "library and information services adequate to meet the needs of the people of the United States."

- (2) The Conference would focus local, state and national attention on libraries as an important resource belonging to all the American people. It will highlight the role of libraries in achieving a basic goal of the Ford Administration--restoring a greater sense of responsibility at the state and local level and among individual Americans.
- (3) The Conference will help Americans to help themselves by highlighting the importance of knowledge and information and by showing all the people that much of the information they need to live productive lives can be obtained through their local library and information services.
- (4) The Conference, combined with a series of state conferences throughout the country, will help to provide the facts at the local, state and Federal level which are essential to a true library and information service partnership among governments and the private sector. Without such documentation the result will be an uncoordinated and ineffective system of library services in the country.
- (5) The Conference will contribute to the nation's bicentennial celebration by focusing on the archival aspect of libraries as repositories of national, state and local history.
- (6) The Conference will allow the nation to focus on the informational and communications aspects of our unprecedented technological development, on how computers and satellites and other new forms of telecommunications can be used to provide all Americans with access to the up-to-date information they need in their everyday lives.
- (7) As directed by law (Public Law 91-345), the National Commission on Libraries and Information Science is now developing long-range plans for the further development of all the nation's library and information services. The National Commission believes the success of any plan depends to a great extent on the participation of many Americans. Therefore, the Commission's program must now be subjected to the scrutiny of the public for it is the American people who use library and information services, who benefit from good services and who suffer when the service is poor and nonexistent.

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Document Prepared By:  
Alphonse F. Trezza  
Executive Director  
National Commission on Libraries  
and Information Science  
November 22, 1974



DOMESTIC COUNCIL COMMITTEE ON THE RIGHT OF PRIVACY

WASHINGTON, D.C. 20504

December 26, 1974

Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D.C. 20503  
Attention: Assistant Director for  
Legislative Reference

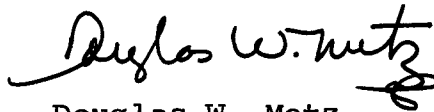
Dear Mr. Ash:

This is in response to your request for views and recommendations on Senate Joint Resolution 40, an enrolled enactment which contains amendments to the Family Educational Rights and Privacy Act of 1974 (Section 2).

This office recommends that the President sign the bill and has so stated its views in a memorandum to Mr. Philip Buchen on December 19, 1974.

Although we have a few reservations about the FERPA amendments, notably the one dealing with records maintained by campus police units (subsection (2)(a)(4)(B)(ii)), we feel that more will be gained by approving the Joint Resolution than by not doing so. Without the clarifications and compromises that the amendments contain, HEW's implementation task could be inordinately difficult and the entire Family Educational Rights and Privacy Act, with its many salutary provisions, could fail to gain the widespread support it deserves.

Sincerely,



Douglas W. Metz  
Acting Executive Director

DWM/wpw



UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



DEC 24 1974

Honorable Roy L. Ash  
Director, Office of  
Management and Budget  
Washington, DC 20503

Dear Mr. Ash:

By referral dated December 23, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled joint resolution S.J. Res. 40, 93rd Congress, "To authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes."

The calling of the conference to develop recommendations for the further improvement of the Nation's libraries and information centers, to be conducted under the direction of the National Commission on Libraries and Information Science, is authorized by the first section of the resolution.

The remainder of the resolution consists of amendments to the General Education Provisions Act. As to these, we defer to the views of the agencies directly affected. Subject to such views, GSA favors Presidential approval of the enrolled joint resolution.

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read "Sampson".

Arthur F. Sampson  
Administrator



UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

December 27, 1974

Honorable Roy L. Ash  
Director, Office of Management and Budget  
Washington, D.C. 20503

Attention: Assistant Director for  
Legislative Reference

Dear Mr. Ash:

This is in reply to your request for the views of the Civil Service Commission on enrolled S. J. Res. 40, "To authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes."

Section one of this joint Resolution provides authority and resources for a White House Conference on Library and Information Services. The Conference would be planned and conducted by the National Commission on Libraries and Information Science, and would be headed by the Chairman of the National Commission.

The National Commission would be authorized to hire necessary personnel for the Conference without regard to the competitive appointment provisions of title 5, United States Code, and outside the General Schedule classification and pay system. Since these personnel would only be employed for short term temporary service in connection with the proposed White House Conference, we have no objection to these exceptions.

Section 1(c)(3) would authorize the Librarian of Congress to detail personnel to the National Commission to carry out the purposes of this legislation. We have no objection to this.

Section 1(e) authorizes the establishment of a 28 member advisory committee of the Conference. Members who are not regular full-time Federal employees would be compensated at a rate not to exceed GS-18. There is no objection to this.

Section 2 contains a series of amendments to revise and clarify various provisions of the Family Educational Rights and Privacy Act of 1974 (section 438 of the General Education Provisions Act). Of particular

interest to the Civil Service Commission is section 438(b)(1) which excludes "directory information" from the general prohibition on releasing education records without parental or student consent. The description of directory information provided in section 438(a)(5)(A) parallels the type of information now requested by the Civil Service Commission under its personnel investigations program. Our understanding of the new amendment is that it would relieve us of the requirement to seek a special release from a parent or student to obtain directory information from educational institutions. We agree with this amendment.

Therefore, insofar as the personnel provisions are concerned, the Commission recommends that the President sign enrolled S.J. Res. 40.

By direction of the Commission:

Sincerely yours,

A handwritten signature in black ink, appearing to be "J. P. ...", written over a horizontal line.

ACTING Chairman

Department of Justice  
Washington, D.C. 20530

DEC 24 1974

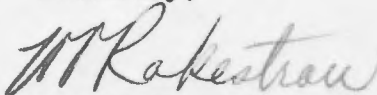
Honorable Roy L. Ash  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of S.J. Resolution 40, "To authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes."

Following such review, I am authorized to relate to you that the Department of Justice has no objection to Executive approval of this resolution.

Sincerely,



W. Vincent Rakestraw  
Assistant Attorney General

VNO BUDGEI  
OFFICE OF MANAGEMENT  
AND BUDGET  
14 DEC 24 PM 15:18

RECEIVED



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 899

Date: December 29, 1974

Time: 2:30 p.m.

FOR ACTION: Roger Semerad  
Max Friedersdorf  
Phil Areeda

cc (for information): Warren Hendriks  
Jerry Jones  
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 30

Time: 10:00 a.m.

SUBJECT:

Enrolled Resolution S.J. Res. 40  
White House Conference on Libraries, and other  
educational amendments

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Sign*  
*P. Areeda*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

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WASHINGTON

LOG NO.: 899

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FOR ACTION: Roger Semerad  
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White House Conference on Libraries, and other  
educational amendments

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*I recommend approval  
Ray Johnson 12/30/74*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE  
WASHINGTON

MEMORANDUM FOR: WARREN HENDRIKS  
FROM: *Van Lanfer* MAX L. FRIEDERSDORF  
SUBJECT: Action Memorandum - Log No. 899  
Enrolled Resolution S.J. Res 40  
White House Conference on Libraries

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment



## WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES IN 1976

NOVEMBER 16, 1973.—Ordered to be printed

Mr. PELL, from the Committee on Labor and Public Welfare,  
submitted the following

### REPORT

[To accompany S.J. Res. 40]

The Committee on Labor and Public Welfare, to which was referred the joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, having duly considered the same, reports favorably thereon with amendments and recommends that the joint resolution, as amended, do pass. The amendments are in the nature of a substitute for the joint resolution, the preamble thereto, and the title thereof.

#### BACKGROUND

The joint resolution was introduced January 26, and the Subcommittee on Education of the Committee on Labor and Public Welfare conducted one day of hearings on the joint resolution on June 24, 1973.

There are more than 75,000 libraries and information centers in the United States which constitute a resource belonging to and serving all of the American people. In addition to these libraries, there are thousands of school libraries, libraries in colleges and universities, as well as other institutions.

Proper development and management of this resource is essential for our continued progress in education, science, industry, agriculture, commerce and foreign relations. Libraries and information centers are now at a critical juncture in their development. Technology promises them many new opportunities for rendering much more effective and efficient services. For libraries and information centers to achieve their full potential, a multitude of decisions must be made. The process of planning and coordinating library and information services for the next generation of Americans should proceed on as broad as possible a basis of popular understanding and support.

In 1966, the President appointed a National Advisory Commission on Libraries. Its analyses of current needs, existing resources, and future requirements concluded with a recommendation that a permanent organization should continue its work. In 1970, accordingly, Congress established by law the National Commission on Libraries and Information Science for the study and evaluation of library resources of all types and for the development of recommendations for their more effective and efficient utilization. The Chairman of the National Commission on Libraries and Information Science testified at the hearing:

It is now generally realized that information is a key factor in the Nation's future productive capacity and that access to information is essential for individual and national progress. At present, access to information is not equally and freely available to all, and there are many problems to be solved before effective access can be made available to all.

There are financial, social, geographical, technological, and many other obstacles. A White House Conference can come to grips with some of these roadblocks and assist the National Commission on Libraries and Information Science and other concerned agencies to overcome them . . .

A White House Conference authorized by Congress and convened by the President is a well-established means of focusing attention on a subject of broad national interest and major significance in order to develop a consensus—among concerned members of the public, government officials, and those with special professional or technical competence—with respect to the desirable course of future advances throughout the Nation.

#### FEDERAL AND STATE LIBRARY POLICIES

The Federal Government operates what would be the world's largest library system if it were indeed managed on a systematic basis. Instead, the approximately 2,000 libraries of the Federal Government, including those of the Judicial Branch, are all isolated from each other and from libraries under non-Federal auspices. Our three national libraries—the Library of Congress, the National Agricultural Library, and the National Library of Medicine—are exceptions to the general failure of commitment to, and involvement with, other libraries that has become a less than honorable tradition among most Federal libraries.

Since 1956 the Federal Government has been providing grants-in-aid to States for local public libraries. Grants for school library resources were authorized in 1965, when financial assistance to libraries of institutions of higher education was also authorized. Several subsequent enactments authorized additional Federal aid for construction of library facilities, acquisition of library materials, research in library techniques, and training of library personnel. The Federal Government further aids libraries by special postal rates, duty-free entry of imported materials, exemption from taxation, deductibility allowance for qualified donations, eligibility for surplus property, and the depository library program.

Thus the Federal Government is a partner of most American libraries. The coordinated direction of this partnership, and its periodic reappraisal, have been neglected, however. A task force of the National Advisory Commission on Libraries reported in 1967:

\* \* \* although it is obvious that Congress has responded generously to the demands made upon it for library aid, the response has not been based on recognition of the importance of libraries to the achievement of the Nation's overall objectives. There has been no broadly based conception of how best to promote the growth and development of the Nation's libraries toward that end. Rather, as it does in many areas, Congress acted in the library area in an essentially *ad hoc* manner and without taking time to evolve a fundamental policy to guide it in its actions.

The National Commission on Libraries and Information Science was established by Public Law 91-345 to assist in the development of a fundamental and consistent policy to guide future Federal assistance to libraries. Its responsibilities are even larger, for it is charged with conducting a comprehensive and continuing effort to appraise the needs for library and information services throughout the country and generating authoritative recommendations for the maximum coordination of present services and their strategic and timely improvement and expansion.

Testifying on S.J. Res. 40, the Commission Chairman pointed out:

Libraries are no longer self-sufficient. They cannot supply from a single information store all of the materials needed by users. They must, therefore, cooperate to bring information to the user and they must do so in ways that eliminate or reduce the barriers between the user and the information required. A White House Conference on Library and Information Services is one important way to stimulate this cooperation.

Encouraged by the Library Services Act of 1956 and its subsequent amendments, all States now have official State agencies responsible for the development of library services and Statewide library planning. At present, to qualify for Federal assistance, each State must prepare plans for the year immediately ahead, and, in less detail, for the next five years as well. One reason this planning has been needed was explained by a State librarian who wrote in the *Library Journal*, May 1, 1967, page 1805:

Under the present Federal program a State university, a city university, a new medical school, a community college, a private university, school libraries, and the public libraries in the same metropolitan area could all be receiving Federal aid without any attempt being made to study the possibility of some coordination or to bring it about in actuality.

The coordination he sought is at last being achieved in the States, yet coordination among the States and between the States and the Federal Government remains laggard and deficient. The White House Conference on Library and Information Services will foster this coor-

dination. It must be achieved if we are to maximize the potential that is inherent in the utilization of advanced technology by libraries and information services.

The Committee has been told many times that the quantity of information and library materials is increasing at a geometric rate, while the capacity of libraries and information centers to acquire, store, and make these materials available to the public is increasing at only an arithmetic rate at best. This fundamental disparity must be redressed. Yet it would be folly to increase the Nation's outlays for libraries and information systems while simply continuing the practices of the past. Prudent utilization of technology, especially for linkages among libraries, probably offers the best hope of closing the ominous gap between the demands for library and information services and the means of satisfying them.

#### NO MASTER PLAN FOR LIBRARY AND INFORMATION SERVICES

The Committee does not look to the White House Conference on Library and Information Services for any compulsory national blueprint or master plan. If the educational, economic, and cultural aspirations of the American people are to be attained, there must be a marshalling of all the library and information resources of the Nation in new patterns of cooperation and coordination. But this must be achieved through articulation by the White House Conference of recommendations that will evoke the support, voluntarily, of the tens of thousands of public-spirited citizens and professional librarians who direct the destinies of libraries and information services.

