Federal Information Policies and Their Effect on Libraries

Eleanor L. Chase
Head, Government Publications Division
University of Washington
Seattle, Washington

ABSTRACT
The paper concentrates on the administrative efforts to develop a federal information policy, including the role of the private sector in the dissemination of federal information; the proposal to privatize the National Technical Information Service; the efforts to control the distribution of scientific information; the effects of budget cutting on the availability of information; and the effects of all of this on libraries.

INTRODUCTION
The Federal Government is the largest single producer, consumer, and disseminator of information in the United States, ranging from agriculture, art, consumer and health information, demographic and economic statistics, to solar energy, space technology and zoology. Widely accessible and low cost government information stimulates economic, educational, social, scientific and technical developments, while also making the American people aware of the activities of their government.

Citizens in all walks of life use government information, students and scholars, businesses and special libraries, independent researchers and average citizens. Libraries are intermediaries in the delivery of information to the public. All libraries, including Federal Depository Libraries and the public, rely on multiple channels for obtaining access to government information free distribution to designated libraries, and commercial publication of the information in new products.

DEVELOPMENT OF A FEDERAL INFORMATION POLICY
To provide some background to the development of a federal information policy, we need to begin with the Paperwork Reduction Act of 1980 (PL 96- 511), which required the Executive Branch to establish uniform federal information policies and practices in order to
- 1) reduce the paperwork burden on persons and organizations required to furnish information,
- 2) enhance the economy and efficiency of government, and
- 3) increase the availability and accuracy of agency data and information. In implementing this act, the Office of Management and Budget was given certain authority and functions related the management of information resources. (1)
In April of 1981, President Reagan imposed a moratorium on all new government publications and AV materials. (2) In 1982, he initiated Reform '88 a program designed to modernize Government and bring sound business practices to bear on Government programs. (3)

To carry out its mandate to manage government information, OMB has issued several circulars directly relevant to federal information management:

- 1) A-3, Government Publications, revised 1985, requires agency heads to annually submit to OMB for approval a list of current and proposed periodicals, with detailed justifications for proposed periodicals.

- 2) A-76, Performance of Commercial Activities, revised 1985, requires agencies to rely on commercially available sources to provide commercial products and services.


In addition, OMB has used Reform '88 as an initiative to reduce government publication. In one of the fiscal year 1987 budget documents, Management of the United States Government, the following statements indicate the effects:

"Elimination of useless or duplicative Federal publications amounting to 150 million copies per year, or 25% of the total.(4)

The total Federal inventory of approximately 16,000 publications has been reduced by nearly 25% as a result of the implementation of internal control systems and participation in Government-wide reviews."(5)

Edwin Meese, then a Presidential advisor, made the front page of the Washington Post in January 1984 with a plastic garbage bag of what he called "useless" documents. One on controlling bedbugs excited his special ridicule. Not mentioned as useless but also disappearing at this time were such titles as "U.S. Soviet Military Dollar Cost Comparisons", the "Annual Survey of Child Nutrition", "Earned Degrees Conferred in the U.S.", and the EPA's "Compendium of Registered Pesticides".(6)

It is evident that they are cutting into more than public relations, propaganda, or puffery. They are cutting consumer and health information, statistics, social and demographic information, and annual reports of agencies such as the Departments of Treasury and Housing and Urban Development. Government publications represent a means of sharing government knowledge, information, and expertise with citizens. Often there are no alternative sources for the data, or none that are as convenient in terms of price or format.

OMB Circular A-130 represents a codification of administrative interpretation of law, regulation and administration philosophy. It is an expression of the policies behind the actions of the last several years, and a justification and outline for future action.

In the Circular, OMB has given greater emphasis to tests and procedures designed to restrict and control government data collection, publishing, and dissemination, than to public service. They have articulated a distinction between "access to information" and "dissemination of information" in order to differentiate among the responsibilities of Federal agencies for providing information to the public. Access would refer to situations in which the government's role is passive, merely responding to requests for information under the Freedom of Information act, the Privacy Act, or other statutes. Dissemination would refer to a more active, but controlled, outreach function of distribution of information in any format to the public.
In the Circular there are multiple tests and conditions to be met before agencies collect or create information, which will have a constricting impact on the amount of information accumulated by the government. Agencies are required to "create or collect only that information necessary for the proper performance of agency functions and that has practical utility, and only after planning for its processing, transmission, dissemination, use, storage, and disposition." Agencies are to "seek to satisfy new information needs through legally authorized interagency or intergovernmental sharing of information, or through commercial sources, where appropriate, before creating or collecting new information." In addition complex analysis is required because "the expected public and private benefits derived from government information, insofar as they are calculable, should exceed the public and private costs of the information." The intent is efficient, effective, economical management, but the current fiscal climate of budget reductions raises a question of interpretation. How narrowly will agencies define what is necessary for the proper performance of agency functions: What standards will be applied in terms of practical utility criteria? To what extent should agencies utilize information from other agencies or the private sector?

