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Testimony of
Elaine Albright

on behalf of the
American Library Association

before the
Senate Committee on Commerce, Science and Transportation
on S. 1822
The Communications Act of 1994

May 25, 1994

INTRODUCTION

My name is Elaine Albright and I am Dean of Cultural Affairs and Libraries at the University of Maine in Orono, where I am responsible for administering the academic computing center and the network of seven University of Maine system campus libraries into one combined information resource. I am chair of the Maine Library Commission and its Automation Committee. I serve on the board of NELINET (New England Library Information Network), and I am President of the OCLC, Inc., Users Council. OCLC is a not-for-profit computer network of more than 8,000 of the largest libraries in the world. I also chair the ALA Committee on Legislation's Ad Hoc Subcommittee on Telecommunications.

I am here today representing the American Library Association, a nonprofit educational organization of nearly 57,000 librarians, library educators, library trustees, and friends of libraries dedicated to the improvement of library and information services for all the American people. ALA's members are associated with public, school, academic, state, and specialized libraries throughout the country, and with graduate schools of library and information science. Further, we represent the numerous, diverse users of the nation's 115,000 libraries, which are used by considerably more than 100 million users each year.

The legislation Congress is considering will change the rules for those who transport information. In the future, access to communications technology will, in effect, determine whether one can communicate and receive and provide information. Our form of government depends on an informed, not just a consuming, citizenry. Therefore, social goals must be considered, as well as transition effects. Information and communications technology is changing the
role of libraries in ways that could be beneficial to society. In this testimony I will discuss this new role for libraries, what the transition will require from libraries, and make recommendations concerning ways legislation might help achieve this end.

**LEADING ROLE OF LIBRARIES**

Libraries work in partnership with governments in support of education and research, and serve as public access and assistance points for government information through the federal depository library program. Libraries produce heavily used electronic resources such as community information and referral files and catalogs of their holdings. They offer remote database searching, access to microcomputer hardware and software, and video viewing and circulation. Many libraries are involved in virtual library activities, and play a leading role in the evolution of new information services.

**Maine Example:** The University of Maine extends library services to the Community College of Maine, a location-independent system supporting distance learning at off-campus locations throughout the state. Students at more than 80 locations of the Education Network of Maine have direct and immediate access to the URSUS (University Resources Serving Users Statewide) system to support their interactive televised courses. Library materials may be requested electronically from remote locations across the state, and materials are delivered within a day.

Often these remote centers and sites are located in small public libraries or the local high school. From these sites, students use the University of Maine online library catalog with the combined holdings of nine campus libraries, an automated library circulation system, and interlibrary loan or telefacsimile service from the University of Maine libraries. Computer and communications technologies make university resources available in a timely manner to students at very rural and isolated locations.

The University of Maine System telecommunications network is built on a fiber backbone and T-1 links which connect the seven campuses. Campus LANs connect to the statewide network, and dial access lines are available for most campuses providing local call access from off campus.

The URSUS combined catalog includes holdings of seven University of Maine campus libraries, plus an electronic gateway to the collections of Colby, Bowdoin and Bates College libraries. The collections of the Maine State Library and Maine State Law and Legislative Reference Libraries are also included. The Bangor Public Library is on the system, and other public library holdings are being added. Maine has no really deep research holdings, so institutions must combine forces to meet the needs. For this reason, the system is being expanded to cross state lines to link
with the University of New Hampshire and other New England universities.

Maine needs advanced telecommunications services in order to provide distance learning, to handle peak library circulation transactions, and to plan for transmission of the full text of library information. The fundamental problem of library service in Maine is providing access to limited resources distributed over a wide geographic area with a very low population density. Building on the financial and technical infrastructure which created URSUS, the Maine Regional Library System of 400 public and other libraries, MaineCat and the telecommunications network, it is an appropriate and cost effective next step to provide electronic connections for all libraries, linking them not only to a shared database of library resources, but also to the greater information world of the Internet. This next step would enable libraries to support classroom instruction with home and library access to information--not only extending the boundaries of the traditional classroom but also making research and study opportunities available around the clock. Students can choose projects and term papers based on curriculum and interest rather on what the nearest library has on-site.