The continued autonomy and diversity of libraries and information services would be promoted by the individual State conferences that would be associated with the White House Conference on Library and Information Services. The utility of these conferences was emphasized in testimony presented to the Committee. One State librarian wrote:

\* \* \* we would hope that such a conference, if held, would convey to the people of our State an awareness that we can no longer afford the uneconomical irrationality of parallel systems of library services—one to the schools, one to the general public, one to the academic community, one to the business and industrial segments of our society. The informational resources of our civilization constitute one whole which should be tappable by any needful citizen without regard to his economic, scholastic or geographic niche.

A member of a State library advisory committee who is a former president of a local library system testified:

This element of State and local spinoff is important. White House Conferences are preceded, and followed, by local and State conferences which help to identify area needs and force local and State committees to think about solutions to their problems. These conferences are successful and productive precisely because they are part of the ammunition for a national conference. Nothing beats being in the public spotlight when the goal is to illuminate problems, generate posi-

tive positions, and energize for action. You may be sure that the prospect of a national conference will prod the States and localities to sharpen their awareness of the need for library service and of the kind of library services they should expect and support.

The Committee is convinced that, not only is this White House Conference needed and sought by those to whom its recommendations would be addressed, but this Conference also would fittingly complement the national bicentennial observances in 1976 by emphasizing the importance of libraries to the achievement of our highest national aspirations. On the occasion of National Library Week in April of this year, the President stated:

As we approach the two hundredth anniversary of our national independence, it is imperative that we intensify our efforts to hasten the day when every American will have a truly equal opportunity to realize the full potential of his abilities. Nothing is more essential toward the achievement of this goal than an efficient and readily accessible library system.

It was in this spirit and for the same reasons that the Committee unanimously approved the resolution as amended.

#### DEPARTMENTAL REPORT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
*July 26, 1973.*

HON. HARRISON A. WILLIAMS, JR.,  
*Chairman, Committee on Labor and Public Welfare,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your recent request for a report on S.J. Res. 40, a bill "To authorize and request the President to call a White House Conference on Library and Information Sciences in 1976."

The purpose of the Conference would be to develop recommendations for the improvement of libraries and information centers. The conference would be composed of librarians, information specialists, educators, relevant technologists, and representatives of the general public.

Planning and direction of the Conference would be carried out by the National Commission on Libraries and Information Science with cooperation and assistance from all Federal departments. The Commission would make technical and financial assistance available to the States for preparatory meetings and conferences and prepare background material for the use of delegates on the Federal and State levels.

Within 120 days of the close of the Conference, a report would be submitted to the President and the Congress. Ninety days later, the President would be required to submit to Congress a statement of recommendations regarding the report.

A 28 member advisory committee would be appointed by the President to assist the National Commission in planning and conducting the Conference.

S.J. Res. 40 would authorize such sums as may be necessary to carry out the terms of the resolution.

In certain circumstances, a White House Conference may serve to fill a need for the exposure and examination of critical and neglected problems of national concern. However, the prestige of White House Conferences should not be diminished by holding them in areas where existing forums are providing an adequate opportunity for the identification and discussion of issues and ideas. Nor should an opportunity for a comprehensive examination of issues in their broad context be wasted. Conferences should be concerned with specific problems and subject areas in the context of the dynamics of their relationship to the larger society.

We recognize that there are important issues in the field of libraries and information science. Access to information is necessary for an enlightened technological society. The dissemination of information is an area where we must always seek improvements.

However, we do not believe that the White House Conference of Libraries and Information Sciences, as proposed in S.J. Res. 40, is justifiable.

To the best of our knowledge, there is no evidence of critical unresolved issues in libraries and information science that cannot be handled through the existing channels of communications in the field, i.e., professional associations, meetings of civic groups, and governmental and legislative processes on all levels. Further, the activities described in S.J. Res. 40 to be conducted by the proposed Conference would duplicate the responsibilities of the National Commission on Libraries and Information Science.

Secondly, we think that a White House Conference solely on the subject of libraries and information science would be too narrowly focused, both in terms of the prestige of such a conference and in terms of the considerable public expenditures necessary for such a conference. This is not to diminish the importance of libraries and information science but it does indicate that we believe that these subjects should be examined as a part of the broader issue of education.

We are therefore strongly opposed to the enactment of S.J. Res. 40.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

FRANK C. CARLUCCI,  
*Acting Secretary.*

#### ESTIMATES OF COSTS

In accordance with section 252 of the Legislative Reorganization Act of 1946, as amended, the committee estimates that the amount authorized by this joint resolution will not exceed \$10,000,000.

#### TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee voted unanimously to report the Joint resolution to the Senate.

#### SECTION-BY-SECTION ANALYSIS OF SENATE JOINT RESOLUTION 40

*The Preamble.* The preamble to the joint resolution set forth in the material preceding the resolving clause, contains seven clauses which declare the reasons for enacting the joint resolution.

*The first clause* of the preamble states that access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government.

*The second clause* of the preamble states that the primary purpose and function of libraries and information centers is the preservation and dissemination of information and ideas.

*The third clause* of the preamble states that it is essential that the Nation's libraries and information centers grow and be augmented if all Americans are to have reasonable access to adequate services of libraries and information centers.

*The fourth clause* of the preamble states that new achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically.

*The fifth clause* of the preamble states that planning for, and the coordination of, the services of libraries and information centers are required if the cooperation necessary for maximum realization of the potential inherent in the use of advanced technology is to be achieved.

*The sixth clause* of the preamble states that the National Commission on Libraries and Information Science (established under Public Law 91-345) is in the process of developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs.

*The seventh clause* of the preamble states that productive recommendations for expanding access to libraries and information services will require public understanding and support as well as that of public and private libraries and information centers.

*That part of the material preceding the resolving clause but which follows the preamble* declares that it is for the reasons set forth in the preamble that the joint resolution should be enacted.

*The resolving clause* of the joint resolution is followed by a single section, containing eight subsections, which—

- (1) authorizes a White House Conference on Libraries and information services;
- (2) states the purpose of the Conference;
- (3) provides for its planning and conduct by the National Commission on Libraries and Information Science;
- (4) provides for a report by the Conference;
- (5) establishes an advisory committee for the Conference;
- (6) authorizes the National Commission to accept donations on behalf of the Conference;
- (7) provides for a definition of the term "States;" and
- (8) authorizes appropriations to carry out the joint resolutions.

*Subsection (a)* of the joint resolution authorizes the President of the United States to call a White House Conference on Library and Information Services in 1976.

*Subsection (b)* of the joint resolution states the purpose of the Conference and describes the composition of the Conference.

*Paragraph (1)* of subsection (b) provides that it is the purpose of the White House Conference on Library and Information Services to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public. The recommendations developed by the Conference must be consistent with the policies declared in the preamble to the joint resolution. Parenthetically, this subsection provides that the use of the term "Conference" in succeeding subsections of the joint resolution is a reference to the White House Conference on Library and Information Services, and so it is throughout this analysis.

*Paragraph (2)* of subsection (b) describes the composition of the Conference, and in so doing implies that one of the otherwise unstated purposes of the Conference is to bring together the individuals of whom the Conference is composed.

*Clause (A)* of paragraph (2) of subsection (b) provides that, among those who shall comprise the Conference, there shall be representatives of local, Statewide, regional, and national institutions, agencies, organizations, and associations which provide library, and and informantion services to the public.

*Clause (B)* of such paragraph (2) requires that the Conference be composed of representatives of educational institutions, agencies, organizations, and associations, and parenthetically such clause requires that, among the associations represented, professional and scholarly associations, the purposes of which are to advance education and research, be included.

*Clause (C)* of such paragraph (2) requires that the Conference include persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services.

*Clause (D)* of such paragraph (2) provides that representatives of the general public be included in the Conference.

*Subsection (c)* of the joint resolution provides (1) for the planning and conduct of the Conference by the National Commission on Libraries and Information Science, established under Public Law 91-345, the National Commission on Libraries and Information Science Act (20 U.S.C. 1501, *et seq.*); (2) the authority and responsibilities of such National Commission under the joint resolution; and (3) the duties of other Federal agencies with respect to the joint resolution.

*Paragraph (1)* of such subsection (c) requires that the Conference be planned and conducted under the direction of the National Commission on Libraries and Information Science. Parenthetically, such paragraph provides that thereafter in the joint resolution references with respect to such National Commission shall use the term "Commission;" and so it is hereafter in this analysis.

*Paragraph (2)* of such subsection (c) sets forth the duties and responsibilities of the Commission with respect to the Conference. In administering the joint resolution, the Commission has the duties and responsibilities set forth in clauses (A) through (D) of paragraph (2).

*Clause (A)* of such paragraph (2) authorizes the Commission to request the cooperation and assistance of other Federal departments and agencies, when such cooperation and assistance is appropriate in

order to enable the Commission to carry out its responsibilities under the joint resolution.

*Clause (B)* of such paragraph (2) authorizes the Commission to make technical assistance and financial assistance available to the States in order to enable the States to organize and conduct conferences and other meetings, which conferences and meetings shall be designed to prepare the States and persons taking part in such conferences and meetings for participation in the Conference. Parenthetically, such clause (B) makes clear that arrangements for such technical assistance and financial assistance may be arranged by the Commission by way of grants to the States, contracts with the States, and such other arrangements as the Commission may determine to be appropriate in dealing with the States.

*Clause (C)* of such paragraph (2) authorizes the Commission to prepare and make available to, and for the use of, delegates to the Conference and to the associated State conferences such background materials as may be determined appropriate. Such clause (C) also authorizes the Commission to prepare and distribute to the public such reports of the Conference and such reports of any associated State conferences as the Commission may determine to be appropriate.

*Paragraph (3)* of subsection (c) of the joint resolution relates to the cooperation of, and assistance to, the Commission by other governmental bodies.

*Subparagraph (A)* of such paragraph (3) relates to departments and agencies in the executive branch of the Government and their duties under the joint resolution. The first sentence of such subparagraph (1) requires each department and agency in the executive branch to cooperate with, and provide assistance to, the Commission upon a proper request of the Commission under clause (A) of paragraph (2) of such subsection (c); and (2) for the purposes of such sentence, each department and agency in the executive branch of the Government is authorized to provide personnel to the Commission in accordance with section 3341 of title 5, United States Code.

Such section 3341 relates to details within executive or military departments and provides that—

(1) the head of an executive department or military department may detail employees among the bureaus and offices of such department (with an exception relating to employees who are required by law to be exclusively engaged on specific work); and

(2) such details may be made only by written order of the head of the department and may be made only for 120 days, except that such 120 day limit may be extended, by written order, for a period not to exceed an additional 120 days.

Since such section 3341 provides only for details within departments, the second sentence of subparagraph (A) deems the Commission, for the purposes of the joint resolution, to be a bureau or office of the executive or military department of which any request, under clause (A) of paragraph (2) of subsection (c) of the joint resolution, is made by the Commission.

*Subparagraph (B)* of such paragraph (3) applies to the Library of Congress. Since the Library of Congress is not an executive department or military department, subparagraph (A) of paragraph

(3) does not apply; therefore, subparagraph (B) has the effect of classifying the Library of Congress as an executive department for the purposes of the joint resolution. Such subparagraph (B) authorizes the Librarian of Congress, upon a request under clause (A) of subsection (c)(2) of the joint resolution, to detail personnel to the Commission in order to enable the Commission to carry out the Commission's responsibilities under the joint resolution.

*Paragraph (4)* of subsection (c) of the joint resolution authorizes the Commission to employ such personnel as may be necessary to carry out the provisions of the joint resolution. The Commission, in employing such personnel, is exempted from the provisions of title 5, United States Code—

- (1) governing appointments in the competitive service;
- (2) chapter 51 thereof relating to classification; and
- (3) in subchapter III of chapter 53 thereof, relating to general schedule pay rates.

*Paragraph (5)* of such subsection (c) authorizes the Commission to publish and distribute reports for the Conference. Such reports must be authorized by the joint resolution. Such paragraph exempts the Commission from the requirement of section 501 of title 44, United States Code for the purpose of publishing reports under paragraph (5).

*Paragraph (6)* of such subsection (c) authorizes the Commission, from sums appropriated to carry out the joint resolution, to pay members of the Conference travel expenses and per diem. The first sentence of such paragraph authorizes members of the Conference to receive, while away from their homes or regular places of business and attending the Conference, travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code for persons serving without pay. The second sentence of such paragraph provides that the Commission may pay the expenses authorized under the first sentence of such paragraph by way of advances, reimbursements, or in installments as the Commission may determine.

*Subsection (d)* of the joint resolution relates to the final report of the Conference. Such subsection provides (1) that a final report of the Conference must be submitted to the President not later than 120 days after the close of the Conference, (2) that on that date such report must be made public, and (3) that within 90 days after the President has received the report, it must be transmitted to the Congress.

Such report is to contain such findings and recommendations as may be made by the Conference. When the report is transmitted to the Congress, it is to be accompanied by a statement of the President containing the President's recommendations with respect to the findings and recommendations of the Conference.