Dissemination of information by agencies shall only be that which is necessary for the proper performance of agency functions and does not duplicate products or services that are now or otherwise would be provided in the future by other governmental units or the private sector. Agencies have a responsibility to undertake dissemination in such a way as to reach the people the agency has an obligation to reach, in a manner most cost effective for the government, with maximum feasible reliance on the private sector, and so as to recover costs through user charges where appropriate. (7)

Because it is now government policy to place maximum feasible reliance on the private sector, a number of important titles formerly published by the Government Printing Office have moved to commercial publishers with substantial price increases necessitated by the profit-making nature of the enterprise. One of the first was the Security and Exchange Commission's SEC News Digest; its price went up only 50%. Also announcing privatization was the Federal Communication Commission, it will publish only those of its decisions not available through a commercial service which charges $1,875.00 for membership and a $1,375 annual subscription. The EPA's Compendium of Registered Pesticides, is maintained only at their headquarters in Washington. The computer tapes on which it is based are at the Purdue University Computer Center; people who need access contact Purdue and pay their rates. It used to be a printed document available to libraries. Other titles that have moved to private publishers include the Car Book, the Naval Logistics Quarterly, and the annual cumulated index to Resources in Education. The EPA has licensed another system of databases, its Chemical Information system, to two different contractors, who initially planned to manage it differently, forcing users to subscribe to both, or to predict which would be the better or more viable system. There was no guarantee that its less-used and therefore less profitable segments would be maintained.

There is no doubt that the private sector has a role to play in the distribution of government information. Many of the commercial publications are better than those the government offers. Libraries willingly pay to have really good indexing or databases. But if materials are available only through the private sector at a higher price, the result is less access. There are concerns about the availability of information if profitability is the only criterion used in decision making. The private sector has no obligation to provide access to all or any information; only that information which the suppliers deem profitable or potentially so. Privatization will reduce the amount of information available to federal depository libraries, if a publication leaves the federal government
the GPO does not distribute it to depository libraries. These reductions in the availability of government information will be particularly significant in this period when fiscal constraints on libraries will not permit the purchase of corresponding information from alternative private sector sources. There is room for both private and public sectors in the distribution of government information. It should not be exclusively the domain of either sector.

Proposal to Study the Privatization of NTIS

On April 28, 1986, the Department of Commerce published a notice in the Federal Register requesting comment on the issues and options involved in the privatization of the National Technical Information Service. On July 30, 1986, a workshop was held to discuss key issues that could play a major part in possible plans to privatize NTIS. No one, of the approximately 100 people at the workshop, spoke in support of the complete privatization of NTIS. Most of the comments from librarians and representatives of federal agencies expressed concern about how privatization would affect bibliographic access, price, and permanent availability of scientific and technical information. The Information Industry Association and the private, for-profit information companies represented at the meeting also spoke in favor of retaining some government role in providing a clearinghouse of scientific and technical information. But one that would not compete with the private sector in the area of value-added services such as special searches on the NTIS database and newsletters.

The Commerce Department Task Force appointed to conduct this study is to make a recommendation about changes in NTIS to the Secretary of Commerce. The Secretary then decides what to recommend to OMG. As changes in NTIS will be considered in conjunction with preparation of the Administration's budget proposal for FY 1988, the final Administration position on changes in NTIS will not be made known until the President's budget is made public in January 1987.

Controls on Scientific Information

As reported in Science, Harpers and repeatedly in the Chronicle for Higher Education, a number of executive agencies have attempted to implement, or in some cases have successfully implemented policies or regulations which place new limits on activities traditionally protected by academic freedom. Concern about national security has motivated attempts to restrict dissemination of ideas and access of foreign scholars to U.S. classrooms, laboratories, and conferences.

The primary stimulus has been reducing the transfer of technological information with potential military implications. A National Academy of Sciences study in 1982 acknowledged that such technology transfer occurred, but concluded that it did not occur through open scientific communication. The study reaffirmed the contribution to U.S. innovation of such open communication.