**Virginia Example:** All 90 of Virginia's public library systems are now connected to the worldwide network of networks known as the Internet through the Virginia Library and Information Network (VLIN) developed by the Virginia State Library. School libraries are connected through VA.PEN, the Virginia Public Education Network. More than 220 libraries of all types are now on the network. CAVALIR ONLINE, the CAtalog of VirginiA LIbrary Resources, is available through VLIN. This means that all libraries in the state, regardless of size or resources, have access to information about the collections of Virginia's libraries and can use this access to improve service to their users.

VLIN was developed with the assistance of federal funds under the Library Services and Construction Act administered by the Department of Education. The public library community is so impressed with this project that they requested, and we have agreed to devote to it approximately $1.2 million in LSCA funds over the next three years (assuming continuation of LSCA).

Many rural public librarians laud the fact that they no longer feel isolated from the rest of the Virginia, and even the worldwide, library community. Library staff use their connections to communicate with colleagues in other agencies and institutions, saving taxpayers money and time by avoiding more costly meetings, long distance phone calls, or traditional surface mail. Librarians find help from colleagues for the more difficult or esoteric patron questions or information needs, and can find answers to library automation problems.
Such library connections have a definite economic impact in the state. There is a wealth of information available on the Internet for small business development, minority business development, employment listings, livestock prices, interest rates, government databases, federal procurement and contract opportunities. Also, of great concern in Virginia is the closing of military bases. There is now a resource on the Internet for assistance with defense conversion initiatives.

The Virginia State Library provides toll-free access to the state Legislative Information Service and the Virginia Employment Commission's online job listing. The VLIN Gopher, an electronic retrieval tool, also provides connections to the varied and extremely useful databases provided by the Library of Congress through the Internet. Your own Library of Congress catalog and legislative and copyright information is instantly available.

As just two examples show, what the library community brings to the information infrastructure issue is the perspective of information professionals from ubiquitous, politically neutral institutions charged with ensuring public access to a diversity of information sources and viewpoints. The library mission includes providing such access regardless of a user's socio-economic status or information seeking skills and regardless of information format. In an electronic age, this mission requires equal, ready, and equitable access to the nation's telecommunications infrastructure, access that will be even more crucial in the future. Without technologically sophisticated libraries available in every community, the evolving national information infrastructure has the potential to intensify the gulf between the information rich and the information poor.

Because of their mission, libraries can ensure that every community has a publicly accessible means of electronic access to the information needed for daily living decisions. Libraries provide equitable public access to their services, and could (and many are) serving as sites for access to the NII. Further, libraries are creators and providers of network information resources, offering online catalogs of holdings; community-based information and referral files; local, state, and federal government information; and purchasing or licensing use of commercial information sources for public access. Finally, libraries have librarians--trained personnel to organize information for practical community use, and to train the public in how to use it to meet their needs.

**BARRIERS TO LIBRARY ROLE**

Significant new costs are involved if libraries are to make their fullest contribution. The costs involved include:

- Communications capability costs. Broadband service to
rural areas presents the most difficulty since the current tariffs are distance dependent. Aggregation of school and library demand through cooperatives and networks could help share costs of high speed lines to rural nodes.

The Virginia Library and Information Network provides local calling access via ports on the midlevel backbone, VERNet, the Virginia Education and Research Network. VLIN access for libraries in rural areas in which local area dial-up to VERNet is not available has been supported by the installation of 14 toll-free 800 number lines connected to a central terminal server at the Virginia State Library.

The cost for rural libraries is definitely higher. A VERnet port costs approximately $1,200 and represents a capital investment, while the 800 number access requires per-minute charges. The 800-service phone bill last November was approximately $700; in March with these additional libraries connected, it was $10,000. Use grows daily; three months ago VLIN averaged 180 logins per day, while logins on a recent day in mid-May were up to 440 by 6:15 p.m. The cost is approximately $.18 per minute during business hours, and about $.11 at night and on weekends.