*Subsection (e)* of the joint resolution relates to advisory committees to the Conference.

*Paragraph (1)* of such subsection (e) establishes a twenty-eight member advisory committee which, under the second sentence of such paragraph, is to assist and advise the Commission in planning and conducting the Conference.

The first sentence of such paragraph, in addition to establishing the advisory committee, provides for the composition of the advisory committee as follows:

(1) At least \_\_\_\_\_ members thereof must be members of the Commission, which members are to be designated by the Chairman of the Commission.

(2) Two of the members of the advisory committee are to be designated by the Speaker of the House of Representatives.

(3) Two of the members of the advisory committee are to be designated by the President *pro tempore* of the Senate.

(4) Not more than 21 members of the advisory committee shall be appointed by the President.

The third sentence of such paragraph (1) provides that the Chairman of the Commission shall serve as Chairman of the advisory committee.

Clause (A) in the first sentence of such paragraph makes clear that the Chairman of the Commission may designate more than three members of the Commission to the advisory committee; and clause (D) in such sentence provides that the number of members of the advisory committee appointed by the President is the number equal to the difference between the number of members designated pursuant to clauses (A), (B), and (C) in such sentence and the total allowable membership, twenty-eight.

The third sentence of such paragraph (1), in making the Chairman of the Commission the Chairman of the advisory committee, when read with clause (A) of such paragraph, makes it possible that, if the Chairman does not designate himself under such clause (A), the Chairman would serve as a non-member Chairman of the advisory committee, a non-voting presiding officer.

*Paragraph (2)* of subsection (e) of the joint resolution gives to the Chairman of the Commission the authority to establish, prescribe functions for, and appoint members to such advisory committees as may be necessary to assist and advise the Conference in carrying out its functions.

*Paragraph (3)* of such subsection provides for compensation for members of committees established under subsection (e) of the joint resolution.

The first sentence of such paragraph provides that such members shall be entitled to receive compensation at a rate fixed by the Chairman of the Commission. Only members who are not regular full-time officers or employees of the United States shall be entitled to such compensation. The entitlement to compensation applies only while the members of a committee are attending to the business of such committee, including the travel time to and from such business. The rate of pay fixed by the Chairman may not exceed the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code.

In addition to the compensation for which provision is made under the first sentence of such paragraph (3), members of the committee to which paragraph (3) applies are allowed travel expenses. The second

sentence of such paragraph (3) provides that such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

*Subsection (f)* of the joint resolution authorizes the Commission to accept gifts on behalf of the Conference. Under such subsection, the Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor, or the donor's representative, to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

*Subsection (g)* of the joint resolution defines the term "State." For the purposes of the joint resolution, the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

*Subsection (h)* of the joint resolution authorizes appropriations for the joint resolution. The first sentence of such subsection authorizes to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out the joint resolution. The total amount so appropriated may not exceed \$10,000,000. The second sentence of such subsection provides that sums appropriated under the first sentence of such subsection shall remain available for obligation until expended.



WHITE HOUSE CONFERENCE ON LIBRARY AND  
· INFORMATION SERVICES

MAY 22, 1974.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor,  
submitted the following

REPORT

[To accompany S.J. Res. 40]

The Committee on Education and Labor, to whom was referred the joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, having considered the same, report favorably thereon with amendments and recommend that the joint resolution as amended do pass.

The amendments are as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services in 1977.

(b) (1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, in accordance with the policies set forth in the preamble to this joint resolution.

(2) The conference shall be composed of, and bring together—

(A) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;

(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);

(C) persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services; and

(D) representatives of Federal, State, and local governments, professional and lay people, and other members of the general public.

(c) (1) The conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").



(2) In administering this joint resolution, the Commission shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate.

(3) (A) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to, the Commission upon its request under clause (A) of paragraph (2); and, for that purpose, each Federal department and agency is authorized to provide personnel to the Commission. The Commission shall be deemed to be a part of any executive or military department of which a request is made under clause (A) of paragraph (2).

(B) The Librarian of Congress is authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.

(4) In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission is authorized to publish and distribute for the Conference the reports authorized under this joint resolution.

(6) Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e) (1) There is hereby established a twenty-eight member advisory committee of the Conference composed of (A) at least three members of the Commission designated by the Chairman thereof; (B) five persons designated by the Speaker of the House of Representatives with no more than three being members of the House of Representatives; (C) five persons designated by the President pro tempore of the Senate with no more than three being members of the Senate; and (D) not more than fifteen persons appointed by the President. Such advisory committee shall assist and advise the Commission in planning and conducting the Conference. The Chairman of the Commission shall serve as Chairman of the Conference.

(2) The Chairman of the Commission is authorized, in his discretion, to establish, prescribe functions for, and appoint members to, such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.

(3) Members of any committee established under his subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference.

Such grants, gifts, or bequests offered the Commission, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums, but not to exceed \$10,000,000, as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

Amend the title so as to read:

"Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services in 1977."

#### BACKGROUND

There are today more than 75,000 public, school and university libraries and information centers in the United States—a national resource serving all the American people.

Effective development and management of these library resources are essential for the continued progress of the nation in education, science, industry, agriculture, commerce, and foreign relations. Moreover libraries and information centers are now at a critical juncture in their development.

For technology promises both new opportunities for providing more effective library and information services and many new problems. If libraries and information centers are to be most effective it is imperative that plans be made now for dealing with the multitude of issues that will arise in the near future. It is important, as well, that the process of planning and coordinating library and information services for the next generation of Americans proceed on the basis of broad popular understanding and support.

Some progress has already been made toward developing coherent national policies for the development of our library and information resources.

#### NATIONAL ADVISORY COMMISSION ON LIBRARIES

In 1966, President Lyndon B. Johnson appointed a National Advisory Commission on Libraries. The Commission's analysis of needs, resources, and anticipated requirements led to the recommendation that a permanent organization should continue analyzing the issues affecting libraries.

For a task force of the National Advisory Commission on Libraries reported in 1967:

\* \* \* although it is obvious that Congress has responded generously to the demands made upon it for library aid, the response has not been based on recognition of the importance of libraries to the achievement of the Nation's overall objectives. There has been no broadly based conception of how best to promote the growth and development of the Nation's libraries toward that end. Rather, as it does in many areas, Congress acted in the library area in an essentially *ad hoc* manner, and without taking time to evolve a fundamental policy to guide it in its actions.

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Accepting the Commission's recommendation that a permanent organization be formed for the systematic consideration of library policy, Congress in 1970 created the National Commission on Libraries and Information Science (Public Law 91-345) to study and evaluate library and information resources of all types, to advise Federal, state, local, and private agencies regarding library and information services, and to develop recommendations for the more effective utilization of our libraries and information centers. The National Commission is further charged with conducting comprehensive and continuing appraisals of the needs for library and information services throughout the country and with making recommendations for the maximum coordination, improvement, and expansion of existing services.

## FEDERAL LIBRARY POLICIES

If the 2,000 libraries owned and operated by and for the Federal government were managed on a systematic basis by one agency, the Federal government would be operating the world's largest library system.

However, these libraries are isolated from each other and from libraries operated under non-Federal auspices. Only our three national libraries—the Library of Congress, the National Agricultural Library, and the National Library of Medicine—extensively cooperate with other Federal and non-Federal libraries.

## FEDERAL AID POLICIES

Since 1956, the Federal Government has been providing grants-in-aid to States for local public libraries. Subsequent legislation has authorized additional Federal assistance for construction of library facilities, and acquisition of library materials for handicapped and institutionalized persons.

Grants for school library resources were authorized in 1965 by the Elementary and Secondary Education Act, and, in the same year, the Higher Education Act authorized financial assistance for the libraries in our colleges and universities for research in library techniques, and for the training of library personnel.

Further Federal assistance to libraries is provided by library eligibility for special postal rates, duty-free entry of imported materials, exemption from taxation, surplus property, and the depository library program.

The Federal government is, therefore, an important and responsible partner in most American libraries.

## STATE-FEDERAL PARTNERSHIP

Encouraged by the Library Services Act of 1956—which now, incorporating subsequent amendments, has been replaced by the Library Services and Construction Act—all States now have official State agencies responsible for the development of library services and Statewide library planning.

At present, in order to qualify for Federal assistance for public libraries, each State must prepare plans for the year immediately ahead, and, in less detail, for the next five years as well.

Underlying these requirements is the expectation that such planning will assist each State in making the most effective use of its school, university, and public libraries.

Coordination is, at last, being achieved within individual States; however, coordination among the States, as well as between the States and the Federal government, is not yet a reality.

The development of such coordination and the formulation of comprehensive national and State policies for the enhancement of our library and information resources will be a prime objective of the White House Conference on Libraries and Information Services.

## PURPOSE OF THE CONFERENCE

The Committee notes that we are now experiencing what has been described as an explosion of knowledge and information, and a consequent growth in printed and other materials.

In light of this exponential growth of library and information materials, the Committee believes it essential that a highly visible national conference on library and information services be called to discuss the future needs of users and providers of library and information services.

A White House Conference can help to define, and build support for, new directions which librarians should be taking to meet the public's need for printed materials. And it can help to harness emerging technologies to improve libraries and the processing of information.

Finally, the conference can help define new principles and methods of cooperation among the States, and between the States and the Federal government, so that coordination at the local, State, and Federal levels can be greatly improved.

Indeed, the Committee expects the White House Conference and the State conferences can help stimulate a national debate recognizing the value of libraries and information resources in our society, and it can help, as well, define the appropriate roles of local, State, and Federal governments in the support of these precious national resources.

## ORGANIZATION OF CONFERENCE

The resolution reported by the Committee specifies certain organizational requirements for the White House Conference.

The resolution authorizes the President to call a White House Conference on Library and Information Services in 1977.

The Conference shall include representatives of local, state, regional, and national institutions concerned with library and information services; educators; experts in the technology of library and information services; public officials; and members of the general public.

The National Commission on Libraries and Information Science is charged with planning and conducting the conference, and the Commission is vested, for the purpose of administering the joint resolution, with the powers necessary to administer a conference of this nature—for example, Federal departments and agencies are required to cooperate with the Commission.

To assist and advise the Commission in planning and conducting the conference, a 28-member advisory committee is established. The advisory committee is to be composed of three members of the Na-

tional Commission on Libraries and Information Science, appointed by the Chairman of the Commission, five persons designated by the pro tempore President of the Senate, and five persons designated by the Speaker of the House of Representatives. Not more than 15 persons may be appointed by the President of the United States.

The Chairman of the National Commission on Library and Information Science will serve as Chairman of the White House Conference on Library and Information Services.

#### NEED FOR CONFERENCE

The Select Subcommittee on Education of the Committee on Education and Labor received testimony overwhelmingly in favor of the approval of H.J. Res. 766 (the companion bill to S.J. Res. 40).

Said John B. Harlan, President of the American Library Society:

Libraries and information centers play an invaluable role in American life. Through providing access to information and ideas of great variety, libraries and information centers are not only a precious tool for the individual in filling his or her educational, occupational, and recreational needs and desires but are also the foundation of our freedom and democracy and the foundation of future civilizations.

Therefore, the strengthening and expansion of these facilities and their services is of the utmost importance for Americans as individuals, as Americans, and as members of our civilization.

Concluded Mr. Harlan:

The proposed White House Conference on Library and Information Services . . . seems to me to be the most logical way in which to attain the long-range planning necessary for effective strengthening and expansion of these treasured national resources.

And there can be no time more appropriate for undertaking this nationwide planning than during our bicentennial year, 1976.

Dr. Frederick Burkhardt, Chairman of the National Commission on Libraries and Information Science, told the Committee that the Commission favored passage of H.J. Res. 766, because:

\* \* \* A White House Conference will draw the attention of the American public to their libraries in a positive and productive way. A White House Conference will give an opportunity to thousands of individuals to express their needs and discuss their problems under conditions calculated to yield concrete improvements and solutions.

Dr. Burkhardt added:

The National Commission on Libraries and Information Science has listened with care to the statements of organizations and agencies within the information and library community. These associations, groups, and organizations have given careful attention to the problems that beset them and

the public they serve. However, a White House Conference on Library and Information Services would go further and deeper into the problems by offering an ideal opportunity for the needs of all users of information to become known and understood. Other White House conferences have discovered that the "grass-roots" viewpoint can wipe away outmoded practices and substitute a fresh outlook, including entirely new ways of dealing with current needs.

Dr. Jean Lowrie, President of the American Library Association, concurred with Dr. Burkhardt's assessment and added:

Since the beginning of our country's history under the leadership of such statesmen as Benjamin Franklin and Thomas Jefferson, libraries have been significant institutions in the United States.

Through the years libraries have not only collected the history, the thoughts, the scientific knowledge, the arts of our citizens and of the world, they have also been of assistance to the educational needs of all people.

Traditionally, libraries in the United States have been concerned about the needs of the young and the elder citizens, of the poor as well as the wealthy, of the minorities and other multiple ethnic groups—living in all parts of the country.

"It is particularly appropriate," concluded Dr. Lowrie, "that during 1976, the Bicentennial of our country, recognition should be given to the role of libraries."

For, he concluded:

Libraries have become a basic part of education from kindergarten through higher and continuing educational institutions.

Other witnesses also voiced their support.

