



ALA Washington Newsletter

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CONGRESS IS ON RECESS UNTIL SEPTEMBER 9; MAKE CONTACTS THROUGH HOME OFFICES.

Appropriations, FY 1988

The House passed on August 5 the FY 1988 Labor-HHS-Education Appropriations Bill, HR 3058, by a vote of 336-89. Amounts for library programs are as follows:

	FY 1987 <u>Appropriations</u>	FY 88 Reagan <u>Request</u>	FY 1988 <u>House-passed</u>
LSCA I	\$ 80,000,000	\$ -0-	\$ 85,000,000
II	22,500,000	-0-	22,500,000
III	18,000,000	-0-	20,000,000
IV	(2% of setaside of LSCA I, II, and III appropriations)		
VI	5,000,000	-0-	5,000,000
HEA II-A	-0-	-0-	-0-
II-B	1,000,000	-0-	1,000,000
II-C	6,000,000	-0-	6,000,000
II-D	-0-	-0-	5,000,000
ECIA Ch. 2	529,337,000	529,337,000	529,337,000
NCLIS	683,000	791,000	750,000
NLM	61,926,000	64,399,000	71,465,000



Note major increases over the current year in the Library Services and Construction Act title I public library services and title III interlibrary cooperation, the National Commission on Libraries and Information Science, and the National Library of Medicine. In addition, the new Higher Education Act title II-D technology assistance to academic libraries would receive initial funding of \$5 million.

The NLM total includes \$3 million to establish a new National Biotechnology Information Center. For NCLIS, the Administration had recommended \$791,000 for both programmatic increases and to implement the new federal employees' retirement system. The House provided \$750,000, the maximum amount authorized by law. The amounts in the table above were approved by the House Appropriations Committee (H. Rept. 100-256) on July 30. The Committee made no changes from L-HHS-ED Appropriations Subcommittee recommendations developed in closed session July 14-15.

Three floor amendments to cut all programs across the board were defeated. These were offered by Rep. Bill Frenzel (R-MN) to cut 8.16 percent, defeated 83-341; by Rep. Thomas Tauke (R-IA) to cut 4.07 percent, defeated 145-280; and by Rep. Timothy Penny (D-MN) to cut 2 percent, defeated 181-245. Rep. Penny did not offer an amendment he had been considering, which would have cut certain targeted programs, such as LSCA II public library construction, by 20-30 percent.

THANKS NEEDED: Special thanks should go to Rep. John Porter (R-IL) for his leadership in requesting funding for HEA II-D. Thanks should also go to Labor-HHS-Education Appropriations Subcommittee Chairman William Natcher (D-KY) and ranking minority member Silvio Conte (R-MA), as well as all subcommittee members for favorable action on II-D and other library programs. Chairman Natcher and Rep. James Oberstar (D-MN), in speaking out against floor amendments to cut the bill, mentioned the effect of the cuts on library programs.

More generally, thank all who voted for final passage, and those who voted against the across-the-board cut amendments. See the August 5 Congressional Record for votes on final passage (p. H7141), on the 8 percent cut (pp. H7134-35), the 4 percent cut (p. H7139), and the 2 percent cut (pp. H7139-40).

The Senate L-HHS-ED Appropriations Subcommittee will meet to develop its version of HR 3058 soon after Labor Day. Subcommittee work has been delayed by disagreements in the full Appropriations Committee over how to translate the congressional budget resolution into allocations of funds to each appropriations subcommittee. This usually internal and invisible process of 302(b) allocations under the Congressional Budget Act went public and lengthy when it became obvious that the planned subcommittee allocations did not reflect the high priority given to education in the budget passed by Congress. The Committee finally agreed on August 5 to a plan which leaves the L-HHS-ED Appropriations Subcommittee about \$290 million short of an allocation based strictly on budget resolution assumptions.

ACTION NEEDED: Because the Senate L-HHS-ED Appropriations Subcommittee will have less to work with than assumed in the budget resolution, it is especially important that subcommittee members hear over the recess from constituents and others on the importance of the library program increases provided by the House. Academic librarians, in particular, should contact Senators to urge support of HEA II-D grants for technological equipment and cooperation projects, and to restore funding for HEA II-A college library resources grants, now targeted to needy college libraries. It was the Senate Subcommittee under former Chairman Mark Hatfield (R-OR) who requested need criteria for II-A before funding it again. Now need criteria are in place, and it's time to fund both II-A and II-D.

WHCLIS II

The Senate Labor and Human Resources Committee on August 5 by unanimous voice vote ordered favorably reported S.J.Res. 26, to authorize a White House Conference on Library and Information Services between 1989-91. The committee's report will be filed shortly after Labor Day, with floor action expected to follow. Attached to this newsletter is a list of WHCLIS legislation cosponsors. The list is final for the House companion measure, H.J.Res. 90, passed by the House on June 8. The Senate list is as of August 7 when Congress recessed for a month.

Telecommunications

FCC Proposal. The Federal Communications Commission on August 4 agreed to extend the deadline for comments on CC Docket No. 87-215 from August 24 to September 24. More specific information on the impact of this FCC proposal to impose access charges for transmissions over value-added networks (VANs) has been provided by such affected VANs as Telenet, Tymnet, and CompuServe. For libraries with dial-up access to OCLC through CompuServe, figure an added \$2.50 per hour in telecommunications costs. For libraries using online databases through VANs or electronic mail over VANs, figure an added \$4.47 per hour.

ACTION NEEDED: Share the impact on your library or system with the ALA Washington Office as soon as possible, and then use it in letters to the FCC and to Congress as recommended in the July 29 ALA Washington Newsletter.

PICA Conference. The Public Interest Computer Association will hold a conference on "Computer Communication And Information: New Access Fees?" on September 9 from 9 a.m. to 1 p.m. at the Omni Georgetown Hotel, 2121 P St. NW, Washington, D.C. The conference will focus on the FCC proposal described above, with speakers from an online service, a regional phone company, and user groups including ALA. PICA is a nonprofit educational organization whose purpose is to inform nonprofit organizations about the use of computers and related technologies. It offers its members public policy monitoring, training, technical support, demonstrations, and other services. The conference is free to PICA members, \$25 for nonprofits, students and individuals, and \$75 for business and trade representatives. Contact PICA at 2001 O St. NW, Washington, DC 20036 (202/775-1588).

Competitiveness

The Senate passed the Omnibus Trade and Competitiveness Act of 1987 on July 21 by a vote of 71-27. The 1,033-page bill is the Senate version of HR 3, passed by the House on April 30 (see May 26 ALA Washington Newsletter). The Senate substituted the text of S. 1420 as amended by numerous floor amendments over several days of debate. S. 1420, in turn, was a compilation of bills from several Senate committees, each with its own report. A large and complex conference committee has begun to work out the substantial differences between the two versions.

Education and Literacy. Titles XXIII through XXXII of the Senate-passed trade bill are education-related provisions, including reauthorization of math/science education, the star schools program (demonstration grants to education partnerships to encourage improved instruction through the use of telecommunications networks, passed separately by the Senate in S. 778), foreign language assistance to elementary/secondary schools, extending aid to disadvantaged students to the secondary school level, developing educational partnerships between public schools and the private sector, and school dropout demonstration assistance. Title XXXII, Literacy Assistance, includes literacy corps assistance (offering students credit

for voluntary literacy training), workplace literacy assistance, and a technology education demonstration program. Education and literacy provisions were developed by the Labor and Human Resources Committee in S. 406 (S. Rept. 100-73), The Education for a Competitive America Act.