- Equipment costs. Each library will need additional computers and associated equipment, as well as routers and other capabilities for network library facilities. The investment is at least a few thousand dollars for each station.

- Middle layer costs, such as technical support, development of easy-to-use access tools, servers for mounting library databases, etc.

- Information content costs, such as libraries purchasing or licensing use of commercial information services and databases for use by their campus or local communities. A subscription to a database can range from several dollars per hour to thousands of dollars for a site license.

- Training costs. Librarians and educators providing help to the public must be trained, and must help to train the public to use the new technology, the access tools, and to find and evaluate the best information solution in the sea of information options.

A recent study of a sample of public libraries conducted by Charles McClure and his colleagues for the U.S. National Commission on Libraries and Information Science found that 21 percent of public libraries have Internet/NII connections. However, only 12.8 percent provide public access terminals. Internet connectivity was 77 percent for public libraries serving a population base of more than one million, but declined to 13.3 percent for libraries serving less than 5,000. Telecommunications costs were the most
important factor affecting public library involvement with the Internet/NII. The message from public libraries in the study to the federal government was clear: libraries must be provided with the basics first, such as equipment and continued support for connectivity charges. The full report will be released soon.

A pilot project in New York State, Project GAIN, used foundation and other funding to demonstrate that if rural librarians were given the tools and training to use networked information resources, they could do so effectively and improve the quality of service they offered their patrons. Very small libraries successfully demonstrated the effectiveness of linking rural communities, previously without access to networked electronic information, to the rich and extensive global information environment of the Internet. However, with project funds ending, some of these libraries are struggling to continue to afford their electronic connection.

The cost of rural access is cited by librarians throughout the country as a major barrier, often because they must make a long-distance call to access a high-speed node. However, providing network access over a large city area is also extremely expensive. The Cleveland Public Library and its associated institutions (CLEVENET) have been using Internet connectivity to deliver information services directly to patrons since 1989. The CLEVENET system currently includes 18 public libraries in seven Northern Ohio counties, including urban, suburban, and rural populations. Ongoing telecommunications costs are the single greatest deterrent to the fullest use.

THE COMBINATION OF LIBRARIES AND TECHNOLOGY CHANGES LIVES

Library needs should be met, because electronic networking technology is a powerful stimulus to the already demonstrated ability of libraries to change lives for the better. ALA has been collecting anecdotes about how libraries change lives, and many of these involve the use of information technology through libraries. Here are just a few examples from ALA's campaign, from Project GAIN in New York, or from previous hearings:

- "At age 77 I was introduced to the computer housed at my public library...I love it!"

- An unemployed woman learned computer skills through the local library computer club, and secured a job in the county purchasing department.

- A mother used a medical database on the library computer to locate several medical journal studies pertinent to her daughter's chronic ear condition. That information enabled the parents to discuss the situation with the doctor from a more knowledgeable viewpoint, giving them the confidence to not elect surgery.
• A homeless person, after learning to use computers and networked information resources at the Seattle Public Library, found a job at a local computer store.

• A teenage boy was roused from a coma using techniques his parents learned about in a library book located through an online library catalog.

• An adult literacy student, finding no support group on the Internet for new adult readers, started one and became an online mentor to others.

• A small, steel-town public library's workplace center equipped with online jobs databases and resume-preparation help, enabled a user making a career change to find a job as a cable-TV station manager.

• During one week in April, the Emporia (Kansas) Public Library provided information to an investment group about opportunities in Puerto Rico, tracked state legislative action through an online database, help 26 people find employment opportunities through a national job database, helped a plant manager find an executive search firm in Chicago to fill an opening in her company, helped a sixth grade student learn "everything he needed to know about dinosaurs", enabled a woman who had recently undergone surgery for breast cancer to obtain information about chemotherapy, assisted local governments with their information needs, and answered several hundred other questions. This is the information needed to make life decisions.