Said L. Quincy Mumford, Librarian of Congress:

I think it is particularly fitting that such a conference should be held in 1976, not only because of our Nation's Bicentennial and the American Library Associations centennial, but because this is the 20th anniversary of the first Federal Library Services Act.

And, Dr. Mumford added:

Today we are all aware of the tremendous competition for Federal funds. Libraries in particular have lived a see-saw existence during the last few fiscal years.

Dire consequences are being predicted by librarians should Federal funding be further curtailed or eliminated.

The point I am leading to is that librarians have in some instances been reacting to the same pressures that have been felt by other segments of our educational community and in many instances have not had the time for much serious reflection on the questions of goals and the role of the National Commission on Libraries and Information Science in establishing these goals.

Concluded Dr. Mumford:

A White House Conference on Library and Information Services could not be better timed. A conference in Washington which would reflect all aspects of librarianship—school, public, State, academic, special, Federal, and computer technology—could have a very meritorious effect on the future of library and information services throughout the country.

And Dr. James B. Rhoads, Archivist of the United States, called the Committee's attention to "an even more vital source of information to which little consideration is given."

For he said:

Behind the flood of publications, and all too frequently obscured by the flood, are the unpublished sources, the archives and manuscripts, public and private, upon which publications directly or indirectly are based.

Dr. Rhoads went on to note that "archival and manuscript repositories" have been so ignored that "we lack even the basic data needed to fully describe the problem."

And noting the increasing importance of tape recordings, manuscripts, and other personal documents of public officials, Dr. Rhoads concluded:

It is ironic that much more attention has been given by the Federal Government to the purchase and dissemination of published materials than to preserving and making accessible archives and manuscripts, the most basic sources of information.

#### PRESIDENTIAL ACKNOWLEDGEMENTS

President Richard M. Nixon, too, has acknowledged the increasing importance of our nation's libraries as we approach the Bicentennial Year.

For, in April of last year, on the occasion of proclaiming National Library Week, the President said:

As we approach the two hundredth anniversary of our national independence, it is imperative that we intensify our efforts to hasten the day when every American will have a truly equal opportunity to realize the full potential of his abilities. Nothing is more essential toward the achievement of this goal than an efficient and readily accessible library system.

Vice-President Gerald R. Ford has also indicated his support of the White House Conference on Libraries and Information Services.

For on September 19, 1973, the Vice-President, then a Member of the House of Representatives, introduced H.J. Res. 734, companion legislation to H.J. Res. 766 and S.J. Res. 40.

#### NO MASTER PLAN

The Committee stresses that it does not expect the White House Conference on Library and Information Services to develop any com-

pulsory national blueprint or master plan for library and information services.

On the contrary, the autonomy and diversity of libraries and information services must be continued.

But it is important, as well, that new patterns of cooperation and coordination be developed if the educational, economic, and cultural needs of the American people are to be attained.

Such patterns can be achieved through the articulation by the White House Conference of recommendations that will evoke the voluntary support of the tens of thousands of public-spirited citizens and professional librarians who direct the destinies of library and information services.

#### STATE ROLE

Central to the success of the White House Conference will be the individual state conferences associated with the White House Conference on Library and Information Services.

A member of a State library advisory committee testified before the Senate Subcommittee on Education on S.J. Res. 40:

This element of State and local spinoff is important. White House Conferences are preceded, and followed, by local and State conferences which help to identify area needs and force local and State committees to think about solutions to their problems. These conferences are successful and productive precisely because they are part of the ammunition for a national conference. Nothing beats being in the public spotlight when the goal is to illuminate problems, generate positive positions, and energize for action. You may be sure that the prospect of a national conference will prod the States and localities to sharpen their awareness of the need for library service and of the kind of library services they should expect and support.

In particular, the Committee hopes that state conferences as well as the White House Conference itself will be concerned with the question of providing equal access to library and information sources.

In citing this problem, Roger L. Stevens, Chairman of the Kennedy Center for the Performing Arts, and Chairman of the National Book Committee, told the Committee:

\* \* \* I call your attention to the existing flaws in the sources of support for our public libraries. The dilemma of the public library is similar to that of the public school and, in some areas, even worse.

The inequitable impact of the local property tax has been widely recognized and it is just this source which provides the vast majority of public funds available for libraries.

Concluded Mr. Stevens:

It is inherently unjust that the wealthy community, with relatively little financial effort, can enjoy superior public libraries while poorer places, even with much higher tax rates, can muster only meager resources.

## DEPARTMENTAL REPORT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., December 4, 1973.

HON. CARL D. PERKINS,  
Chairman, Committee on Education and Labor,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your recent request for a report on H.J. Res. 766 and H.J. Res. 734, two bills "To authorize and request the President to call a White House Conference on Library and Information Sciences in 1976." The bills are similar with the exception of one item noted below.

The purpose of the Conference would be to develop recommendations for the improvement of libraries and information centers. The conference would be composed of librarians, information specialists, educators, relevant technologists, and representatives of the general public. (H.J. Res. 766 would also include representatives of Federal, State and local governments.)

Planning and direction of the Conference would be carried out by the National Commission on Libraries and Information Science with cooperation and assistance from all Federal departments. The Commission would make technical and financial assistance available to the States for preparatory meetings and conferences and prepare background material for the use of delegates on the Federal and State levels.

Within 120 days of the close of the Conference, a report would be submitted to the President and the Congress. Ninety days later, the President would be required to submit to Congress a statement of recommendations regarding the report.

A 28 member advisory committee would be appointed by the President to assist the National Commission in planning and conducting the Conference.

Both bills would authorize such sums as may be necessary to carry out the terms of the resolution.

In certain circumstances, a White House Conference may serve to fill a need for the exposure and examination of critical and neglected problems of national concern. However, we do not believe there is any need for a White House Conference in an area where existing forums are providing an adequate opportunity for the identification and discussion of issues and ideas.

We recognize that there are important issues in the field of libraries and information science. Access to information is necessary for an enlightened technological society. The dissemination of information is an area where we must always seek improvements.

However, we do not believe that the White House Conference on Libraries and Information Sciences, as proposed in H.J. Res. 766 and H.J. Res. 734, is justifiable.

To the best of our knowledge, there is no evidence of critical unresolved issues in libraries and information science that cannot be handled through the existing channels of communications in the field, i.e., professional associations, meetings of civic groups, and governmental

and legislative processes on all levels. Further the activities described in both bills to be conducted by the proposed Conference would duplicate the responsibilities of the National Commission on Libraries and Information Science.

Secondly, we think that a White House Conference solely on the subject of libraries and information science would be too narrowly focused, both in terms of the prestige of such a conference and in terms of the considerable public expenditures necessary for such a conference. This is not to diminish the importance of libraries and information science but it does indicate that we believe that these subjects should be examined as a part of the broader issue of education.

We therefore oppose the enactment of H.J. Res. 766 and H.J. Res. 734, as not being needed.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CASPAR W. WEINBERGER,  
Secretary.

COST

In accordance with Rule 13, the Committee estimates that the cost of S.J. Res. 40 will not exceed \$10,000,000.

## COMMITTEE ACTION

H.J. Res. 734 was introduced on September 19, 1973 by Congressman Gerald R. Ford of Michigan.

On October 11, 1973, a similar resolution, H.J. Res. 766, was introduced by Mr. Brademas, Chairman of the Select Education Subcommittee.

S.J. Res. 40 passed the Senate on November 16, 1973 and was referred to the Select Subcommittee on Education. Hearings were held on this measure on November 29, 1973.

The Select Subcommittee on Education by a voice vote reported S.J. Res. 40 as amended.

On May 14, the full Committee on Education and Labor ordered reported S.J. Res. 40 as amended by voice vote.

## SECTION-BY-SECTION ANALYSIS OF SENATE JOINT RESOLUTION 40, AS REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR

*The Preamble.* The preamble to the joint resolution set forth in the material preceding the resolving clause, contains seven clauses which declare the reasons for enacting the joint resolution.

*The first clause* of the preamble states that access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government.

*The second clause* of the preamble states that the primary purpose and function of libraries and information centers is the preservation and dissemination of information and ideas.

*The third clause* of the preamble states that it is essential that the Nation's libraries and information centers grow and be augmented if all Americans are to have reasonable access to adequate services of libraries and information centers.

*The fourth clause* of the preamble states that new achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically.

*The fifth clause* of the preamble states that planning for, and the coordination of, the services of libraries and information centers are required if the cooperation necessary for maximum realization of the potential inherent in the use of advanced technology is to be achieved.

*The sixth clause* of the preamble states that the National Commission on Libraries and Information Science (established under Public Law 91-345) is in the process of developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs.

*The seventh clause* of the preamble states that productive recommendations for expanding access to libraries and information services will require public understanding and support as well as that of public and private libraries information centers.

*That part of the material preceding the resolving clause but which follows the preamble* declares that it is for the reasons set forth in the preamble that the joint resolution should be enacted.

*The resolving clause* of the joint resolution is followed by a single section, containing eight subsections, which—

- (1) authorizes a White House Conference on Libraries and Information Services;
- (2) states the purpose of the Conference;
- (3) provides for its planning and conduct by the National Commission on Libraries and Information Science;
- (4) provides for a report by the Conference;
- (5) establishes an advisory committee for the Conference;
- (6) authorizes the National Commission to accept donations on behalf of the Conference;
- (7) provides for a definition of the term "States"; and
- (8) authorizes appropriations to carry out the joint resolutions.

*Subsection (a)* of the joint resolution authorizes the President of the United States to call a White House Conference on Library and Information Services in 1977.

*Subsection (b)* of the joint resolution states the purpose of the Conference and describes the composition of the Conference.

*Paragraph (1)* of subsection (b) provides that it is the purpose of the White House Conference on Library and Information Services to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public. The recommendations developed by the Conference must be consistent with the policies declared in the preamble to the joint resolution. Parenthetically, this subsection provides that the use of the term "Conference" in succeeding subsections of the joint resolution is a reference to the White House Conference on Library and Information Services, and so it is throughout this analysis.

*Paragraph (2)* of subsection (b) describes the composition of the Conference, and in so doing implies that one of the otherwise unstated purposes of the Conference is to bring together the individuals of whom the Conference is composed.

*Clause (A)* of paragraph (2) of subsection (b) provides that, among those who shall comprise the Conference, there shall be representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library, and information services to the public.

*Clause (B)* of such paragraph (2) requires that the Conference be composed of representatives of educational institutions, agencies, organizations, and associations, and parenthetically such clause requires that, among the associations represented, professional and scholarly associations, the purposes of which are to advance education and research, be included.

*Clause (C)* of such paragraph (2) requires that the Conference include persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services.

*Clause (D)* of such paragraph (2) provides that representatives of Federal, State and local governments, professional and lay people, and other members of the general public be included in the Conference.

*Subsection (c)* of the joint resolution provides (1) for the planning and conduct of the Conference by the National Commission on Libraries and Information Science, established under Public Law 91-345, the National Commission on Libraries and Information Science Act (20 U.S.C. 1501, *et seq.*); (2) the authority and responsibilities of such National Commission under the joint resolution; and (3) the duties of other Federal agencies with respect to the joint resolution.

*Paragraph (1)* of such subsection (c) requires that the Conference be planned and conducted under the direction of the National Commission on Libraries and Information Science. Parenthetically, such paragraph provides that thereafter in the joint resolution references with respect to such National Commission shall use the term "Commission"; and so it is hereafter in this analysis.

*Paragraph (2)* of such subsection (c) sets forth the duties and responsibilities of the Commission with respect to the Conference. In administering the joint resolution, the Commission has the duties and responsibilities set forth in clauses (A) through (D) of paragraph (2).

*Clause (A)* of such paragraph (2) authorizes the Commission to request the cooperation and assistance of other Federal departments and agencies, when such cooperation and assistance is appropriate in order to enable the Commission to carry out its responsibilities under the joint resolution.

*Clause (B)* of such paragraph (2) authorizes the Commission to make technical assistance and financial assistance available to the States in order to enable the States to organize and conduct conferences and other meetings, which conferences and meetings shall be designed to prepare the States and persons taking part in such conferences and meetings for participation in the Conference. Parenthetically, such clause (B) makes clear that arrangements for such technical assistance and financial assistance may be arranged by the

Commission by way of grants to the States, contracts with the States, and such other arrangements as the Commission may determine to be appropriate in dealing with the States.

*Clause (C)* of such paragraph (2) authorizes the Commission to prepare and make available to, and for the use of, delegates to the Conference and to the associated State conferences such background materials as may be determined appropriate. Such clause (C) also authorizes the Commission to prepare and distribute to the public such reports of the Conference and such reports of any associated State conferences as the Commission may determine to be appropriate.

*Paragraph (3)* of subsection (c) of the joint resolution relates to the cooperation of, and assistance to, the Commission by other governmental bodies.

*Subparagraph (A)* of such paragraph (3) relates to departments and agencies in the executive branch of the Government and their duties under the joint resolution. The first sentence of such subparagraph (1) requires each department and agency in the executive branch to cooperate with, and provide assistance to, the Commission upon a proper request of the Commission under clause (A) of paragraph (2) of such subsection (c); and (2) for the purposes of such sentence, each department and agency in the executive branch of the Government is authorized to provide personnel to the Commission.