NTIS, JTLA. A number of technology-related provisions in titles XL through XLV were developed by the Commerce, Science, and Transportation Committee in S. 907 (S. Rept. 100-80), the Technology Competitiveness Act. The Japanese Technical Literature Act would be reauthorized at \$2 million.

In title XLV, section 4505, of the Senate-passed trade bill, the National Technical Information Service would be prohibited from contracting out activities not currently performed by outside contractors. The Secretary of Commerce is to report recommendations for improvements in NTIS, including methods for automating document distribution and inventory control, and any statutory changes required for such improvements, to the Senate and House science committees by December 31, 1987. S. Rept. 100-80 commented as follows:

The Administration has proposed turning the operations of the National Technical Information Service over to either a private contractor or an employee-owned organization. At the Science Subcommittee's March 17, 1987, hearing on Commerce Department technology programs, subcommittee chairman Riegle asked Department officials for a written response to his question about the rationale for this proposed privatization. The Committee has yet to receive an answer. Under these circumstances, the Committee believes it appropriate to prohibit the privatization of NTIS unless such transfer is expressly authorized by statute, while again providing the Secretary of Commerce with an opportunity to submit written recommendations on the matter.

Florence Protocol. Provisions developed by the Finance Committee include reauthorizing the President to implement the Nairobi Protocol to the Florence Agreement under title IX, section 950. The Florence Agreement provides for duty-free trade in certain educational, cultural, and scientific materials, and articles for the blind and physically handicapped. The Nairobi Protocol provides for the removal of import duties among adhering countries on audio-visual and microform materials and materials for the blind and physically handicapped not included in the original agreement.

Educational Resources Information Center (ERIC)

The House Select Education Subcommittee, chaired by librarian Rep. Major Owens (D-NY), held an oversight hearing on July 30 on the Educational Resources Information Center system, sponsored by the Department of Education's Office of Educational Research and Improvement. Assistant Secretary Chester Finn, Jr., noted this was the first congressional hearing on ERIC in its 20-year history, and characterized ERIC as "the nation's best-stocked education database," with over 600,000 documents and nearly three million uses a year. He described proposed improvements to the system, including ACCESS ERIC, a new promotional and marketing unit; "adjunct clearing-houses," which at their own expense will collect and disseminate materials in areas not covered by ERIC; and "ERIC partners," which will distribute and advertise ERIC materials or services.

ALA was represented at the hearing by Leslie Bjorncrantz, Curriculum Librarian and Education Bibliographer at Northwestern University Library, and active member of ACRL's Education and Behavioral Sciences Section. She said ERIC has many strengths

and provides a valuable service, listed specific examples of recent uses of the system, said ACCESS ERIC would be helpful, but her "main concern is that this vital new venture be funded adequately so that 1) the costs of establishing ACCESS ERIC do not drain funds from the basic ERIC system activities of acquiring and disseminating information in the field of education and 2) the clearinghouses will be prepared to meet the increased demands placed on them by rising user expectations."

A panel representing the Council of ERIC Directors included Donald Ely, Director of the ERIC Clearinghouse on Information Resources at Syracuse University. He noted that over ten years of level funding had reduced the ERIC budget by about 45 percent in real dollars, and said new initiatives, some of which ERIC directors suggested, should not come at the expense of clearinghouse budgets. As for "ERIC partners," he said they already exist---as librarians who promote ERIC and instruct and assist in its use.

Chairman Owens' library background was apparent in the extensive question and answer sessions with witnesses. He appeared to agree with most witnesses that, while there were good ideas among the Department's redesign proposals, the \$300,000 increase requested by the Administration to ERIC's current \$5.8 million would not be sufficient to fund the new initiatives without damage to the existing system. "We must rally to save ERIC from a slow death, lest we squander a vital and irreplaceable resource," said Rep. Owens, and continued: "First and foremost, this means ensuring that if restructuring is to take place, it will enhance and not erode the capacity of the system to perform its critical functions."

1990 Census Data

The Joint Economic Committee, chaired by Sen. Paul Sarbanes (D-MD), held a hearing on August 7 to examine the potential effects of the Office of Management and Budget's surprise proposal to cut approximately one-third of the questions on the 1990 census. The data collection at issue involves statistics in areas such as housing, transportation, energy, and employment in the 1988 Decennial Census Dress Rehearsal. The "dress rehearsal" implements the 1990 Decennial Census procedures, and questions eliminated or curtailed in the rehearsal are unlikely to be included in the 1990 census.

Addressing sharp congressional questions, Wendy Lee Gramm, Administrator of OMB's Office of Information and Regulatory Affairs, maintained that in carrying out its responsibilities under the Paperwork Reduction Act, OMB was merely asking Census to justify the questions at issue. "No 'OMB position' was stated and no decisions were, or have yet been, made," she said. Rep. James Scheuer (D-NY) observed that OMB is like a 600-pound canary, and "when you chirp; everyone is concerned." Sarbanes questioned Gramm's assertion that the total cost to the public in time and effort will be about \$450 million, since Gramm arrived at that figure by assuming that the time the public spends completing census forms has an average value of \$15 an hour. Sarbanes said that this was a grossly overstated burden since \$10 an hour was closer to the average hourly wage.

Two panels representing users were unanimous in criticizing OMB proposals to cut questions in the dress rehearsal questionnaire which has been in preparation since 1984. Rachel VanWingen, GODORT member and Government Documents Librarian at Georgetown University, represented ALA and joined three others on the private sector panel. The other three speakers were from the National Association of Homebuilders, AFL/CIO and The Dun & Bradstreet Corporation. In what Sarbanes characterized as a "strong and thoughtful statement," VanWingen said:

Simply stated, our position is in support of the Dress Rehearsal Questionnaire for the 1990 Census as proposed by the Bureau of the Census and in opposition to the deletion, or even the relegation to the long form, of any questions at this late date....As far as the library community is concerned, the planning for the 1990 Census was thorough, professional and fair. The Bureau held public hearings on subject content and products. Input from librarians and library users was solicited, and Census Staff members appeared at ALA conferences to keep us apprised of the planning stages.

VanWingen attached to her statement the resolution passed by ALA Council in San Francisco supporting a postage stamp to honor the bicentennial of the United States Census.

ACTION NEEDED: The record for the August 7 Joint Economic Committee hearing will be open until the end of August. Letters for the record should be sent to Sen. Paul Sarbanes, Room 332 Dirksen Senate Office Building, Washington, DC 20515, with a copy to Paul Manchester, Joint Economic Committee, Room G-01 Dirksen.

In her testimony, Gramm remarked on the importance of the public comment process in OMB's clearance for proposals for the collection of information. The Bureau of the Census notice for public comment on the 1988 Decennial Census Dress Rehearsal appeared in the June 22 Federal Register, p. 23489. Written comments (which Gramm suggested should reach OMB by September 14) and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

1990 Census Stamp

As part of the 1990 Decennial Census promotion campaign, the Bureau of the Census and the Department of Commerce have asked the U. S. Postal Service to issue a commemorative stamp to mark the 200th anniversary of the first U. S. Census. A resolution in support of a 1990 Census stamp was passed by the ALA Council on July 1, 1987 (CD #64); a copy is attached to this newsletter.

ACTION NEEDED: Letters in support of such a stamp are needed. Address the Honorable Preston R. Tisch, Postmaster General, U. S. Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260. Include a copy of the ALA resolution, and send a copy of your letter to John Keane, Bureau of the Census, Washington, DC 20233.