THRESHOLD OF NEW ERA

As the Congress, ALA, the corporate sector, public interest groups and others deliberate about these issues, we stand at the threshold of a new era in telecommunications/media/information infrastructure. The horizontal integration of computer and communications technologies, the vertical integration of industries, the convergence of media formats, are all transforming the ways we work, learn, play, and participate in our democracy. If wise policy is set, these powerful new technologies could be harnessed to tackle many of our nation's most pressing problems.

The National Information Infrastructure encompasses a variety of marketplaces, each of which may require a different approach to achieve policy goals. Not all of these marketplaces are addressed in the pending legislation. Allowing the marketplace to prevail may promote competition and stimulate innovation and maximizing the profitability of the infrastructure-related companies. But the marketplace has a natural tendency to exclude public policy goals. As communications and media industries fight for a stake in this changing information marketplace, we believe that the public interest must not be overlooked.
The evolution of our nation's information infrastructure, clearly now in a volatile phase of transition, has great potential for addressing societal and governmental goals such as research, education, lifelong learning, delivering government services, disseminating government information, and invigorating democracy. The local networks springing up on the Internet provide a wide range of no- or low-cost community-based information services. Libraries are involved in these networks. They foster citizen involvement, give disadvantaged neighborhoods and groups a voice, offer more efficient delivery of government and social services, and encourage technological literacy and intellectual curiosity. Such use of the new technology for strengthening community life, for support of families through parenting and children's programming and services, for revitalizing citizen participation in government, and for facilitating participation by all segments of our society, should be protected. All parts of society will benefit. But an infrastructure geared to mass markets may not be amenable to such local services.

The policy issues emerging will take, and have always taken, more than market forces to meet both public and private goals. The challenge for policymakers is how to incorporate public policy goals into an innovative, primarily market-driven system. If Congress provides incentives to the marketplace as an engine of investment and economic growth, it should balance this by extracting support of public interest goals. The new national information infrastructure requires "public spaces" and societal values, and should assist educational and research institutions, libraries, nonprofits, and governmental organizations to carry out their public and societal responsibilities.

The current information delivery infrastructure in the United States has a long and honorable history of publicly supported functions coexisting with the private sector. Public transportation, public libraries, public schools, and public broadcasting are among the precedents. The public character of the national information infrastructure must not be left to chance, but must reflect extra-market values such as freedom of expression, equitable access, and inclusion of public spaces.

PRINCIPLES FOR THE DEVELOPMENT OF THE NATIONAL INFORMATION INFRASTRUCTURE

Representatives of ALA and several other library and information associations have developed a set of Principles for the Development of the National Information Infrastructure. I chaired the Telecommunications and Information Infrastructure Policy Forum held on September 8-10, 1993, at which these principles were developed. On February 9, 1994, the ALA Council, its policy-making body, voted to support these principles with the understanding that further elaboration and development will be forthcoming, subject to their being no conflict with ALA policy.
First Amendment and Intellectual Freedom
1. Access to the NII should be available and affordable to all regardless of age, religion, disability, sexual orientation, social and political views, national origin, economic status, location, information literacy, etc.
2. The NII service providers must guarantee the free flow of information protected by the First Amendment.
3. Individuals should have the right to choose what information to receive through the NII.

Privacy
1. Privacy should be carefully protected and extended.
2. Comprehensive policies should be developed to ensure that the privacy of all people is protected.
3. Personal data collected to provide specific services should be limited to the minimum necessary.
4. Sharing data collected from individuals should only be permitted with their informed consent.
5. Individuals should have the right to inspect and correct data files about themselves.
6. Transaction data should remain confidential.

Intellectual Property
1. Intellectual property rights and protections are independent of the form of publication or distribution.
2. The intellectual property system should ensure a fair and equitable balance between rights of creators and other copyright owners and the needs of users.
3. Fair use and other exceptions to owner's rights in the copyright law should continue in the electronic environment.
4. Compensation systems must provide a fair and reasonable return to copyright owners.

Ubiquity
1. Libraries should preserve and enhance their traditional roles in providing public access to information regardless of format.
2. Network access costs for libraries, educational organizations, government entities and nonprofit groups should be stable, predictable, and location insensitive.
3. Resources must be allocated to provide basic public access in fostering the development of the information infrastructure.