*Subparagraph (B)* of such paragraph (3) applies to the Library of Congress. Since the Library of Congress is not an executive department or military department, subparagraph (A) of paragraph (3) does not apply; therefore, subparagraph (B) has the effect of classifying the Library of Congress as an executive department for the purposes of the joint resolution. Such subparagraph (B) authorizes the Librarian of Congress, upon a request under clause (A) of subsection (c) (2) of the joint resolution, to detail personnel to the Commission in order to enable the Commission to carry out the Commission's responsibilities under the joint resolution.

*Paragraph (4)* of subsection (c) of the joint resolution authorizes the Commission to employ such personnel as may be necessary to carry out the provisions of the joint resolution. The Commission, in employing such personnel, is exempted from the provisions of title 5, United States Code—

- (1) governing appointments in the competitive service;
- (2) chapter 51 thereof relating classification; and
- (3) in subchapter III of chapter 53 thereof, relating to general schedule pay rates.

*Paragraph (5)* of such subsection (c) authorizes the Commission to publish and distribute reports for the Conference. Such reports must be authorized by the joint resolution.

*Paragraph (6)* of such subsection (c) authorizes the Commission, from sums appropriated to carry out the joint resolution, to pay members of the Conference travel expenses and per diem. The first sentence of such paragraph authorizes members of the Conference to receive, while away from their homes or regular places of business and attending the Conference, travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code for persons serving without pay. The second sentence of such paragraph provides that the Commission may pay the expenses

authorized under the first sentence of such paragraph by way of advances, reimbursements, or in installments as the Commission may determine.

*Subsection (d)* of the joint resolution relates to the final report of the Conference must be submitted to the President not later than 120 days after the close of the Conference, (2) that on that date such report must be made public, and (3) that within 90 days after the President has received the report, it must be transmitted to the Congress.

Such report is to contain such findings and recommendations as may be made by the Conference. When the report is transmitted to the Congress, it is to be accompanied by a statement of the President containing the President's recommendations with respect to the findings and recommendations of the Conference.

*Subsection (e)* of the joint resolution relates to advisory committees to the Conference.

*Paragraph (1)* of such subsection (e) establishes a twenty-eight member advisory committee which, under the second sentence of such paragraph, is to assist and advice the Commission in planning and conducting the Conference.

The first sentence of such paragraph in addition to establishing the advisory committee, provides for the composition of the advisory committee as follows:

- (1) At least 3 members thereof must be members of the Commission, which members are to be designated by the Chairman of the Commission.
- (2) Five of the members of the advisory committee are to be designated by the Speaker of the House of Representatives, of whom no more than three shall be members of the House of Representatives;
- (3) Five of the members of the advisory committee are to be designated by the President *pro tempore* of the Senate, of whom no more than three shall be members of the Senate;
- (4) Not more than 15 members of the advisory committee shall be appointed by the President.

The third sentence of such paragraph (1) provides that the Chairman of the Commission shall serve as Chairman of the advisory committee.

*Clause (A)* in the first sentence of such paragraph makes clear that the Chairman of the Commission may designate more than three members of the Commission to the advisory committee; and clause (D) in such sentence provides that the number of members of the advisory committee appointed by the President is the number equal to the difference between the number of members designated pursuant to clauses (A), (B), and (C) in such sentence and the total allowable membership 28.

The third sentence of such paragraph (1), in making the Chairman of the Commission the Chairman of the advisory committee, when read with clause (A) of such paragraph, makes it possible that, if the Chairman does not designate himself under such clause (A), the Chairman would serve as a nonmember Chairman of the advisory committee, a nonvoting presiding officer.

*Paragraph (2)* of subsection (e) of the joint resolution gives to the Chairman of the Commission the authority to establish, prescribe functions for, and appoint members to such advisory committees as may be necessary to assist and advise the Conference in carrying out its functions.

*Paragraph (3)* of such subsection provides for compensation for members of committees established under subsection (e) of the joint resolution.

The first sentence of such paragraph provides that such members shall be entitled to receive compensation at a rate fixed by the Chairman of the Commission. Only members who are not regular full-time officers or employees of the United States shall be entitled to such compensation. The entitlement to compensation applies only while the members of the committee are attending to the business of such committee, including the traveltime to and from such business. The rate of pay fixed by the Chairman may not exceed the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code.

In addition to the compensation for which provision is made under the first sentence of such paragraph (3), members of the committee to which paragraph (3) applies are allowed travel expenses. The second sentence of such paragraph (3) provides that such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

*Subsection (f)* of the joint resolution authorizes the Commission to accept gifts on behalf of the Conference. Under such subsection, the Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor, or the donor's representative, to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

*Subsection (g)* of the joint resolution defines the term "State." For the purposes of the joint resolution the term "State" includes the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

*Subsection (h)* of the joint resolution authorizes appropriations for the joint resolution. The first sentence of such subsection authorizes to be appropriated, without fiscal year limitations, such sums as may be necessary to carry out the joint resolution. The total amount so appropriated may not exceed \$10 million. The second sentence of such subsection provides that sums appropriated under the first sentence of such subsection shall remain available for obligation until expended.



## WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

DECEMBER 17, 1974.—Ordered to be printed

Mr. PERKINS, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany S. J. Res. 40]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the joint resolution (S. J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services not later than 1978.*

*(b) (1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, in accordance with the policies set forth in the preamble to this joint resolution.*

*(2) The Conference shall be composed of, and bring together—*

*(A) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;*

*(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);*

*(C) persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services; and*

(D) representatives of Federal, State, and local governments, professional and lay people, and other members of the general public.

(c) (1) The Conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

(2) In administering this joint resolution, the Commission shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate.

(3) (A) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to, the Commission upon its request under clause (A) of paragraph (2). For that purpose, each Federal department and agency is authorized to provide personnel to the Commission. The Commission shall be deemed to be a part of any executive or military department of which a request is made under clause (A) of paragraph (2).

(B) The Librarian of Congress is authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.

(4) In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission is authorized to publish and distribute for the Conference the reports authorized under this joint resolution.

(6) Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e) (1) There is hereby established a twenty-eight member advisory committee of the Conference composed of (A) at least three members of the Commission designated by the Chairman thereof; (B) five persons designated by the Speaker of the House of Representatives with no more than three being members of the House of Representatives;

(C) five persons designated by the President pro tempore of the Senate with no more than three being members of the Senate; and (D) not more than fifteen persons appointed by the President. Such advisory committee shall assist and advise the Commission in planning and conducting the Conference. The Chairman of the Commission shall serve as Chairman of the Conference.

(2) The Chairman of the Commission is authorized, in his discretion, to establish, prescribe functions for, and appoint members to, such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.

(3) Members of any committee established under this subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests offered the Commission, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums, but not to exceed \$3,500,000, as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

Sec. 2. (a) (1) (A) The first sentence of section 438(a) (1) of the General Education Provisions Act is amended by striking out "State and local educational agency, any institution of higher education, any community college, any school agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(B) Such first sentence is amended by striking out "attending any school of such agency, or attending such institution of higher education, community college, school, preschool, or other educational institution" and inserting in lieu thereof "who are or have been in attendance at a school of such agency or at such institution, as the case may be".

(C) The third sentence of such section is amended by striking out "recipient" and inserting in lieu thereof "educational agency or institution".

(D) Paragraph (1) of section 438(b) of such Act is amended by striking out "State or local educational agency, any institution of

higher education, any community college, any school, agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(E) Paragraph (2) of such section is amended by striking out "State and local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(F) Subsection (e) of section 438 of such Act is amended by striking out "unless the recipient of such funds" and inserting in lieu thereof "to any educational agency or institution unless such agency or institution".

(G) Section 438(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(3) For the purposes of this section the term 'educational agency or institution' means any public or private agency or institution which is the recipient of funds under any applicable program."

(2)(A) The first sentence of section 438(a)(1) of such Act is amended by striking out "any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns." and inserting in lieu thereof "the education records of their children."

(B)(i) The second sentence of such section is amended by striking out "Where such records or data include" and inserting in lieu thereof "If any material or document in the education record of a student includes".

(ii) Such second sentence is amended by striking out "any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child" and inserting in lieu thereof "one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material".

(C) The third sentence of such section is amended by striking out "their child's school records" and inserting in lieu thereof "the education records of their children".

(D) Section 438(b)(1) of such Act is amended by striking out "personally identifiable records or files (or personal information contained therein)" and inserting in lieu thereof "education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a))".

(E) Paragraph (2) of such section is amended by striking out "furnishing, in any form, any personally identifiable information contained in personal school records, to any persons other than those listed in subsection (b)(1)" and inserting in lieu thereof "releasing, or providing access to, any personally identifiable information in educa-

tion records other than directory information, or as is permitted under paragraph (1) of this subsection."

(F) Section 438(a) of such Act is amended by adding at the end thereof the following new paragraphs:

"(4)(A) For the purposes of this section, the term 'education records' means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which—

"(i) contain information directly related to a student; and

"(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

"(B) The term 'education records' does not include—

"(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

"(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1), the records and documents of such law enforcement unit which (I) are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;

"(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

"(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

"(5)(A) For the purposes of this section the term 'directory information' relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

"(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent."

(3) Section 438(a)(1) of such Act is amended by inserting "(A)" after section "Sec. 438. (a)(1)" and adding at the end thereof the following new subparagraph:

“(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

“(i) financial records of the parents of the student or any information contained therein;

“(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

“(iii) if the student has signed a waiver of the student’s right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

“(I) respecting admission to any educational agency or institution,

“(II) respecting an application for employment, and

“(III) respecting the receipt of an honor or honorary recognition.

“(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.”

(4) (A) Paragraph (2) of section 438(a) is amended by striking out that part thereof which precedes “to insure” and inserting in lieu thereof the following: “No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student’s education records, in order”.

(B) Such paragraph (2) is amended by inserting before the period at the end thereof the following: “and to insert into such records a written explanation of the parents respecting the content of such records”.

(5) Section 438(a) of such Act is amended by adding at the end thereof the following new paragraph:

(6) Section 438(b) (1) of such Act is amended by striking out “and” any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.”

(6) Section 438(b) (1) of such Act is amended by striking out “and” at the end of clause (C), by striking out the period at the end of clause (D) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses:

“(E) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

“(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

“(G) accrediting organizations in order to carry out their accrediting functions;

“(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

“(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.”

(7) Section 438(g) of such Act is amended by adding at the end thereof the following new sentence: “Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.”

(8) (A) Paragraph (1) of section 438(b) of such Act is amended by inserting “or practice” after “which has a policy”.

(B) Clause (A) of section 438(b) (1) of such Act is amended by striking out “who” and inserting in lieu thereof “, who have been determined by such agency or institution to”.

(C) Clause (B) of such section 438(b) (1) is amended by inserting “seeks or” after “student”.

(D) The proviso in paragraph 3 of section 438(b) of such Act is amended to read as follows: “Provided, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements”.

(9) Paragraph (4) (A) of section 438(b) of such Act is amended to read as follows:

“(4) (A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1) (A) of this subsection), agencies, or organizations which have requested or obtained access to a student’s education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of

paragraph (1) as a means of auditing the operation of the system.”.

(10) (A) Clause (C) of section 438(b)(1) of such Act is amended by striking out “section 409 of this Act” and inserting in lieu thereof “section 408(c)”.

(B) Section 438(g) of such Act is amended by striking out “, according to the procedures contained in sections 434 and 437 of this Act”.

(b) The amendments made by subsection (a) shall be effective, and retroactive to, November 19, 1974.

Sec. 3. (a) Section 901(a) of the Education Amendments of 1972 is amended by striking out “and” at the end of clause (4) thereof and by striking out the period at the end of clause (5) thereof and inserting in lieu thereof “; and”, and by inserting at the end thereof the following new clause:

“(6) This section shall not apply to membership practices—

“(A) of a social fraternity or social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education, or

“(B) of the Young Men’s Christian Association, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally persons of less than nineteen years of age.”

(b) The provisions of the amendment made by subsection (a) shall be effective on, and retroactive to, July 1, 1972.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the title of the joint resolution and agree to the same with an amendment as follows: In lieu of the amendment of the Senate to the amendment of the House to the title of the joint resolution insert the following:

Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes.

And the Senate agree to the same.

CARL D. PERKINS,  
JOHN BRADEMAs,  
ALBERT H. QUIE,  
*Managers on the Part of the House.*

CLAIBORNE PELL,  
JENNINGS RANDOLPH,  
HARRISON A. WILLIAMS, Jr.,  
W. F. MONDALE,  
TOM EAGLETON,  
ALAN CRANSTON,  
WILLIAM D. HATHAWAY,  
J. JAVITS,  
DICK SCHWEIKER,  
J. GLENN BEALL, Jr.,  
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the joint resolution struck out all after the resolving clause and inserted a substitute text. The Senate concurred with the amendment of the House to the text of the joint resolution with an amendment which was a substitute for both the House amendment to the text of the joint resolution and the Senate joint resolution. The House recedes from its disagreement to the amendment of the Senate to the amendment of the House to the text of the joint resolution with an amendment which is a substitute for both the House amendment and the Senate amendment thereto. The differences between the House amendment, the Senate amendment to the House amendment, and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

### WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

1. *Date for Holding the White House Conference.*—The House amendment provides for the holding of a White House Conference on Library and Information Services in 1977. The Senate amendment provides that such Conference take place in 1978. The House recedes with an amendment providing that the Conference be called not later than 1978.

