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Questions: (Under and pertaining to P.L.100-382 and the Federal Advisory Committee Act (FACA))

1) What authority does NCLIS have to delegate functions and responsibilities conferred on it under P.L.100-382 to the Advisory Committee?

If any, where does the authority to delegate lie; i.e., within the position as Chairman, as Chairman on behalf of the Commission, or with the Commission?

2) Please define the relationship between NCLIS, the Advisory Committee, and the White House Conference, under P.L.100-382.

Which of NCLIS' authorities, under P.L.100-382, may be delegated to the Advisory Committee?

3) Under P.L.100-382, if NCLIS delegates authorities and/or responsibilities to what extent is NCLIS held legally responsible for the ultimate tasks of hiring, expenditures and obligations of funds?

4) Does the Chairman of the Advisory Committee have the authority to "engage" or hire an Executive Director and staff to "assist the Conference in carrying out its functions" absent recommendations from and without the consent of NCLIS?

5) P.L.100-382 differentiates between NCLIS' authority to "engage such personnel as maybe necessary to assist the Commission and the Advisory Committee..." and the Chairman of the Advisory Committee's authority to "establish, prescribe functions for, and appoint members to, such advisory and technical committees and staff as may be necessary to assist and advise the Conference in carrying out its functions." Please clarify these differences for the purposes of financial decision-making authority and legal responsibilities in the planning and conduct of the Conference.

Specifically, does the Chairman of the Advisory Committee have authority to unilaterally select a candidate for the Executive Director position, with or without the advice and recommendations of a subcommittee of the Advisory Committee, absent a recommendation to NCLIS for its consideration?

6) Does the Advisory Committee have authorities and specific tasks which can be delegated to its Chairman? If yes, please describe the authorities and tasks?

7) What authorities are conferred on the Chairman of the National Commission on Libraries and Information Science (NCLIS) under P.L.91-345?

8) What are the required procedures for changing the legal number of NCLIS members required to constitute a quorum?

- more -
9) Under P.L. 100-382 appointment of Advisory Committee members is as follows:

8 Individuals are designated by the Chairman of NCLIS
5 " " " " " " Speaker of the House of Representatives
5 " " " " " " President pro tempore of the Senate
10 " " " " " " President

The Secretary of Education
The Librarian of Congress

Do 8 individuals serve at the pleasure of the Chairman of NCLIS and 10 individuals serve at the pleasure of the President? If a change occurs in the Chairmanship of NCLIS, does the Chairman have the authority to appoint 8, or less, new Advisory Committee members, at his/her pleasure?

10. Do the forms submitted in 1989 to the Senate Committee on Labor & Human Resources by the NCLIS appointees have to be resubmitted in 1990 or can the 1989 forms be used as is?

11. Is there any prohibition to having an Honorary Chair of the White House Conference?

12. P.L. 100-382 calls for the Advisory Committee to SELECT a Chairman of the White House Conference. Was it envisioned by the drafters of this law that this Chairman be IN CHARGE of the Conference and the Chair of the Advisory Committee would report to the Chair of NCLIS as well as the Chair of the White House Conference? This chain of command is believed to be what is called for in the law but it needs to be confirmed.

13. What powers or authorities does a Chairman Designate have while awaiting confirmation? What are the accepted norms? Can the Chairman Designate request that key personnel not be hired by the current Chairs of the NCLIS and the WH Advisory Committee while confirmation is pending? Do the current Chairs have to honor the requests of the Chairman Designate?

14. In a circumstance where it is critical that the Chairman Designate be confirmed immediately in order to protect the interests of the citizens of the U.S., is there an emergency procedure that would allow the Labor & Human Resources Committee members to be polled and if successfully polled, the name go to the Senate Floor for action, without having a Full Committee mark-up, per se? The Chairman-Designate has had papers reviewed by the Members of the Labor & Human Resources Committee in 1989. There appeared, in 1989, to be no problems associated with this name.

Note: The interests of 250 Congressional committers (72 Senators and 178 Representatives) have also got to be protected as well as the $5 million which has been appropriated.

Timing of this confirmation is also critical because state pre-White House Conferences begin in April, 1990. The national White House Conference is scheduled for early July, 1991.