Fairness Doctrine

The Federal Communications Commission ruled on August 4 that the Fairness Doctrine violated the First Amendment rights of broadcasters. The doctrine requires broadcasters to provide coverage of controversial issues of public importance and to afford a reasonable opportunity for the presentation of contrasting viewpoints on such issues. The decision terminates the FCC inquiry on the matter and ends FCC enforcement of the doctrine.

Earlier this year, Congress passed a bill, S. 742, to codify the Fairness Doctrine, making its enforcement mandatory. The President vetoed S. 742 on June 19. Congress may try to attach the bill to another measure which the President would not be likely to veto. Congress had directed the FCC to submit a report on the Fairness Doctrine before taking further action. The FCC issued the 86-page report (FCC 87-264) in MM Docket No. 87-26 just minutes before the ruling (FCC 87-266) abolishing the doctrine.

OMB Policy on Electronic Information Collection

The Office of Management and Budget solicited public comment in the development of policy guidance concerning the electronic collection of information in the August 7 Federal Register, pp. 29454-57. Comments are due October 6 to J. Timothy Sprehe, Office of Information and Regulatory Affairs, Room 3235 New Executive Office Building, Office of Management and Budget, Washington, DC 20503 (202/395-4814).

The proposed policy requires federal agencies to certify that they have considered use of electronic information collection techniques as a means to reduce burden on respondents and costs to the government. The purpose of the policy guidance is, first, to cause agencies systematically to take account of potential management efficiencies derivable from electronic information collection, and second, to ensure that agencies consider the major legal and policy issues that arise in connection with such collection. When final, this guidance will be issued as an appendix to OMB Circular A-130, Management of Federal Information Resources.

OMB Circular A-25, User Charges

The Office of Management and Budget requested public comment on a draft revision of OMB Circular A-25, User Charges, in the July 1 Federal Register, pp. 24890-92 (see July 29 ALA Washington Newsletter). In a July 31 letter, ALA Washington Office Director Eileen Cooke stated that ALA would strongly object to the policies of full cost recovery and market pricing spelled out in the draft if those policies were applied to government information products and services since full recovery of costs attendant to the creation, collection, processing and transmission of government information will restrict access by the public to that information. She noted that the draft of A-25 appears to indicate that OMB Circular A-130, Management of Federal Information Resources, "...shall be deemed to meet the requirements of this Circular." OMB Circular A-130 requires user charges for costs of dissemination of government information, but refers to Circular A-25--in effect, a circular circular.

Cooke also stated that ALA is disturbed that the ultimate beneficiary will no longer be considered in determining when no charge should be made for services. The current A-25, which dates from 1959, provides that no charge should be made for services when the identification of the ultimate beneficiary is obscure and the service can be primarily considered as benefitting broadly the general public. The draft A-25 turns that policy on its head by stipulating that no charge should be made for services when the identification of the specific beneficiary is obscure.

Contracting Out Federal Libraries

Just available is a report from the General Accounting Office, "Contracting Out: National Oceanic and Atmospheric Administration's Central Library," Report to the Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, U. S. Senate. See the May 26 ALA Washington Newsletter for background on this report. Individual copies of GAO/RCED-87-184 are available from the U. S. General Accounting Office, P.O. Box 6015, Gaithersburg, MD 20877 (202/275-6241).

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES
Legislation for WHCLIS in 1989

H.J.Res. 90, calling for a second White House Conference on Library and Information Services to be held between 9/1/89 and 9/1/91, was passed by the House by voice vote on June 8, 1987. H.J.Res. 90 had a total of 178 cosponsors by June 2 when the Education and Labor Committee filed its report (H. Rept. 100-121). The Senate Labor and Human Resources Committee approved the companion measure, S.J.Res. 26, on August 5. When Congress recessed for a month on August 7, a total of 70 Senators had agreed to cosponsor S.J.Res. 26. The measures were introduced on January 21, 1987, by Rep. William Ford (D-MI) in the House and Sen. Claiborne Pell (D-RI) in the Senate.

State	H.J.Res. 90 Cosponsors	S.J.Res. 26 Cosponsors
AL	Bevill (D), Callahan (R)	Shelby (D)
AK	Young (R)	Murkowski (R), Stevens (R)
AZ		DeConcini (D)
AR	Hammerschmidt (R), Robinson (D), Anthony (D), Alexander (D)	Bumpers (D), Pryor (D)
AS	Sunia (D)	
CA	Fazio (D), Dellums (D), Brown (D), Martinez (D), Coelho (D), Pannetta (D), Dymally (D)	Cranston (D), Wilson (R)
CO		Wirth (D)
CT	Gejdenson (D), Rowland (R), Morrison (D), Kennelly (D)	Dodd (D)
DE	Carper (D)	Biden (D)
DC		
FL	Shaw (R), Fascell (D), Smith (D), Grant (D), Chappell (D), Lehman (D), MacKay (D)	Chiles (D), Graham (D)
GA	Lewis (D), Rowland (D), Gingrich (R), Barnard (D), Swindall (R)	Nunn (D), Fowler (D)
HI		Inouye (D), Matsunaga (D)
ID		
IL	Porter (R), Fawell (R), Hayes (D), Gray (D), Evans (D), Price (D), Bruce (D), Hastert (R), Durbin (D), Madigan (R)	Simon (D), Dixon (D)
IN	Jontz (D), Jacobs (D), Visclosky (D)	Quayle (R)
IA	Grandy (R), Leach (R)	Grassley (R), Harkin (D)
KS		Kassebaum (R)
KY	Perkins (D), Mazzoli (D)	
LA	Livingston (D)	Johnston (D), Breaux (D)
ME	Snowe (R)	Cohen (R), Mitchell (D)
MD	Cardin (D), McMillen (D), Mfume (D), Morella (R), Dyson (D), Bentley (R), Byron (D), Hoyer (D)	Sarbanes (D), Mikulski (D)
MA	Donnelly (D), Moakley (D), Atkins (D), Conte (R), Studds (D), Frank (D)	Kennedy (D), Kerry (D)
MI	FORD (D), Kildee (D), Levin (D), Traxler (D), Dingell (D), Crockett (D), Conyers (D), Pursell (R)	Riegle (D), Levin (D)
MN	Oberstar (D), Penny (D), Sabo (D), Weber (R), Stangeland (R), Vento (D), Frenzel (R), Sikorski (D)	Durenberger (R), Boschwitz (R)
MS	Dowdy (D), Lott (R), Montgomery (D)	Cochran (R), Stennis (D)
MO	Clay (D), Coleman (R), Taylor (R)	Bond (R), Danforth (R)