2. *Composition of the Conference.*—The House amendment provides for representatives of Federal, State, and local governments, professional and lay people, and other members of the general public. The Senate amendment specifies only representatives of the general public.

The Senate recedes.

3. *Publication of Reports for the Conference.*—Under the House amendment, the National Commission on Libraries and Information Science is authorized to publish reports for the Conference. The Senate amendment specifies that such reports may be prepared without regard to section 501 of title 44, United States Code (relating to requirement that Government printing, binding, and blank-book work be done at Government Printing Office).

The Senate recedes.

(9)

4. *Membership of Advisory Committee of the Conference.*—The House amendment provides (1) five persons designated by the Speaker of the House, not more than three of whom may be Members of the House; (2) five persons designated by President pro tempore of the Senate, not more than 3 of whom may be Members of the Senate; and (3) not more than fifteen persons appointed by the President. The Senate amendment provides (1) 2 persons designated by the Speaker; (2) two persons designated by the President pro tempore; and (3) not more than 21 persons appointed by the President.

The Senate recedes.

5. *Authorization of Appropriations.*—Under the House amendment, a ceiling of \$3,000,000 is provided. The Senate amendment provides a ceiling of \$10,000,000.

The Senate recedes with an amendment limiting the authorization to \$3,500,000.

#### AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

6. *Educational Institutions or Agencies.*—The Senate amendment strikes out language appearing in various places in existing law which lists the educational institutions and agencies to which the Buckley Amendment applies and—

(a) inserts the term “educational agencies and institutions” uniformly; and

(b) defines that term as any public or private agency or institution which is the recipient of funds from the Office of Education.

There is no comparable House provision. The House recedes.

7. *Education Records: Definition.*—(a) Existing law contains a laundry list of items which are to be available to parents and students and makes inconsistent references to “personally identifiable information, school records,” etc. The Senate amendment uses the generic designation, “education records” and defines that term. The House recedes with an amendment dropping a blanket provision that nothing in the section should be construed to alter the confidentiality of communications otherwise protected by law. The conferees, in agreeing to this amendment, did so because State laws and court decisions vary so widely that the sections potential effects were uncertain. In doing so, the conferees did not intend to disrupt existing parental and student rights to confidentiality. It is the intention of the conferees that the Department of Health, Education, and Welfare interpret the term “treatment” narrowly to limit the exemption for such records to those similar to those enumerated. It is not intended to apply to remedial educational records made or maintained by education professionals or para-professionals.

(b) The Senate amendment makes “directory information” available to the public without special consent if public notice is given and a parent is given the opportunity to object to its release. There is no comparable House provision. The House recedes.

8. *Limitations on Access by Students in Institutions of Postsecondary Education.*—The Senate amendment exempts certain records from review by students in institutions of postsecondary education and pro-

vides for waiver of access to certain confidential recommendations. There is no comparable House provision. The House recedes with an amendment making it explicit that such a waiver cannot be required as a precondition of admission, employment, or receipt of awards.

9. *Hearings by Educational Agencies and Institutions.*—The Senate amendment amends paragraph (2) of section 432(a) (relating to hearings) to provide that—

(1) hearings are to be conducted in accordance with regulations of the Secretary; and

(2) parents and students may insert written explanations into their education records.

There is no comparable House provision. The House recedes.

10. *Student: Definition.*—The Senate amendment defines a “student” as “any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.”

There is no comparable House provision. The House recedes.

11. *Broadened Access to Education Records.*—The Senate amendment permits release of education records to the following:

(1) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute;

(2) organizations of educational agencies or institutions for the purpose of developing, validating, and administering predictive tests, if such information will not permit the identification of any person by the organization receiving such information;

(3) accrediting organizations in order to carry out their accrediting functions;

(4) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

(5) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

There is no comparable House provision. The House recedes with two amendments. The first provides that State law in effect on the date of the Act's enactment shall control access of State and local officials to information required pursuant to State law. However, it makes clear that States will not be precluded from adopting legislation which further limits such officials' rights of access to records.

The second amendment clarifies the exemption for such agencies as the College Entrance Examination Board or the Educational Testing Service, to allow such agencies to continue the conduct of studies for or on behalf of educational agencies or institutions provided that the studies will be conducted in a manner which will not permit personally identifiable information on students or parents by other than representatives of such organizations and that such information will be destroyed when no longer needed.

12. *Regionalization of the Secretary's Functions.*—The Senate amendment prohibits the regionalization of the enforcement of the Privacy Act by providing that, except for the conduct of hearings,

none of the functions of the Secretary under the Act shall be carried out in any of the regional offices of such Department.

There is no comparable House provision. The House recedes.

*13. Minor Clarifying Amendments Relating to Third Party Access to Education Records.*—The Senate amendment makes the following technical and clarifying amendments:

(a) Paragraph (1) of section 438(b) of the Act is amended by inserting “or practice” after “which has a policy” in the language prohibiting policies or releasing education records to unauthorized persons;

(b) determinations of who have “legitimate educational interests” are made by the educational agencies and institutions involved;

(c) existing law makes education records available in cases of transfer to institutions to which the student “intends” to make a transfer. The Senate amendment includes the term “seeks” as well as “intends”; and

(d) the Senate amendment includes language intended to permit longitudinal studies.

There are no comparable House provisions. The House recedes with language clarifying the provisions relating to longitudinal studies.

*14. Clarifying Amendments Relating to Record of Access to Education Records.*—The Senate amendment clarifies the requirement in existing law concerning records of access to education records. There is no comparable House provision. The House recedes.

*15. Effective Date.*—The Senate amendment provides that the amendments made by section 2 of the Senate amendment will be effective, and retroactive to, November 19, 1974.

There is no comparable House provision. The House recedes.

*16. Amendment to Title IX of the Education Amendments of 1972.*—The Senate amendment amends section 901(a) of the Education Amendments of 1972 (Public Law 92-318, 86 Stat. 373), relating to the prohibition of sex discrimination, to provide that section 901 shall not apply to membership practices of (1) certain social fraternities and social sororities consisting primarily of students in attendance at an institution of higher education; (2) voluntary youth service organizations, including the YMCA, the YWCA, Girl Scouts, Campfire Girls, and Boy Scouts, the membership of which traditionally has been limited to persons of one sex and to persons 19 years of age or less.

The Senate amendment also provides that this amendment shall be effective on, and retroactive to, July 1, 1972.

There is no comparable House provision. The House recedes with an amendment clarifying the exemption from the provisions of title IX of the membership practices of the YMCA's, YWCA's, Girl Scouts, Boy Scouts, and Campfire Girls. The conferees agree that any reference to fraternities, sororities, or organizations exempted under section 501(a) of the Internal Revenue Code of 1954 shall be limited to those fraternities, sororities, or organizations which are socially oriented and do not engage in political activities. Social fraternities which are service oriented shall also qualify under clause 6(A) of section 901(a). For purposes of section 901(a), alumni of fraternities and sororities shall not be deemed to be active members.

*17. Amendment Affecting Title XVIII of the Social Security Act.*—The Senate amendment provides that payments authorized under the Medicare Program, pursuant to part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) for persons who receive care in nursing homes or other similar facilities operated by a fraternal organization shall not be deemed to be Federal financial assistance for purposes of any other Federal law.

There is no comparable House provision. The Senate recedes.

*18. Title.*—The House amendment refers to 1977 as the date of the Conference, while the Senate amendment refers to 1978. The House recedes with an amendment conforming the title to the decisions of the conferees.

CARL D. PERKINS,  
JOHN BRADEMAS,  
ALBERT H. QUILL,

*Managers on the Part of the House.*

CLAIBORNE PELL,  
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WILLIAM D. HATHAWAY,  
J. JAVITS,  
DICK SCHWEIKER,  
J. GLENN BEALL, Jr.,

*Managers on the Part of the Senate.*

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## WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

DECEMBER 18, 1974.—Ordered to be printed

Mr. PELL, from the committee of conference,  
submitted the following

### CONFERENCE REPORT

[To accompany S. J. Res. 40]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the joint resolution (S. J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the text of the joint resolution and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services not later than 1978.*

*(b) (1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, in accordance with the policies set forth in the preamble to this joint resolution.*

*(2) The Conference shall be composed of, and bring together—*

*(A) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;*

*(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);*

*(C) persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services; and*



(D) representatives of Federal, State, and local governments, professional and lay people, and other members of the general public.

(c) (1) The Conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

(2) In administering this joint resolution, the Commission shall—

(A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;

(B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and

(C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate.

(3) (A) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to, the Commission upon its request under clause (A) of paragraph (2). For that purpose, each Federal department and agency is authorized to provide personnel to the Commission. The Commission shall be deemed to be a part of any executive or military department of which a request is made under clause (A) of paragraph (2).

(B) The Librarian of Congress is authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.

(4) In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission is authorized to publish and distribute for the Conference the reports authorized under this joint resolution.

(6) Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.

(d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.

(e) (1) There is hereby established a twenty-eight member advisory committee of the Conference composed of (A) at least three members of the Commission designated by the Chairman thereof; (B) five persons designated by the Speaker of the House of Representatives with no more than three being members of the House of Representatives;

(C) five persons designated by the President pro tempore of the Senate with no more than three being members of the Senate; and (D) not more than fifteen persons appointed by the President. Such advisory committee shall assist and advise the Commission in planning and conducting the Conference. The Chairman of the Commission shall serve as Chairman of the Conference.

(2) The Chairman of the Commission is authorized, in his discretion, to establish, prescribe functions for, and appoint members to, such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.

(3) Members of any committee established under this subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests offered the Commission, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums, but not to exceed \$3,500,000, as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

Sec. 2. (a) (1) (A) The first sentence of section 438(a) (1) of the General Education Provisions Act is amended by striking out "State and local educational agency, any institution of higher education, any community college, any school agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(B) Such first sentence is amended by striking out "attending any school of such agency, or attending such institution of higher education, community college, school, preschool, or other educational institution" and inserting in lieu thereof "who are or have been in attendance at a school of such agency or at such institution, as the case may be".

(C) The third sentence of such section is amended by striking out "recipient" and inserting in lieu thereof "educational agency or institution".

(D) Paragraph (1) of section 438(b) of such Act is amended by striking out "State or local educational agency, any institution of

higher education, any community college, any school, agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(E) Paragraph (2) of such section is amended by striking out "State and local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(F) Subsection (e) of section 438 of such Act is amended by striking out "unless the recipient of such funds" and inserting in lieu thereof "to any educational agency or institution unless such agency or institution".

(G) Section 438(a) of such Act is amended by inserting at the end thereof the following new paragraph:

"(3) For the purposes of this section the term 'educational agency or institution' means any public or private agency or institution which is the recipient of funds under any applicable program."

(2)(A) The first sentence of section 438(a)(1) of such Act is amended by striking out "any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns." and inserting in lieu thereof "the education records of their children."

(B)(i) The second sentence of such section is amended by striking out "Where such records or data include" and inserting in lieu thereof "If any material or document in the education record of a student includes".

(ii) Such second sentence is amended by striking out "any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child" and inserting in lieu thereof "one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material".

(C) The third sentence of such section is amended by striking out "their child's school records" and inserting in lieu thereof "the education records of their children".

(D) Section 438(b)(1) of such Act is amended by striking out "personally identifiable records or files (or personal information contained therein)" and inserting in lieu thereof "education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a))".

(E) Paragraph (2) of such section is amended by striking out "furnishing, in any form, any personally identifiable information contained in personal school records, to any persons other than those listed in subsection (b)(1)" and inserting in lieu thereof "releasing, or providing access to, any personally identifiable information in educa-

tion records other than directory information, or as is permitted under paragraph (1) of this subsection."

(F) Section 438(a) of such Act is amended by adding at the end thereof the following new paragraphs:

"(4)(A) For the purposes of this section, the term 'education records' means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which—

"(i) contain information directly related to a student; and

"(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

"(B) The term 'education records' does not include—

"(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

"(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1), the records and documents of such law enforcement unit which (I) are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;

"(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

"(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

"(5)(A) For the purposes of this section the term 'directory information' relating to a student includes the following: the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

"(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's prior consent."

(3) Section 438(a)(1) of such Act is amended by inserting "(A)" after section "Sec. 438. (a)(1)" and adding at the end thereof the following new subparagraph:

“(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

“(i) financial records of the parents of the student or any information contained therein;

“(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

“(iii) if the student has signed a waiver of the student's right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

“(I) respecting admission to any educational agency or institution,

“(II) respecting an application for employment, and

“(III) respecting the receipt of an honor or honorary recognition.

“(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.”

(4) (A) Paragraph (2) of section 438(a) is amended by striking out that part thereof which precedes “to insure” and inserting in lieu thereof the following: “No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student's education records, in order”.

(B) Such paragraph (2) is amended by inserting before the period at the end thereof the following: “and to insert into such records a written explanation of the parents respecting the content of such records”.