Equitable Access
1. The NII should support and encourage a diversity of information providers in order to guarantee an open, fair, and competitive marketplace, with a full range of viewpoints.
2. Diversity of access should be protected through use of nonproprietary protocols.
3. Access to basic network services should be affordable and available to all.
4. Basic network access should be made available independent of geographic location.
5. The NII should ensure private, government and nonprofit participation in governance of the network.
6. Electronic information should be appropriately documented, organized and archived through the cooperative endeavors of information service providers and libraries.

Interoperability
1. The design of the NII should facilitate two-way audio, video and data communication from anyone to anyone easily and effectively.
2. Interoperability standards should be encouraged and tied to incentives for the use of those standards in awards for Federal funding.
3. A transition phase should provide compatibility between leading edge technology and trailing edge technology to allow users reasonable protection from precipitate change.
4. The Federal government should encourage interoperability standards and should tie incentives to use of those standards.
5. Federal government information dissemination programs should adhere to interoperability standards.
6. Principles of interoperability should require directory and locator services, and non-proprietary search protocols, as well as a minimal set of data elements for the description of data bases.

S. 1822

We were very pleased that Senator Hollings, in introducing this bill in February, stated in his remarks:

How can the public interest be guaranteed? The bill establishes a detailed framework to protect universal service, and allows public entities such as schools, libraries, local government, public broadcasters, and other public entities to receive preferential rates for access to the telecommunications infrastructure.

The bill's findings include numerous items of particular interest to the library community, such as the need for assistance for school and library access, preferential rates for schools and libraries, the importance of telecommunications services in a democracy, special attention needed for rural areas, the potential for distance learning and distribution of health information, the need for a mandate for access by those with disabilities, access to switched, digital telecommunications service for all segments of the population, and promotion of the core First Amendment goal of
diverse information sources by enabling individuals and organizations to make information available in electronic form.

The bill would require every common carrier to contribute to the preservation and advancement of universal service, and outlines seven admirable universal service goals.

Section 103, Public Access. ALA supports the proposed Section 103, Public Access, but has recommendations to ensure that the full intent is achieved.

Section 103 would require all telecommunications carriers that use public rights of way to permit a variety of public and nonprofit entities, including educational institutions, local and state government, and public libraries to obtain access to intrastate and interstate services at preferential rates. Further, the FCC is to commence a rulemaking proceeding for the purpose of prescribing regulations that enhance the availability of advanced telecommunications services to "all public elementary and secondary school classrooms, health care institutions, and libraries," and ensure that appropriate functional requirements or performance standards are established to interconnect "educational institutions, health care institutions, and libraries" with the public switched network.

This section reflects an appreciation that libraries and others in the educational sectors provide key services that are fundamental to the success of a vibrant and effective information infrastructure. These services are possible, in part, because of long standing cooperative programs in the library community to advance education and research through the sharing of resources. The problem is that the inconsistent references to educational institutions and libraries throughout Section 103 may leave the FCC unclear about congressional intent.

Recommendations on Definitions: (1) Provide consistent language throughout the bill that defines educational institutions as elementary, secondary, and postsecondary educational institutions to reflect current federal definitions, and that includes all libraries and library systems serving students or the general public. (2) If the term "public library" is specified, define it as specified in Section 3 of the Library Services and Construction Act, and state library agencies, and the libraries, library-related entities, cooperatives, and consortia through which library services are made publicly available. (3) If the term "classroom" is specified, clarify that it encompasses all areas and facilities where student learning takes place, including school library media centers.

Rationale: (1) Excluding postsecondary educations from comparable preferential consideration sets up inefficient and unworkable distinctions among the conditions available to different
parts of a resource sharing arrangement. Many of the information resources K-12 students and users of public libraries find useful through the Internet have been made publicly available by universities. These include databases and unique library resources. Many states are attempting to link all learning institutions—universities, community colleges, schools, and public libraries—in networks for the support of learning and research. Many library cooperative arrangements involve shared school, public, and academic library databases; common interfaces and other online assistance; and cooperatively purchased telecommunications services. Do not set up unworkable distinctions; technology enables all learning institutions to transcend such boundaries.