State	H.J.Res. 90 Cosponsors	S.J.Res. 26 Cosponsors
MT	Williams (D)	Melcher (D), Baucus (D)
NE	Bereuter (R)	Exon (D)
NV	Bilbray (D)	
NH		
NJ	Dwyer (D), Roe (D), Florio (D), Howard (D), Torricelli (D), Courter (R), Rinaldo (R), Rodino (D), Hughes (D), Gallo (R), Roukema (R)	Lautenberg (D)
NM	Richardson (D)	
NY	Ackerman (D), Biaggi (D), Downey (D), Fish (R), Horton (R), Kemp (R), Manton (D), Mrazek (D), Owens (D), Rangel (D), Solarz (D), Towns (D), Weiss (D), Wortley (R), Stratton (D), Garcia (D), LaFalce (D), Scheuer (D), DiGuardi (R), Schumer (D), Hochbrueckner (D), Martin (R), Slaughter (D), Green (R), McHugh (D)	D'Amato (R), Moynihan (D)
NC	Hefner (D), Lancaster (D), Jones (D), Clarke (D), Ballenger (R), Price (D)	Sanford (D)
ND		Burdick (D), Conrad (D)
OH	Traficant (D), Oakar (D), Sawyer (D)	Metzenbaum (D)
OK		Nickles (R)
OR		Hatfield (R), Packwood (R)
PA	Weldon (R), Kostmayer (D), Kolter (D), Yatron (D), Ridge (R), Gekas (R), Foglietta (D), Goodling (R), Clinger (R), Shuster (R), Borski (D)	Heinz (R), Specter (R)
PR	Fuster (D)	
RI	St Germain (D), Schneider (R)	PELL (D), Chafee (R)
SC	Derrick (D), Spence (R), Ravenal (R), Spratt (D), Tallon (D), Patterson (D)	Hollings (D), Thurmond (R)
SD		Pressler (R), Daschle (D)
TN	Boner (D)	Gore (D)
TX	Wilson (D), Leland (D), de la Garza (D), Frost (D), Hall (D), Gonzalez (D)	Bentsen (D)
UT	Nielson (R), Owens (D)	Hatch (R)
VT		
VI	de Lugo (D)	
VA	Boucher (D), Wolf (R), Pickett (D)	Trible (R), Warner (R)
WA	Swift (D)	Adams (D), Evans (R)
WV	Mollohan (D), Rahall (D), Staggers (D), Wise (D)	Rockefeller (D), Byrd (D)
WI	Kastenmeier (D), Roth (R), Gunderson (R), Petri (R)	Kasten (R)
WY		

Resolution Relating to Commemorative Census Stamp

- WHEREAS, 1990 will be the 200th anniversary of the first United States Census of Population; and
- WHEREAS, Census data has a profound effect on the economic, social and governmental activities of the entire nation; and
- WHEREAS, Census data is an important resource used by all types of libraries; and
- WHEREAS, The United States Census Bureau has worked closely with the library community in meeting the statistical needs of library patrons; and
- WHEREAS, The American Library Association believes that the bicentennial of the Census is an appropriate subject for a commemorative United States postage stamp; now, therefore, be it
- RESOLVED, That the American Library Association support the issuance of a commemorative postage stamp in 1990 to honor the bicentennial of the United States Census; and, be it further
- RESOLVED, That the American Library Association communicate this support to the Postmaster General of the United States and the Chairperson of the Citizen's Stamp Advisory Committee of the United States Postal Service.

Adopted by the Council of the
American Library Association
San Francisco, California
July 1, 1987
(Council Document #64)

STATUS OF LEGISLATION OF INTEREST TO LIBRARIANS 100th Congress, 1st Session Convened January 6, 1987 Chart Date: August 7, 1987	HOUSE					SENATE					FINAL ACTION		
	Introduced	Hearings	Reported by Subcommittee	Comm. Report No. (H. Rept. 100-)	Floor Action	Introduced	Hearings	Reported by Subcommittee	Comm. Report No. (S. Rept. 100-)	Floor Action	Conference Report (H. Rept. 100-)	Final Passage	Public Law (PL 100-)
Competitiveness	HR 3	X	X	40	X	S 1420	X			X			
Computer Security	HR 145	X	X	153	X								
Congressional Budget Resolution	HConRes 93	X		41	X	SConRes 49	X	40	X	174	X		
Copyright - Berne Convention	HR 1623, 2962	X				S 1301							
Copyright - Computer Software	HR 1743												
Copyright - Digital Audio Tape Recorders	HR 1384	X	X										
Department of Industry and Technology/NTIS						S 1233		82					
Economic Equity Act	HR 2577	X				S 1309							
El/Sec Education Programs reauthorization	HR 5	X	X	95	X	S 373	X						
English Language Amendment	HJRes 83					SJRes 13							
Fairness Doctrine	HR 1934	X	X	108	X	S 742	X	34	X	none	X	veto	
Government Information Agency	HR 1615	X											
HEA Technical Amendments	HR 1846			44	X	HR 1846		none	X	none	X	50	
LC Achievement Awards	HJRes 309		X	221	X								
Librarian of Congress appt. requirements	HR 683												
Librarian of Congress Emeritus	HJRes 291		X	215	X	S 1020		54	X	none	X	83	
National Agricultural Library	HR 1435												
NBS authorization/NTIS	HR 2160	X		98	X		X						
National Library of Medicine-Biotech. Inf. Ctr.	HR 393					S 1354							
National Technical Information Corporation	HR 2159	X											
Pay Equity	HR 386, 387	X	X			S 5, 552							
Tax Exempt Orgs. Lobbying and Political Acts.	HR 2942	X											
Taxation - Manuscript Donations	HR 2050, 2239												
WHCLIS II	HJRes 90	X		121	X	SJRes 26	X						
<u>Appropriations</u>													
Supplemental, FY 1987	HR 1827			28	X	HR 1827		48	X	195		71	
Agriculture, FY 1988		X					X						
Commerce, State Department, FY 1988	HR 2763	X	X	182	X		X						
HUD, Independent Agencies, FY 1988	HR 2783	X	X	189			X						
Interior, FY 1988	HR 2712	X	X	171	X		X						
Labor-HHS-Education, FY 1988	HR 3058	X	X	256	X		X						
Legislative, FY 1988	HR 2714	X	X	173	X		X						
Treasury, Postal, FY 1988	HR 2907	X	X	211	X		X						

For a free copy of bills, reports, laws write: Hse.Doc.Rm., H-226 Capitol, DC 20515; Sen.Doc.Rm., B-04 Hart, DC 20510.

LESS ACCESS TO LESS INFORMATION
BY AND ABOUT THE U.S. GOVERNMENT: VIII

A 1987 Chronology: January - June

During the past six years, this ongoing chronology has documented Administration efforts to restrict and privatize government information. A combination of specific policy decisions, the Administration's interpretations and implementations of the 1980 Paperwork Reduction Act (PL 96-511, as amended by PL 99-500), implementation of the Grace Commission recommendations and agency budget cuts have significantly limited access to public documents and statistics.

Since 1982, one of every four of the government's 16,000 publications has been eliminated. Through two 1985 directives, the Office of Management and Budget has clearly consolidated its government information control powers. Circular A-3, Government Publications, requires annual reviews of agency publications and detailed justifications for proposed periodicals. Circular A-130, Management of Federal Information Resources, requires cost-benefit analysis of government information activities, maximum reliance on the private sector for the dissemination of government information, and cost recovery through user charges. The likely result is an acceleration of the current trend to commercialize and privatize government information. Recent proposals to contract out the National Technical Information Service exemplify this trend.

Another development, with major implications for public access, is the growing tendency of federal agencies to utilize computer and telecommunications technologies for data collection, storage, retrieval and dissemination. This trend has resulted in the increased emergence of contractual arrangements with commercial firms to disseminate information collected at taxpayer expense, higher user charges for government information, and the proliferation of government information available in electronic format only. While automation clearly offers promises of savings, will public access to government information be further restricted for people who cannot afford computers or pay for computer time?

During 1986, a government "disinformation" program emerged. The federal government also developed a new category of "sensitive information" to restrict public access to a broad range of unclassified data. At the same time, the federal government is contracting out the operation of more and more of its libraries to foreign-owned private companies.