(5) Section 438(a) of such Act is amended by adding at the end thereof the following new paragraph:

“(6) For the purposes of this section, the term ‘student’ includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.”

(6) Section 438(b) (1) of such Act is amended by striking out “and” at the end of clause (C), by striking out the period at the end of clause (D) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses:

“(E) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

“(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

“(G) accrediting organizations in order to carry out their accrediting functions;

“(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

“(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.”

(7) Section 438(g) of such Act is amended by adding at the end thereof the following new sentence: “Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department.”

(8) (A) Paragraph (1) of section 438(b) of such Act is amended by inserting “or practice” after “which has a policy”.

(B) Clause (A) of section 438(b) (1) of such Act is amended by striking out “who” and inserting in lieu thereof “, who have been determined by such agency or institution to”.

(C) Clause (B) of such section 438(b) (1) is amended by inserting “seeks or” after “student”.

(D) The proviso in paragraph 3 of section 438(b) of such Act is amended to read as follows: “Provided, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements.”

(9) Paragraph (4) (A) of section 438(b) of such Act is amended to read as follows:

“(4) (A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1) (A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in, and under the conditions of, clauses (A) and (C) of

paragraph (1) as a means of auditing the operation of the system."

(10) (A) Clause (C) of section 438(b)(1) of such Act is amended by striking out "section 409 of this Act" and inserting in lieu thereof "section 408(c)".

(B) Section 438(g) of such Act is amended by striking out "according to the procedures contained in sections 434 and 437 of this Act".

(b) The amendments made by subsection (a) shall be effective, and retroactive to, November 19, 1974.

Sec. 3. (a) Section 901(a) of the Education Amendments of 1972 is amended by striking out "and" at the end of clause (4) thereof and by striking out the period at the end of clause (5) thereof and inserting in lieu thereof "; and", and by inserting at the end thereof the following new clause:

"(6) This section shall not apply to membership practices—

"(A) of a social fraternity or social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education, or

"(B) of the Young Men's Christian Association, Young Women's Christian Association, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age."

(b) The provisions of the amendment made by subsection (a) shall be effective on, and retroactive to, July 1, 1972.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the title of the joint resolution and agree to the same with an amendment as follows: In lieu of the amendment of the Senate to the amendment of the House to the title of the joint resolution insert the following:

Joint resolution to authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes.

And the Senate agree to the same.

CLAIBORNE PELL,  
JENNINGS RANDOLPH,  
HARRISON A. WILLIAMS, JR.,  
W. F. MONDALE,  
TOM EAGLETON,  
ALAN CRANSTON,  
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J. GLENN BEALL, JR.,

*Managers on the Part of the Senate.*

CARL D. PERKINS,  
JOHN BRADEMAS,  
ALBERT H. QUIE,  
*Managers on the Part of the House.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the amendments of the House to the joint resolution (S.J. Res. 40) to authorize and request the President to call a White House Conference on Library and Information Services in 1976, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the joint resolution struck out all after the resolving clause and inserted a substitute text. The Senate concurred with the amendment of the House to the text of the joint resolution with an amendment which was a substitute for both the House amendment to the text of the joint resolution and the Senate joint resolution. The House recedes from its disagreement to the amendment of the Senate to the amendment of the House to the text of the joint resolution with an amendment which is a substitute for both the House amendment and the Senate amendment thereto. The differences between the House amendment, the Senate amendment to the House amendment, and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

### WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

1. *Date for Holding the White House Conference.*—The House amendment provides for the holding of a White House Conference on Library and Information Services in 1977. The Senate amendment provides that such Conference take place in 1978. The House recedes with an amendment providing that the Conference be called not later than 1978.

2. *Composition of the Conference.*—The House amendment provides for representatives of Federal, State, and local governments, professional and lay people, and other members of the general public. The Senate amendment specifies only representatives of the general public. The Senate recedes.

3. *Publication of Reports for the Conference.*—Under the House amendment, the National Commission on Libraries and Information Science is authorized to publish reports for the Conference. The Senate amendment specifies that such reports may be prepared without regard to section 501 of title 44, United States Code (relating to requirement that Government printing, binding, and blank-book work be done at Government Printing Office).

The Senate recedes.

4. *Membership of Advisory Committee of the Conference.*—The House amendment provides (1) five persons designated by the Speaker of the House, not more than three of whom may be Members of the House; (2) five persons designated by President pro tempore of the Senate, not more than 3 of whom may be Members of the Senate; and (3) not more than fifteen persons appointed by the President. The Senate amendment provides (1) 2 persons designated by the Speaker; (2) two persons designated by the President pro tempore; and (3) not more than 21 persons appointed by the President.

The Senate recedes.

5. *Authorization of Appropriations.*—Under the House amendment, a ceiling of \$3,000,000 is provided. The Senate amendment provides a ceiling of \$10,000,000.

The Senate recedes with an amendment limiting the authorization to \$3,500,000.

#### AMENDMENTS TO THE GENERAL EDUCATION PROVISIONS ACT

6. *Educational Institutions or Agencies.*—The Senate amendment strikes out language appearing in various places in existing law which lists the educational institutions and agencies to which the Buckley Amendment applies and—

(a) inserts the term “educational agencies and institutions” uniformly; and

(b) defines that term as any public or private agency or institution which is the recipient of funds from the Office of Education.

There is no comparable House provision. The House recedes.

7. *Education Records: Definition.*—(a) Existing law contains a laundry list of items which are to be available to parents and students and makes inconsistent references to “personally identifiable information, school records,” etc. The Senate amendment uses the generic designation, “education records” and defines that term. The House recedes with an amendment dropping a blanket provision that nothing in the section should be construed to alter the confidentiality of communications otherwise protected by law. The conferees, in agreeing to this amendment, did so because State laws and court decisions vary so widely that the section’s potential effects were uncertain. In doing so, the conferees did not intend to disrupt existing parental and student rights to confidentiality. It is the intention of the conferees that the Department of Health, Education, and Welfare interpret the term “treatment” narrowly to limit the exemption for such records to those similar to those enumerated. It is not intended to apply to remedial educational records made or maintained by education professionals or para-professionals.

(b) The Senate amendment makes “directory information” available to the public without special consent if public notice is given and a parent is given the opportunity to object to its release. There is no comparable House provision. The House recedes.

8. *Limitations on Access by Students in Institutions of Postsecondary Education.*—The Senate amendment exempts certain records from review by students in institutions of postsecondary education and pro-

vides for waiver of access to certain confidential recommendations. There is no comparable House provision. The House recedes with an amendment making it explicit that such a waiver cannot be required as a precondition of admission, employment, or receipt of awards.

9. *Hearings by Educational Agencies and Institutions.*—The Senate amendment amends paragraph (2) of section 432(a) (relating to hearings) to provide that—

(1) hearings are to be conducted in accordance with regulations of the Secretary; and

(2) parents and students may insert written explanations into their education records.

There is no comparable House provision. The House recedes.

10. *Student: Definition.*—The Senate amendment defines a “student” as “any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.”

There is no comparable House provision. The House recedes.

11. *Broadened Access to Education Records.*—The Senate amendment permits release of education records to the following:

(1) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute;

(2) organizations of educational agencies or institutions for the purpose of developing, validating, and administering predictive tests, if such information will not permit the identification of any person by the organization receiving such information;

(3) accrediting organizations in order to carry out their accrediting functions;

(4) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

(5) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

There is no comparable House provision. The House recedes with two amendments. The first provides that State law in effect on the date of the Act’s enactment shall control access of State and local officials to information required pursuant to State law. However, it makes clear that States will not be precluded from adopting legislation which further limits such officials’ rights of access to records.

The second amendment clarifies the exemption for such agencies as the College Entrance Examination Board or the Educational Testing Service, to allow such agencies to continue the conduct of studies for or on behalf of educational agencies or institutions provided that the studies will be conducted in a manner which will not permit personally identifiable information on students or parents by other than representatives of such organizations and that such information will be destroyed when no longer needed.

12. *Regionalization of the Secretary’s Functions.*—The Senate amendment prohibits the regionalization of the enforcement of the Privacy Act by providing that, except for the conduct of hearings,

none of the functions of the Secretary under the Act shall be carried out in any of the regional offices of such Department.

There is no comparable House provision. The House recedes.

*13. Minor Clarifying Amendments Relating to Third Party Access to Education Records.*—The Senate amendment makes the following technical and clarifying amendments:

(a) Paragraph (1) of section 438(b) of the Act is amended by inserting "or practice" after "which has a policy" in the language prohibiting policies or releasing education records to unauthorized persons;

(b) determinations of who have "legitimate educational interests" are made by the educational agencies and institutions involved;

(c) existing law makes education records available in cases of transfer to institutions to which the student "intends" to make a transfer. The Senate amendment includes the term "seeks" as well as "intends"; and

(d) the Senate amendment includes language intended to permit longitudinal studies.

There are no comparable House provisions. The House recedes with language clarifying the provisions relating to longitudinal studies.

*14. Clarifying Amendments Relating to Record of Access to Education Records.*—The Senate amendment clarifies the requirement in existing law concerning records of access to education records.

There is no comparable House provision. The House recedes.

*15. Effective Date.*—The Senate amendment provides that the amendments made by section 2 of the Senate amendment will be effective, and retroactive to, November 19, 1974.

There is no comparable House provision. The House recedes.

*16. Amendment to Title IX of the Education Amendments of 1972.*—The Senate amendment amends section 901(a) of the Education Amendments of 1972 (Public Law 92-318, 86 Stat. 373), relating to the prohibition of sex discrimination, to provide that section 901 shall not apply to membership practices of (1) certain social fraternities and social sororities consisting primarily of students in attendance at an institution of higher education; and (2) voluntary youth service organizations, including the YMCA, the YWCA, Girl Scouts, Campfire Girls, and Boy Scouts, the membership of which traditionally has been limited to persons of one sex and to persons 19 years of age or less.

The Senate amendment also provides that this amendment shall be effective on, and retroactive to, July 1, 1972.

There is no comparable House provision. The House recedes with an amendment clarifying the exemption from the provisions of title IX of the membership practices of the YMCA's, YWCA's, Girl Scouts, Boy Scouts, and Campfire Girls. The conferees agree that any reference to fraternities, sororities, or organizations exempted under section 501(a) of the Internal Revenue Code of 1954 shall be limited to those fraternities, sororities, or organizations which are socially oriented and do not engage in political activities. Social fraternities which are service oriented shall also qualify under clause 6(A) of section 901(a). For purposes of section 901(a), alumni of fraternities and sororities shall not be deemed to be active members.

*17. Amendment Affecting Title XVIII of the Social Security Act.*—The Senate amendment provides that payments authorized under the Medicare Program, pursuant to part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) for persons who receive care in nursing homes or other similar facilities operated by a fraternal organization shall not be deemed to be Federal financial assistance for purposes of any other Federal law.

There is no comparable House provision. The Senate recedes.

*18. Title.*—The House amendment refers to 1977 as the date of the Conference, while the Senate amendment refers to 1978. The House recedes with an amendment conforming the title to the decisions of the conferees.

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# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## Joint Resolution

To authorize and request the President to call a White House Conference on Library and Information Services not later than 1978, and for other purposes.

Whereas access to information and ideas is indispensable to the development of human potential, the advancement of civilization, and the continuance of enlightened self-government; and

Whereas the preservation and the dissemination of information and ideas are the primary purpose and function of libraries and information centers; and

Whereas the growth and augmentation of the Nation's libraries and information centers are essential if all Americans are to have reasonable access to adequate services of libraries and information centers; and

Whereas new achievements in technology offer a potential for enabling libraries and information centers to serve the public more fully, expeditiously, and economically; and

Whereas maximum realization of the potential inherent in the use of advanced technology by libraries and information centers requires cooperation through planning for, and coordination of, the services of libraries and information centers; and

Whereas the National Commission on Libraries and Information Science is developing plans for meeting national needs for library and information services and for coordinating activities to meet those needs; and

Whereas productive recommendations for expanding access to libraries and information services will require public understanding and support as well as that of public and private libraries and information centers: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to call a White House Conference on Library and Information Services not later than 1978.*

(b) (1) The purpose of the White House Conference on Library and Information Services (hereinafter referred to as the "Conference") shall be to develop recommendations for the further improvement of the Nation's libraries and information centers and their use by the public, in accordance with the policies set forth in the preamble to this joint resolution.

(2) The Conference shall be composed of, and bring together—

(A) representatives of local, statewide, regional, and national institutions, agencies, organizations, and associations which provide library and information services to the public;

(B) representatives of educational institutions, agencies, organizations, and associations (including professional and scholarly associations for the advancement of education and research);

(C) persons with special knowledge of, and special competence in, technology as it may be used for the improvement of library and information services; and

(D) representatives of Federal, State, and local governments, professional and lay people, and other members of the general public.

(c) (1) The Conference shall be planned and conducted under the direction of the National Commission on Libraries and Information Science (hereinafter referred to as the "Commission").