(2) The library community has evolved creative, cooperative mechanisms to deliver services to all sectors of our diverse population. State library administrative agencies develop statewide databases of library holdings and provide back-up library resources for libraries in the state. Regional or system-level library entities provide similar centralized and technical support services for smaller libraries. Regional libraries for the visually disabled provide specialized materials needed by these users or for use by local libraries. State library agencies or specialized library services deliver library services to those in institutions, prisons, or isolated and remote areas. Library cooperatives provide cooperative purchasing, licensing, and technical expertise that individual libraries cannot achieve alone. It must be clear that Congress intends preferential rates to extend throughout the system of library service delivery to the public.

(3) School library media centers support the curriculum with information resources in all formats. Students learn through a variety of approaches and with a variety of learning materials and supplementary resources. The school library media specialist is a teacher/partner in the learning process. The school library media center is an extension of the classroom and requires advanced telecommunications capability and equipment.

Recommendations on Implementation of Preferential Rates: Preferential rates could be implemented in a number of ways. While the bill leaves this up to the FCC, Congress should make clear its intent to provide meaningful limitations on cost barriers. Methods of implementation might include:

- Significant discounts over regular tariffs;
- Encouraging aggregation of demand to establish eligibility for rates applied to single major volume customers;
- Distance-independent rates for services within a certain bandwidth;
- "Least cost access" where carriers must provide the same rates as given to large customers; or
- Access to rates provided to state or local governments.
Further detail on such approaches is provided in an attached paper, "Suggested Approaches to Implement Administration Goal of Connecting to the NII Every Library, School, Hospital and Clinic, prepared jointly by ALA Washington Office and the Association of Research Libraries.

**Recommendation On Review Of Impact:** Add the following language to the bill: "As the regulatory environment changes, its impact on various sectors of society may be uneven. The Commission should assess and review the impact of the legislation and its implementation on the library, education, and other appropriate public and nonprofit entities at least every three years, with a report and recommendations to Congress."

**Rationale:** Libraries and educational institutions will, and have, played a major role in the delivery and mediation of information to the public. This role brings substantial economic and social benefits. Libraries and educational institutions provide a natural and cost-effective way to distribute the benefits of NII technology and services, if there are incentives that remove or limit cost barriers to their participation. The changes proposed to the regulatory environment are sweeping in nature. It is not always possible to see the secondary consequences at the time of enactment.

**Other Recommendations:** We recommend consideration of the "open platform" approach that has been included in the committee-reported version of H.R. 3636. This is a sound technical approach to open access, interoperability, and nondiscriminatory availability of advanced telecommunications services. We also recommend that carriers be required to deploy advanced telecommunications services equitably within their service areas.

Since it is possible that market-driven nondiscriminatory access may be on terms unobtainable by or unaffordable to public institutions and nonprofit entities, we urge the subcommittee to explore promptly additional approaches. These approaches include a transitional strategy of reserving capacity for public networking purposes on a no-cost or incremental cost basis. Such a strategy may be necessary until a large amount of capacity is universally available at an affordable cost. We also recommend the exploration of options for creating a fund to support use of such reserved or preferential rate capacity by eligible public and nonprofit entities.

Our recommendations respond to the needs of libraries and other public and nonprofit entities for ubiquitous, fully interactive, interoperable, high capacity telecommunications at affordable and predictable rates. We believe our recommendations would spur smaller markets in the public sector, and spur exposure to and further the use of commercial telecommunications capacity and of the information resources available from both the public and
the private sectors. With your help, libraries and other educational institutions are poised to play a key role in protecting and promoting the public's right to know in the future information age.

In this tumultuous period, we stand ready to assist in making the best possible decisions to mold the future of the national information infrastructure. I appreciate the opportunity to provide testimony on behalf of the American Library Association.

Attachment