ALA reaffirmed its long-standing conviction that open government is vital to a democracy in a resolution passed by Council in January 1984 which stated that "there should be equal and ready access to data collected, compiled, produced, and published in any format by the government of the United States." In January 1985, Council established an Ad Hoc Committee to Form a Coalition on Government Information. The Coalition's objectives are to focus national attention on all efforts which limit access to government information and to develop support for improvements in access to government information.

With access to information a major ALA priority, members should be concerned about this series of actions which create a climate in which government information activities are suspect. Previous "Less Access..." chronologies were compiled in two ALA Washington Office publications covering the period April 1981 to December 1986. The following update continues the chronology.

"Less Access . . ."

January - June 1987

January 1987 For the sixth year in a row, the President's budget submitted to Congress proposed to eliminate the Library Services and Construction Act and Higher Education Act title II library grant programs. The President also proposed to rescind (or "unappropriate") all FY 1987 funds already appropriated for LSCA II construction, LSCA VI literacy, HEA II-B training and research, and HEA II-C research library grants. (OMB, Budget of the United States Fiscal Year 1988, Appendix) [Ed. note: These funds were released in mid-March after Congress did not agree to the rescissions.]

January President Reagan's FY 1988 budget requested no funding for preferred and nonprofit postal rates, only enough funds to cover free mail for the blind and transition funding. Elimination of the postal revenue forgone appropriations would raise the cost of a two-pound, fourth-class library package from the current \$.73 to \$.94, a 29 percent increase, and the full commercial rate. (OMB, Budget of the United States Fiscal Year 1988, Appendix)

January The Office of Management and Budget published proposed guidelines and fee schedule to implement certain provisions of the Freedom of Information Reform Act of 1986 (PL 99-570) in the January 16 Federal Register, pp. 1992-94. ALA, in comments to OMB, recommended that the proposed guidelines be revised and a new draft published for public comment, because the proposal exceeds OMB's statutory responsibility and is not in keeping with the legislative history of the Freedom of Information Act (FOIA) amendments. The February 13 ALA letter said the proposed fee waiver policy was highly restrictive, and the proposed guidelines could have a detrimental affect on the ability of librarians, libraries, and their users to secure fee waivers as public interest users of the FOIA.

January "In 1980, the Office of Management and Budget, under the Paperwork Reduction Act, got the authority to review all data collection efforts of executive branch agencies. A pattern of obstructionism, barring certain types of data collection, has been charged by many agencies, and now the House Committee on Science and Technology has asked the General Accounting Office to investigate.

"Allegations of improper use of its powers include OMB's hostility to any data collection dealing with minorities and discrimination, questions concerning the environment and public health, and social science research generally. In matters calling for medical or other special scientific expertise, unqualified OMB officers are charged with overruling qualified agency scientists. The specific agency accused is OMB Office of Information and Regulatory Affairs." ("GAO investigating OMB meddling with data collection," Library Journal, January 1987)

January "The Office of Management and Budget, ruling on the proposed budget for the National Technical Information Service, is reported to have ordered full privatization by the Department of Commerce. Depending on whether opposition in Congress is capable of blocking the move, action on setting up bidding procedures could

be imminent. Presumably all that would be left of NTIS as an agency would be a small contract management office in Commerce. OMB plans to accelerate the process of privatization, as well as what has developed into a parallel program of rigorous auditing under A-76 of federal agencies to cut back on staff and budget." ("OMB: 'full privatization' of NTIS by October 1, 1987," Library Journal, January 1987)

January

While OMB is pursuing efforts to catalog public information products and transfer them to the private sector, it has also been taking steps to limit dissemination of information by government agencies. For example, in January the General Accounting Office sent Rep. Ted Weiss (D-NY), chair of the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources, a report on federal program evaluation efforts. The GAO report, Federal Evaluation: Fewer Units, Reduced Resources, Different Studies From 1980 (GAO/PEMD-87-9, January 1987), stated that "Between 1980 and 1984, the total amount of program evaluation resources declined considerably." This was particularly true for departments affected by block grants, but was generally true across the board. The GAO study also found "that evaluations have become less readily available to the Congress and the public..." Responding to GAO, OMB maintained that program evaluation is primarily to inform agency decision-makers, not the public and Congress. GAO suggested that Congress might want to insure the dissemination and availability of program evaluations to the public.

OMB's Assistant Director for Budget Review, Carey Modlin took exception. "[T]he primary responsibility of agency program evaluators is to support internal decision-making, not to produce program evaluation information for the public and the Congress." Such dissemination practices are "in direct conflict with this Administration's and the Congress's policy of reducing paperwork and enhancing the economy and efficiency of the Government by improving Federal information policy-making pursuant to the Paperwork Reduction Act of 1980 (P.L. 96-511)."

Thus, it is OMB's mistaken interpretation that the Paperwork Reduction Act is intended (and gives OMB the power) to limit the flow of government information to the public and the Congress. (OMB Watch, OMB Watcher, March 27)

January

The intangible cost of the Iran-Contra arms deal continues to grow. Apparently, White House insistence on keeping the arms deal secret resulted in denying intelligence experts crucial information on Iran for more than a year. Congressional sources said that "thousands of documents" relating to Iran were probably withheld from State and Defense department analysts to protect the secret National Security Council arms-for-hostages operation. Congressional sources pointed out that lack of information from the National Security Agency's intercepts meant that foreign-policy recommendations were being made on the basis of inadequate intelligence. Among the intercepts presumably withheld were routine cables telling of other arms shipments to Iran. State Department sources say that intelligence analysts in Foggy

Bottom are furious at the realization that vital information was kept from them for more than a year. The realization dawned on them slowly over the months as they detected significant gaps in the cable-intercept material they were getting from the NSA. ("Iran Intelligence Withheld from Agencies," The Washington Post, January 29)

February

"The State Department awarded a secret contract for \$276,186 last year to a public relations company that reportedly worked with Lieut. Col. Oliver L. North to rally support for military aid to the Nicaraguan rebels.

"The company, International Business Communications Inc., held meetings to plan a \$1 million contra advertising campaign and acted as 'a reference library' for those making the ads, said Adam Goodman, spokesman for the Robert Goodman advertising agency, which produced the television spots.

"The contract has raised questions about whether payments breach a 1948 law prohibiting spending Federal money 'directly or indirectly' to influence votes by Congress, except when Administration officials provide information 'through proper official channels.'...

"Besides participation in the ad campaign, sources close to the contra aid network said the public relations company paid for visits by contra leaders and field commanders to Washington in 1985 in order to lobby Congress and seek public support." ("U.S. Said to Pay for Contra Public Relations Drive," The New York Times, February 7)

February

The Pentagon sought to classify information on nuclear testing issues that senior Administration officials originally provided in a public Congressional hearing. It also sought to classify some of the questions that were asked by Members of Congress at that public hearing, Congressional aides say. The Senate Armed Services Committee, which held the hearing, went along with the request. As a result, the committee's published hearing record has gaping deletions. The Senate Foreign Relations Committee, which has also held hearings on nuclear testing issues, has not deleted any material from its public hearing records. But that committee has allowed the Pentagon to retroactively modify the remarks of a senior military official in a way that alters the meaning of the comments. The information that the Pentagon successfully sought to keep out of the public Congressional records concerns the hotly debated question of whether the Soviet Union is adhering to two 1970s treaties that limit the size of underground explosions. ("How Public Remarks Became Classified Data," The New York Times, February 20)