- (2) In administering this joint resolution, the Commission shall—
- (A) when appropriate, request the cooperation and assistance of other Federal departments and agencies in order to carry out its responsibilities;
  - (B) make technical and financial assistance (by grant, contract, or otherwise) available to the States to enable them to organize and conduct conferences and other meetings in order to prepare for the Conference; and
  - (C) prepare and make available background materials for the use of delegates to the Conference and associated State conferences, and prepare and distribute such reports of the Conference and associated State conferences as may be appropriate.
- (3) (A) Each Federal department and agency is authorized and directed to cooperate with, and provide assistance to, the Commission upon its request under clause (A) of paragraph (2). For that purpose, each Federal department and agency is authorized to provide personnel to the Commission. The Commission shall be deemed to be a part of any executive or military department of which a request is made under clause (A) of paragraph (2).
- (B) The Librarian of Congress is authorized to detail personnel to the Commission, upon request, to enable the Commission to carry out its functions under this joint resolution.
- (4) In carrying out the provisions of this joint resolution, the Commission is authorized to engage such personnel as may be necessary, without regard for the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard for chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.
- (5) The Commission is authorized to publish and distribute for the Conference the reports authorized under this joint resolution.
- (6) Members of the Conference may, while away from their homes or regular places of business and attending the Conference, be allowed travel expenses, including per diem in lieu of subsistence, as may be allowed under section 5703 of title 5, United States Code, for persons serving without pay. Such expenses may be paid by way of advances, reimbursement, or in installments as the Commission may determine.
- (d) A final report of the Conference, containing such findings and recommendations as may be made by the Conference, shall be submitted to the President not later than one hundred and twenty days following the close of the Conference, which final report shall be made public and, within ninety days after its receipt by the President, transmitted to the Congress together with a statement of the President containing the President's recommendations with respect to such report.
- (e) (1) There is hereby established a twenty-eight member advisory committee of the Conference composed of (A) at least three members of the Commission designated by the Chairman thereof; (B) five persons designated by the Speaker of the House of Representatives with no more than three being members of the House of Representatives; (C) five persons designated by the President pro tempore of the Senate with no more than three being members of the Senate; and (D) not more than fifteen persons appointed by the President. Such advisory committee shall assist and advise the Commission in planning and conducting the Conference. The Chairman of the Commission shall serve as Chairman of the Conference.
- (2) The Chairman of the Commission is authorized, in his discretion, to establish, prescribe functions for, and appoint members to, such advisory and technical committees as may be necessary to assist and advise the Conference in carrying out its functions.



(3) Members of any committee established under this subsection who are not regular full-time officers or employees of the United States shall, while attending to the business of the Conference, be entitled to receive compensation therefor at a rate fixed by the President but not exceeding the rate of pay specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime. Such members may, while away from their homes or regular places of business, be allowed travel expenses, including per diem in lieu of subsistence, as may be authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission shall have authority to accept, on behalf of the Conference, in the name of the United States, grants, gifts, or bequests of money for immediate disbursement by the Commission in furtherance of the Conference. Such grants, gifts, or bequests offered the Commission, shall be paid by the donor or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter such grants, gifts, and bequests in a special account to the credit of the Commission for the purposes of this joint resolution.

(g) For the purpose of this joint resolution, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) There are authorized to be appropriated without fiscal year limitations such sums, but not to exceed \$3,500,000, as may be necessary to carry out this joint resolution. Such sums shall remain available for obligation until expended.

SEC. 2. (a) (1) (A) The first sentence of section 438(a) (1) of the General Education Provisions Act is amended by striking out "State and local educational agency, any institution of higher education, any community college, any school agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(B) Such first sentence is amended by striking out "attending any school of such agency, or attending such institution of higher education, community college, school, preschool, or other educational institution" and inserting in lieu thereof "who are or have been in attendance at a school of such agency or at such institution, as the case may be".

(C) The third sentence of such section is amended by striking out "recipient" and inserting in lieu thereof "educational agency or institution".

(D) Paragraph (1) of section 438(b) of such Act is amended by striking out "State or local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(E) Paragraph (2) of such section is amended by striking out "State and local educational agency, any institution of higher education, any community college, any school, agency offering a preschool program, or any other educational institution" and inserting in lieu thereof "educational agency or institution".

(F) Subsection (e) of section 438 of such Act is amended by striking out "unless the recipient of such funds" and inserting in lieu thereof "to any educational agency or institution unless such agency or institution".

(G) Section 438(a) of such Act is amended by inserting at the end thereof the following new paragraph:

“(3) For the purposes of this section the term ‘educational agency or institution’ means any public or private agency or institution which is the recipient of funds under any applicable program.”

(2)(A) The first sentence of section 438(a)(1) of such Act is amended by striking out “any and all official records, files, and data directly related to their children, including all material that is incorporated into each student’s cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.” and inserting in lieu thereof “the education records of their children.”

(B)(i) The second sentence of such section is amended by striking out “Where such records or data include” and inserting in lieu thereof “If any material or document in the education record of a student includes”.

(ii) Such second sentence is amended by striking out “any student shall be entitled to receive, or be informed of, that part of such record or data as pertains to their child” and inserting in lieu thereof “one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material”.

(C) The third sentence of such section is amended by striking out “their child’s school records” and inserting in lieu thereof “the education records of their children”.

(D) Section 438(b)(1) of such Act is amended by striking out “personally identifiable records or files (or personal information contained therein)” and inserting in lieu thereof “education records (or personally identifiable information contained therein other than directory information, as defined in paragraph (5) of subsection (a))”.

(E) Paragraph (2) of such section is amended by striking out “furnishing, in any form, any personally identifiable information contained in personal school records, to any persons other than those listed in subsection (b)(1)” and inserting in lieu thereof “releasing, or providing access to, any personally identifiable information in education records other than directory information, or as is permitted under paragraph (1) of this subsection.”

(F) Section 438(a) of such Act is amended by adding at the end thereof the following new paragraphs:

“(4)(A) For the purposes of this section, the term ‘education records’ means, except as may be provided otherwise in subparagraph (B), those records, files, documents, and other materials which—

“(i) contain information directly related to a student; and

“(ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

“(B) The term ‘education records’ does not include—

“(i) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

“(ii) if the personnel of a law enforcement unit do not have access to education records under subsection (b)(1), the records

and documents of such law enforcement unit which (I) are kept apart from records described in subparagraph (A), (II) are maintained solely for law enforcement purposes, and (III) are not made available to persons other than law enforcement officials of the same jurisdiction;

“(iii) in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person’s capacity as an employee and are not available for use for any other purpose; or

“(iv) records on a student who is eighteen years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student’s choice.

“(5) (A) For the purposes of this section the term ‘directory information’ relating to a student includes the following: the student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

“(B) Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent’s prior consent.”

(3) Section 438(a)(1) of such Act is amended by inserting “(A)” after section “Sec. 438. (a)(1)” and adding at the end thereof the following new subparagraph:

“(B) The first sentence of subparagraph (A) shall not operate to make available to students in institutions of postsecondary education the following materials:

“(i) financial records of the parents of the student or any information contained therein;

“(ii) confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended;

“(iii) if the student has signed a waiver of the student’s right of access under this subsection in accordance with subparagraph (C), confidential recommendations—

“(I) respecting admission to any educational agency or institution,

“(II) respecting an application for employment, and

“(III) respecting the receipt of an honor or honorary recognition.

“(C) A student or a person applying for admission may waive his right of access to confidential statements described in clause (iii) of subparagraph (B), except that such waiver shall apply to recommendations only if (i) the student is, upon request, notified of the

names of all persons making confidential recommendations and (ii) such recommendations are used solely for the purpose for which they were specifically intended. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from such agency or institution.”

(4) (A) Paragraph (2) of section 438(a) is amended by striking out that part thereof which precedes “to insure” and inserting in lieu thereof the following: “No funds shall be made available under any applicable program to any educational agency or institution unless the parents of students who are or have been in attendance at a school of such agency or at such institution are provided an opportunity for a hearing by such agency or institution, in accordance with regulations of the Secretary, to challenge the content of such student’s education records, in order”.

(B) Such paragraph (2) is amended by inserting before the period at the end thereof the following: “and to insert into such records a written explanation of the parents respecting the content of such records”.

(5) Section 438(a) of such Act is amended by adding at the end thereof the following new paragraph:

“(6) For the purposes of this section, the term ‘student’ includes any person with respect to whom an educational agency or institution maintains education records or personally identifiable information, but does not include a person who has not been in attendance at such agency or institution.”

(6) Section 438(b) (1) of such Act is amended by striking out “and” at the end of clause (C), by striking out the period at the end of clause (D) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses:

“(E) State and local officials or authorities to whom such information is specifically required to be reported or disclosed pursuant to State statute adopted prior to November 19, 1974;

“(F) organizations conducting studies for, or on behalf of, educational agencies or institutions for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students and their parents by persons other than representatives of such organizations and such information will be destroyed when no longer needed for the purpose for which it is conducted;

“(G) accrediting organizations in order to carry out their accrediting functions;

“(H) parents of a dependent student of such parents, as defined in section 152 of the Internal Revenue Code of 1954; and

“(I) subject to regulations of the Secretary, in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

Nothing in clause (E) of this paragraph shall prevent a State from further limiting the number or type of State or local officials who will continue to have access thereunder.”

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(7) Section 438 (g) of such Act is amended by adding at the end thereof the following new sentence: "Except for the conduct of hearings, none of the functions of the Secretary under this section shall be carried out in any of the regional offices of such Department."

(8) (A) Paragraph (1) of section 438(b) of such Act is amended by inserting "or practice" after "which has a policy".

(B) Clause (A) of section 438(b)(1) of such Act is amended by striking out "who" and inserting in lieu thereof ", who have been determined by such agency or institution to".

(C) Clause (B) of such section 438(b)(1) is amended by inserting "seeks or" after "student".

(D) The proviso in paragraph 3 of section 438(b) of such Act is amended to read as follows: "*Provided*, That except when collection of personally identifiable information is specifically authorized by Federal law, any data collected by such officials shall be protected in a manner which will not permit the personal identification of students and their parents by other than those officials, and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation, and enforcement of Federal legal requirements".

(9) Paragraph (4) (A) of section 438(b) of such Act is amended to read as follows:

"(4) (A) Each educational agency or institution shall maintain a record, kept with the education records of each student, which will indicate all individuals (other than those specified in paragraph (1) (A) of this subsection), agencies, or organizations which have requested or obtained access to a student's education records maintained by such educational agency or institution, and which will indicate specifically the legitimate interest that each such person, agency, or organization has in obtaining this information. Such record of access shall be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations authorized in and under the conditions of, clauses (A) and (C) of paragraph (1) as a means of auditing the operation of the system."

(10) (A) Clause (C) of section 438(b)(1) of such Act is amended by striking out "section 409 of this Act" and inserting in lieu thereof "section 408(c)".

(B) Section 438(g) of such Act is amended by striking out ", according to the procedures contained in sections 434 and 437 of this Act".

(b) The amendments made by subsection (a) shall be effective, and retroactive to, November 19, 1974.

SEC. 3. (a) Section 901(a) of the Education Amendments of 1972 is amended by striking out "and" at the end of clause (4) thereof and by striking out the period at the end of clause (5) thereof and inserting in lieu thereof "; and", and by inserting at the end thereof the following new clause:

"(6) This section shall not apply to membership practices—

"(A) of a social fraternity or social sorority which is exempt from taxation under section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education, or

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“(B) of the Young Men’s Christian Association, Young Women’s Christian Association, Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which are so exempt, the membership of which has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age.”

(b) The provisions of the amendment made by subsection (a) shall be effective on, and retroactive to, July 1, 1972.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

December 24, 1974

Dear Mr. Director:

The following bills were received at the White House on December 24th:

S.J. Res. 40	S. 3481	H.R. 8958	H.R. 14600
S.J. Res. 133	S. 3548	H.R. 8981	H.R. 14689
S.J. Res. 262	S. 3934	H.R. 9182	H.R. 14718
S. 251	S. 3943	H.R. 9199	H.R. 15173
S. 356	S. 3976 ✓	H.R. 9588	H.R. 15223
S. 521	S. 4073	H.R. 9654	H.R. 15229
S. 544	S. 4206	H.R. 10212	H.R. 15322
S. 663	✓ H.J. Res. 1178	H.R. 10701	H.R. 15977
S. 754	H.J. Res. 1180	H.R. 10710	H.R. 16045
S. 1017	H.R. 421	H.R. 10827	H.R. 16215
S. 1083	H.R. 1715	H.R. 11144	✓ H.R. 16596
S. 1296	H.R. 1820	H.R. 11273	H.R. 16925
S. 1418	H.R. 2208	H.R. 11796	H.R. 17010
S. 2149	H.R. 2933	H.R. 11802	H.R. 17045
S. 2446	H.R. 3203	H.R. 11847	H.R. 17085
S. 2807	H.R. 3339	H.R. 11897	H.R. 17468
S. 2854	H.R. 5264	H.R. 12044	H.R. 17558
S. 2888	H.R. 5463	H.R. 12113	H.R. 17597
S. 2994	H.R. 5773	H.R. 12427	H.R. 17628
S. 3022	H.R. 7599	H.R. 12884	H.R. 17655
S. 3289	H.R. 7684	H.R. 13022	
S. 3358	H.R. 7767	H.R. 13296	
S. 3359	H.R. 8214	H.R. 13869	
S. 3394 ✓	H.R. 8322	H.R. 14449	
S. 3433	H.R. 8591	H.R. 14461	

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.