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A Question of Information Policy

Two of the nation's premier libraries, the Library of Congress and the National Library of Medicine, may be growing disenchanted with their altruistic images. More likely, implicitly being asked to assume an unfair share of the federal deficit, they are looking for solutions to their own budget crunch. Encouraged by Congress to reduce operating costs, the Library of Congress announced that on 1 January 1990 it would begin charging licensing fees and imposing restrictions on some of the reuse of bibliographic records distributed to libraries and library utilities. The fees would be in addition to subscription fees currently charged to recover costs of reproduction and distribution. Librarian of Congress James Billington says he is tired of everybody making money off Library of Congress efforts except the Library of Congress. The National Library of Medicine has also announced plans to implement restrictions and licensing fees.

The response by the library community was swift and uniformly negative: the community had problems, not only with the licensing philosophy, but also with interpreting the proposed licensing agreement which, as written, did not capture the Library of Congress intentions for implementation. The Library of Congress has since announced that implementation of a licensing policy will be delayed until an evaluation can take place. The library and academic communities will thus have an opportunity to discuss policy questions, an opportunity that should have been provided prior to issuing the conditions of the agreement.

Many questions come to mind. Is it ethical and legal for the Library of Congress and the National Library of Medicine to charge costs over and above reproduction costs for bibliographic records created by government employees at libraries funded by tax receipts? Since the government subsidizes many libraries, is this not largely a case of taking funds out of the left pocket to put in the right? And, if already financially strapped academic, research, and university libraries are required to use more of their budgets to purchase machine-readable records for their electronic catalogs, will not other aspects of our libraries, such as collection development and patron services, suffer? Through a variety of cooperative programs libraries other than the Library of Congress have contributed records to the files that would be licensed. Should not these partner libraries have some influence on any potential licensing arrangement for their records?

The planned charges and restrictions seem to challenge the intentions of statutory and constitutional provisions that shape U.S. federal government information policy—the First Amendment to the Constitution, the Freedom of Information Act, the Privacy Act of 1974, the Paperwork Reduction Act of 1980, and section 105 of the Copyright Act.

It also seems that the scientific research community will be disadvantaged. With our libraries paying additional fees, there will be fewer already scarce dollars to purchase materials and fewer funds to provide access to materials not held by particular libraries.

Although the Library of Congress and the National Library of Medicine provide highly respected cataloging information, these libraries do not have wide distribution mechanisms in place. That task falls to nonprofit bibliographic utilities such as the Online Computer Library Center (OCLC) and the Research Libraries Information Network. These utilities add value to the Library of Congress and National Library of Medicine records as they are shared with libraries. OCLC has estimated the proposed agreement from the Library of Congress could cost an additional \$500,000 to \$6 million a year, most of which would have to be passed on to member libraries. The fees required by the National Library of Medicine will result in significant increases in the prices of compact disc databases containing library records.

Perhaps a reexamination of the missions of these great libraries is in order. The Library of Congress serves Congress, the American people, and their libraries. It exists to make its resources maximally accessible and to facilitate and celebrate free intellectual creativity by all people on all subjects. The National Library of Medicine's purpose is to assist the advancement of medical and related sciences and to aid the dissemination and exchange of scientific and other information important to the progress of medicine. These are noble objectives. Let's hope they are not forgotten.—RICHARD C. ATKINSON, *Chancellor, University of California, San Diego, La Jolla, California 92093*

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RC Atkinson

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