February

"A brief conversation that never took place on the Senate floor last August 15, but which found its way into at least one version of the official record of Senate proceedings for that day, is at the center of a dispute over enforcement of the South Africa sanctions legislation enacted last year over President Reagan's veto. Because of the dispute, which could be called the Case of

the Missing Colloquy, a ban on importing South African uranium ore and oxide may be relaxed for months while the two sides battle over the issue again. The case illustrates the importance of establishing an accurate record of 'legislative intent' during congressional debates, which federal agencies can use in drafting regulations to enforce the law. It also shows how seemingly decisive votes in Congress are not always the last word in policy disputes." ("Case of the Missing Colloquy' May Affect S. Africa Sanctions," The Washington Post, February 17)

February

A dispute between the Reagan Administration and Congress over funding cutbacks is threatening the U. S. space-photography industry and improving the prospects of its foreign competition, according to industry executives, customers and legislators. EOSAT, a joint venture between Hughes Aircraft Co. and RCA Corp., was designated by the federal government in 1985 to take over the operation of its Landsat program, which the government had established 15 years earlier to launch and operate earth-observation satellites. Critics charge that the Reagan Administration has rushed the process of privatizing Landsat, proposing for the current fiscal year to cancel funds that are needed to ease the system into the commercial world. Because of the funding problems, observers say, the satellite program is on the verge of extinction. Industry executives, legislators and customers say that new European competitors are threatening to snare the lion's share of future business, which is expected to produce \$2 billion in revenue by the turn of the century. The Landsat program has been used by farmers to monitor the condition of their crops, by federal agencies to track disasters and pollution, and by companies searching for oil. Intelligence agencies have called on Landsat to assess foreign military strength, and news agencies used the service to show critical glimpses of reactor damage at Chernobyl. "Much of the information...we can obtain through other sources," said Joseph Wright, OMB deputy director. ("Fund Battle Imperils U.S. Space Photos," The Washington Post, February 23)

February

The Commerce Department is drafting regulations that would allow the U. S. government to restrict the use of earth observation satellites by private companies, such as broadcasters, on national security grounds. Already, the news media has used satellite photographs of the Chernobyl nuclear reactor disaster, the Iran-Iraq border, a Libyan military airfield after the U. S. raid on that country, and Soviet naval bases. A draft of the new Commerce rules gives officials considerable discretion to determine whether a national security problem exists. Media officials had wanted a very limited definition of national security issues. If final Commerce Department rules remain the same, broadcasters could be kept out of evolving technology altogether by the U. S. government, say some officials. The licensing rules will regulate an industry that is still in its infancy and will not apply to companies launching and operating systems outside the United States, say government officials. So far, only two companies, the U. S. Landsat and Spot Image, a French company, provide photographs of the earth's surface to government and private users to assist in crop assessment, city planning, disaster

control, and many other uses. ("U.S. May Restrict Satellite Photos," The Washington Post, February 25)

March

When Ellen Detlefsen of the University of Pittsburgh testified for ALA and the Medical Library Association at a March 4 hearing of the House Science, Space and Technology Subcommittee on Science, Research, and Technology on the proposed privatization of NTIS, she submitted for the record an October 1986 report of the Department of Commerce Privatization Task Force, Privatization Proposal for the National Technical Information Service. She pointed out that a reading of the document makes it clear that OMB ignored the results of the review process for the privatization of NTIS which encouraged participation by government agencies, NTIS customers, and companies in the information industry. The executive summary points out the costs and risks of turning NTIS over to the private sector:

Given a program so complex and so privatized, any decision to make further privatization moves must be supported by evidence of extensive benefit and minimal cost. Such evidence does not exist. In fact, as this report clearly demonstrates, the evidence is that extensive privatization presents substantial costs and risks for the government, for NTIS customers and for the information industry as a whole.

March

"A proposed reorganization of the NOAA (National Oceanic and Atmospheric Administration) Assessment and Information Services Center at the University of Missouri Cooperative Institute for Applied Meteorology will sharply reduce the climate-related information developed at the Center. Among the many activities which will suffer will be assessments of climatic impacts on energy use and prices, housing starts, remote sensing for agricultural planning, early warning of developing food shortages in developing countries, and related programs. Also to be terminated, says a report in the Network Newsletter of the National Center for Atmospheric Research, will be the Agency for International Development's Office of Foreign Disaster Assistance." (Library Hotline, March 9)

March

A presidential panel's report on outdoor recreation is out in paperback, although the official version is still under wraps at the Interior Department. Island Press, a nonprofit publisher, said it decided to print the report of the President's Commission on Americans Outdoors as a public service. The commission completed its work early this year, but the Justice Department counseled Interior officials not to publish the 300-page report pending settlement of a lawsuit charging that the panel violated administrative procedures. Interior is supplying photocopies of the report under the Freedom of Information Act. A spokesman for Interior said that they were getting the report ready for printing. ("Nonprofit Publisher Beats U.S. to Press," The Washington Post, March 16)

March

"In the March 1987 issue of the Department of Education's Security Awareness Bulletin, DOE staff are taken to task for

excessive and unauthorized use of 'confidential' as a document classification to restrict access. In some cases, the memo indicates, a more appropriate classification would be OOU or Official Use Only. But in both cases, only individuals expressly authorized to so label a document may do so. If this directive has any relevance in the area of access to government information, it would appear to be an encouraging sign that the tide is turning on the mud flats of bureaucracy and attention is at last being paid to the critics of government restrictions on access." (Library Hotline, May 11)

March

Buried in a final rule amending the Federal Acquisition Regulation is a provision which could eliminate the role of the Joint Committee on Printing in the regulation of government printing and substantially diminish the role and authority of the Government Printing Office in the process. The rule, scheduled to take effect on July 1, 1987, was published in the March 20 Federal Register, pp. 9036-39 without a request for public comment. The section at issue is numbered 8.802 Policy:

(a) The Department of Justice has advised that the requirement in 44 U.S.C. 501(2) for the advance approval of the Congressional Joint Committee on Printing (JCP) prior to conducting field printing operations (or the acquisition of such printing) is unconstitutional under the Supreme Court's decision in Immigration and Naturalization Service v. Chadha, 103 S. Ct. 2764 (1983); therefore, that approval requirement neither binds the executive branch nor serves as the basis for any coverage in this subpart.

A May 21 study on the FAR revision by the Library of Congress Congressional Research Service concluded that "...the operative provisions of the proposed regulation appear to have no foundation in law." If JCP loses authority over government printing, and GPO prints less, it is highly likely that fewer government publications will be included in the GPO Depository Program.

March

OMB published uniform FOIA fee schedule guidelines in the March 27 Federal Register, pp. 10012-20, which are likely to make it more costly for libraries and nonprofit associations to use the FOIA. The issue is important for many libraries and associations since they are likely to be required to pay search costs in addition to fees for the reproduction of records. Two other categories of requesters will be charged for the cost of reproduction alone: education and noncommercial scientific institutions and representatives of the news media.

During April, May and June, numerous federal agencies have published regulations based on the OMB guidelines to implement amendments to the FOIA which Congress passed in October 1986 as part of the Anti-Drug Abuse Act of 1986 (PL 99-570). When it passed the amendments last October, Congress intended to improve the fee waiver provisions of the Act for the news media and public interest users of FOIA. However, the definition of educational institution OMB adopted in the final guidelines,

although broader than the draft version, still excludes a library unless it is incidentally connected to an institution which OMB considers educational. Thus, a preschool with a program of scholarly research might qualify as an educational institution, but the New York Public Library would not. ("Freedom of Information Act Fees," ALA Washington Office, April 1987)

March

The Office of Management and Budget document, Management of the United States Government, Fiscal Year 1988, brags about eliminating one-fourth of the government's publications in recent years and attempts to trivialize the government's publications program in the following paragraph on p. 76:

Unnecessary spending on the printing and distribution of Government publications can and has been eliminated. The Federal inventory, once numbering more than 16,000 publications and costing more than \$165 million annually, has been reduced by more than 25 percent by terminating such titles as "How to Buy a Christmas Tree" and "A Day in the Life of a Lizard." Procedures have been established to tightly control agency plans to create new publications or expand distribution of existing ones. In 1987 OMB will again carefully review these agency plans and eliminate those publications considered unnecessary, as recent analysis shows that the number and cost of publications is again creeping slowly upward. For example, the Agency for International Development eliminated support for "Development International," and the Veterans Administration did not publish "The Year in Brief: the VA in 1985." Five hundred publications amounting to 2 million copies will be eliminated next year.

April

On April 1, FBI agents in six cities attempted to question a dozen people who have visited Nicaragua on behalf of Tecnica, a California-based group that regularly sends volunteers there on humanitarian projects. Under public guidelines, the FBI cannot investigate domestic groups unless it has evidence of a possible crime. But under classified foreign counterintelligence guidelines, the bureau can investigate if there is reason to believe the target is receiving direction or financing from a foreign power. FBI spokeswoman Sue Schnitzer declined to explain the purpose of the April interviews. She said they are related to "foreign counterintelligence investigations" and "fall under guidelines that are classified, which puts us in a bind because we can't tell you about the guidelines." But, Schnitzer said, "There's a well-founded basis for these interviews. We don't conduct interviews for political reasons." ("FBI Probing Nicaragua Visitors," The Washington Post, May 12)

April

In the continuing effort to place barriers in the way of qualification for FOIA fee waivers, the Department of Justice Office of Legal Policy issued new fee waiver policy guidance to all federal agencies on April 2, 1987. In a discussion of what evidence is sufficient to establish that a contribution to

understanding by the general public will ultimately result from a disclosure, the DOJ guidelines observed about libraries that:

This consideration is not satisfied simply because a fee waiver request is made by a library or other record repository, or a requester who intends merely to disseminate information to such an institution. Such requests, like those of other requesters, should be analyzed to identify a particular person who will actually use the requested information in scholarly or other analytic work and then disseminate it to the general public; absent that, it cannot be determined that disclosure to the requester will contribute to the public's understanding of government operations or activities. . . . Thus, such requesters should make the same fee waiver showing that a person would have to make to obtain a fee waiver directly, including a representation by that person of intent to perform the work involved. (Memorandum for the Heads of All Federal Agencies from Stephen J. Markman, Assistant Attorney General, Office of Legal Policy, U. S. Department of Justice. Subject: New Fee Waiver Policy Guidelines, April 2)

In remarks to the House of Representatives on April 22 (Congressional Record, pp. H2104-5), Rep. Glenn English (D-OK) stated:

The one word that best describes this guidance is dishonest. . . . Why did the Department misstate the record? I think the answer is obvious. The Department doesn't like the FOIA, and it especially doesn't like the fact that Congress has intentionally made the FOIA easier to use by liberalizing the fee waiver rules. Since there is nothing in the legislative history to support the Department's objectives, the Department has decided to ignore the legislative history for the fee waiver standard.

April "The Federal Trade Commission said today that it would stop testing cigarettes for tar and nicotine and would rely instead on data from the tobacco industry.

"Daniel Oliver, chairman of the commission, said the program duplicated information available from the industry. Ending the program will save tax-payers about \$200,000 a year, he said.

"The action was promptly criticized by the American Lung Association.

"Karen Monaco, a spokeswoman for the association, said the action put the measurement of tar and nicotine into the hands of the tobacco companies, adding, 'We certainly don't trust them.'

"She said that in general the measurements had been misused because the tobacco industry had tried to make smokers think that cigarettes with low tar and nicotine are safe to smoke.

"Scott Stapf of the Tobacco Institute responded that the industry used exactly the same method as the commission in its tar and nicotine testing.

"The cigarette companies anticipate cooperating with the F.T.C. and appreciate the confidence expressed by the agency in their tar and nicotine measurement reports,' Mr. Stapf added.

"The commission set up its testing laboratory in 1966 to establish uniform standards for measuring the tar and nicotine content in cigarettes. That information has been reported in cigarette advertising since 1971." ("U.S. Stops Cigarette Testing," The New York Times, April 16)

April A recent decision by OMB's Office of Information and Regulatory Affairs to withhold approval of the government's major source of information about the petroleum industry may put Americans back where they were during the 1973 oil crisis---without the data needed to plan for the future or to avert a crisis. Part of the problem in the 1970s was that when the government tried to allocate petroleum products for critical needs (e.g., heating oil), it soon discovered that it had no idea how much of what was available, who had it, where it was, or where it was going. The international American oil companies knew, but they weren't telling. Congress vowed that the nation would never again be caught napping. In 1973-74, Congress created the Energy Information Administration (EIA), and charged it with compiling and publishing up-to-date information on petroleum availability and marketing from data submitted by the oil companies. Recently, EIA has scaled back its information collection activities. In April, OIRA withheld approval of EIA's January information collection request, asking for "appropriate changes." In particular, OIRA sided with the Sun Oil Company's objection to correcting data previously submitted to EIA unless actual purchase amounts and wellhead prices were off by five percent or more (Sun Oil wanted a leeway of ten percent or \$1 per barrel). Small changes in oil barrel prices have massive economic consequences, because hundreds of millions of barrels are involved. For example, in the President's FY 1988 budget, OIRA predicted a one percent fall in oil prices for 1987, a figure it used in calculating a rosy economic projection of lower government deficits. If OIRA succeeds in setting a ten percent error rate for EIA crude oil price data, neither OIRA nor anyone else may know which way oil prices are going, and the government may lose the data it needs to step in during a crisis. (OMB Watch, Monthly Review, May 30)

April Lt. Col. Oliver North and his secretary, Fawn Hall, stuffed so many documents into a White House shredder last November that they jammed the machine, according to informed sources. The destruction of the documents---including printouts of internal National Security Council computer messages---took place on the evening of November 21, the day before Attorney General Edwin Meese III and his aides were expected to begin reviewing the NSC files. Independent counsel Lawrence E. Walsh, who is in charge of the criminal investigation into the Iran-Contra Affair, is known to believe that there was a conspiracy to defraud the

government, and is hunting for apparent cover-ups that obstructed justice. ("North's Shredder Broke Disposing of Documents," The Washington Post, April 17)

April The State Department swiftly withdrew from circulation a publication that aroused conservative fury by describing the Nicaraguan contras as right-wingers based in Honduras and Costa Rica. The definition appeared in the 1987 edition of "Dictionary of International Relations Terms," published by the department's reference library. As the volume was ordered withdrawn from circulation, librarians said it will be corrected and reissued. The dictionary said "contras" is a contraction of the Spanish word for "counter-revolutionaries" and that the rebel group "comprises former members of the Somozist National Guard, dissident right-wing former Sandinistas and the Miskito Indian minority." Larry Byrnes, executive director of the Council on Hemispheric Affairs, said, "Maybe Alexis de Tocqueville was right when he said that Russia and America are similar. In the Soviet Union, names of former officials are excised from reference works. The State Department has now muzzled one of the first nonideological documents issued during the Reagan administration which vaguely conforms to reality." ("State Dept. to Redefine 'Contras'," The Washington Post, April 18)

April Despite a recent setback, the Reagan Administration is proceeding with an effort to impose unprecedented restrictions on the vast flow of computerized information that fuels American's increasingly information-based economy. A September 1984 directive, NSDD-145, directed a task force led by military and intelligence agencies to come up with plans for restricting access to public information held by federal agencies as well as private companies. In October 1986, John M. Poindexter, then National Security Adviser, signed NTISSP No. 2, National Policy on Protection of Sensitive, But Unclassified Information in Federal Government Telecommunications and Automated Information Systems, which restricted a broad range of government information that is unclassified, but considered "sensitive." NTISSP No. 2 was rescinded in March 1987 by Poindexter's successor, Frank Carlucci. "According to sources in Congress and the administration, however, Carlucci has made it clear that the pullback is only temporary, intended to disassociate the plan from Poindexter's name in the wake of the Iran-Contra arms scandal." Sen. Patrick Leahy (D-VT) said, "The administration is so enthralled by the idea of secrecy they won't give up their attempts to control the flow of information." Despite the pull-back of Poindexter's order last fall, he said, "There's no change of thinking on the issue." NSDD-145 which set up the category of "sensitive, but unclassified information," remains in effect, although the Administration is reviewing the directive. ("Reagan Seeks Controls on Data-Base Access," The Boston Globe, April 20)

April Officials of the Department of Education acknowledged that they had paid a private company to find examples of college administrators who misused funds and then tried to prevent higher-education representatives from getting the information. Marion C. Blakey, of the Education Department said the

department paid Applied Systems Institute, a research company, \$257 to do the work after an editor of U.S. News & World Report last fall asked for examples of how colleges had misspent money. Blakey said, "We provide information as a service to the public. It's what this agency is charged with doing." Higher-education representatives were outraged by the incident. The American Council on Education learned of the inquiry last year and requested further information under the Freedom of Information Act. The department initially denied the request, saying that the information gathered by Applied Systems Institute was prepared "to assist the department in preparing policy options"---which meant the department did not have to release it. The A.C.E. appealed the decision and received copies of the memoranda prepared by the company. Blakey later said the study had nothing to do with policy setting, although the study was requested at the time Education Secretary William Bennett was beginning to intensify his criticism of the increase in college costs. ("Education Dept. Admits It Paid Private Company to Find Examples of Misuse of Funds on Campuses," The Chronicle of Higher Education, April 22)

April Former president Richard M. Nixon has temporarily blocked the scheduled May 4 public release of about five percent of the 1.5 million pages of his private presidential papers, the National Archives announced. ("Nixon Blocks May 4 Release of Some Papers," The Washington Post, April 23)

April The House Foreign Affairs Subcommittee on International Operations voted on April 28 to subpoena State Department documents and cables concerning security problems at the U. S. embassy in Moscow after learning that some materials the committee had requested were deliberately withheld. Subcommittee chair Rep. Daniel Mica (D-FL) charged that the department had withdrawn documents from two thick binders of information on embassy security provided to the panel. He said the panel discovered that documents were missing because indexes and tabs in each binder referred to sections that were empty. ("Panel Votes to Subpoena Embassy Security Data," The Washington Post, April 29)

May In 1985, when the Consumer Product Safety Commission (CPSC) learned of the deaths of nine children in recliner chair accidents, it alerted furniture manufacturers and the group quickly agreed to urge modifications in the way chairs were made and to issue warnings to customers. But at the CPSC, the federal agency with authority to order unsafe products off the market, agency economists also examined the chair issue, using a controversial "cost-benefit" formula that the Reagan Administration has pressed all regulatory agencies to employ before undertaking action. The results shocked some agency officials, as well as furniture manufacturers. The economists concluded the agency should not support the changes in recliners. "It is our recommendation that nothing be done beyond mentioning (the problem) in safety alerts..." wrote Warren J. Prunella, an assistant to the director of the agency's economic analysis staff, in an internal memo. Even warnings should be tempered, Prunella urged. "The

psychic costs associated with the anxiety that accompanies the release of information on household hazards is to be considered against any accompanying benefits." Noting that the CPSC economics analysis staff has sometimes used cost-benefit analysis to argue against issuing news releases on some hazards, CPSC compliance director David Schmeltzer said his "most serious objection" to the formula is a fear that the commission's devotion to it could "result in consumers being deprived of their right to be informed." ("Formula for Product Safety Raises Questions About Human Factor," The Washington Post, May 26)

May

"A report in the May 21 New York Times says that a Japanese employee of a technical library on a United States Air Base is among four men arrested for stealing documents on military aircraft and passing them to an official at the Soviet Trade Representative Office in Tokyo. The four are also suspected of selling military documents to the Chinese." (Library Hotline, June 1)

June

The Department of Commerce published a notice in the June 10 Commerce Business Daily seeking comments and expressions of interest from those who might contract to operate the National Technical Information Service. In addition to the regular contracting process, the notice states that Commerce is considering a second option, the federal employee direct corporate stock ownership plan (Fed-Co-Op). This alternative is viewed as a viable means of sharing contract benefits with affected employees. The fed co-op was designed as an alternative to A-76 and is based on the concept of an employee ownership plan (ESOP). Under this concept, federal employees would exchange their government jobs for salaried jobs with the contractor as well as stock in the new contracting firm. Commerce plans to hold a meeting on June 16 of potential bidders on the fed co-op option.

June

In a concluding statement to the first phase of the hearings of the House and Senate panels investigating the Iran-Contra initiatives, House Committee Chairman Lee H. Hamilton (D-IN) said that the 18 witnesses and more than 100 hours of hearings so far have produced "some of the most extraordinary testimony ever presented to Congress." That testimony, Hamilton said, told "a story of remarkable chaos in the processes of government." Several of the findings he mentioned involved information: private citizens received top-secret U. S. codes and coded communications devices; a national security adviser and an assistant secretary of state withheld information and misled Congress on the Nicaraguan contra resupply operation; and documents were altered and destroyed.

In her testimony on June 8, Fawn Hall, former secretary to Lt. Col. Oliver North, former National Security Council official, told how, at North's direction, she had altered and shredded documents and, on her own initiative, smuggled highly classified papers out of the Old Executive Office Building. She told of concealing the papers in her boots and dress in order to elude an NSC official who was there to prevent such removal in the face of a Federal Bureau of Investigation probe. ("Hall Testifies of

Necessity 'To Go Above Written Law'," The Washington Post, June 10)

June

On June 8, OMB published OMB Bulletin No. 87-14, Report and Inventory of Government Information Dissemination Products and Services, its control plan for a comprehensive inventory of each periodical, machine-readable data file, software file, online database service, and electronic bulletin board in the inventory of all federal executive agencies, which are issued or disseminated by agencies to the general public. Agencies are required to provide an electronic copy of its total agency-wide inventory of all information dissemination products and services by September 11, 1987.

An official of OMB's Office of Information and Regulatory Affairs had previously announced in public meetings that OMB wants to combine OMB Circulars A-3, Government Publications, and Circular A-130, Management of Federal Information Resources, within a year. Both these circulars are cited as authority for OMB Bulletin No. 87-14. The electronic listing of all government information dissemination products and services will provide a convenient shopping list for the private sector in search of public information products with profit potential. One of the policies in Bulletin 87-14 states:

Agencies shall make such inventories available to the public, either directly or through intermediaries such as other Federal agencies or private sector entities, as an aid in locating government information products and services. Agencies shall, however, avoid offering information services that essentially duplicate services already available from other agencies or the private sector.