In spite of these conclusions, by 1983 there was federal regulatory activity on several fronts in the area of prepublication review. National Security Decision Directive 84 requiring 120,000 federal employees or contractor employees with access to classified information to sign lifetime prepublication review agreements, was suspended in response to a Senate resolution requesting further Administration consideration. However, Federal employees have signed the prepublication clause in a newly developed employment form.

At hearings before the House Science and Technology Committee in 1984, the Provost at the University of Pennsylvania, Thomas Ehrlich reported that such restraint would unacceptably limit
the ability of scholars to use government experience and information in scholarly publication and classroom lectures, and the benefits to government of academics moving from university to government and back again were threatened.(12)

Another front in the prepublication review battle is contract terms. A number of agencies, many without obvious national security concerns, now issue contracts requiring prior review of results. John Shattuck, Vice President for Government, Community and Public Affairs, Harvard University, states: "Although prepublication review arose from national security concerns about the illicit transfer of technology to unfriendly governments, some of the most restrictive proposed contract clauses are contained in non-technological, social research contracts. Apparently, federal agencies believe they can in this insure that the research they fund is consistent with their view of their mission." (13) He cites HUD, National Institute of Education and NASA. He also reports that Harvard, like many universities, renegotiates such clauses or refuses the contracts.

The other avenue for increased restriction of traditional scholarly activity is the export control regulations. The law recognizes that "oral, visual or documentary" transmission, as well as shipping a machine in a crate constitutes export. Academic contracts in matters of basic science have previously been granted a "general license" exempting them from coverage under the two major acts. In 1981, the Department of State invoked the acts in attempting to gather information about and limit the activity of Mainland Chinese scholars studying at American universities. Among other things, the equipment to which they would have access was questioned. Universities flatly refused to provide this information, and the effort was discontinued.(14) However, executive agencies have successfully limited the attendance at individual sessions or entire conferences or short extension courses to U.S. citizens or a selected list of approved allies. If attendance at a session cannot be limited, then scholars have been told to withdraw their papers under threat of prosecution, not only of the Export Control Act, but also of the Espionage act of 1917.(15)

The Department of Energy proposed draft refutations in 1983 restricting access to past and future technical reports dealing with such matters as transport of nuclear material, the operation of nuclear power generating plants, emergency reaction plans, etc.(16) The regulation of future publications was required by an Act of Congress, but the retrospective application was a nightmare. Our collection of DOE reports, a half million, was kept in open cabinets for user self service. The DOE proposed regulations offered no clear guidance as to which reports had to be limited. Academic libraries and users protested vigorously, pointing out not only the impossibility of enforcing the regulations as written, but also the larger implications of removing access to a large body of material with marginal military significance but considerable value to citizens who wish to be informed about the implications of having nuclear power facilities in their areas. The final regulations, issued in August 1984, did not restrict previously distributed reports.(17) We have noticed a drop in our receipts of fiche and assume we are no longer receiving reports in the regulated area.

Under the terms of Executive Order 12356, issued in April 1982, the recent trends to less classification of information and the assumption of when in doubt, don't classify at the lower level were reversed. Classification is required if there is a "reasonable expectation of danger", there is no automatic declassification, and in cases of doubt, classify or classify at the higher level.(18) And if you expect to continue to publish and extend inquiries in a given area "die" is the right word. It appears classification may be imposed at any stage of research, regardless of the source of funding, including research that was never funded with public money.
BUDGET CUTS = INFORMATION CUTS

There is another force which is also requiring cuts, some of them quite large, and that is the budget cutting pressure of the various deficit reduction acts, the most known is Gramm-Rudman-Hollings. This is a severe threat to federal statistical programs, already many things are no longer published or have had their frequency reduced, half of the special subject reports from the 1980 Census of Population and Housing have been cut, including data on the elderly, education, occupational characteristics, etc. For all but 11 of the cities covered by the Consumer Price Index, coverage has been reduced from every two months to semi-annually. The Urban Family Budgets were discontinued in 1984, as was the President’s Employment and Training Report with the report for 1982. The threat to federal statistical programs has been summarized as: loss of geographic detail and comparability, timeliness both in collection and in publication, access to data, and quality of data, if the underlying theoretical analysis and effort to develop methodological improvements suffers.(20)

On September 9, 1986, Ralph E. Kennicke, Jr., Public Printer of the United States, announced that, as a result of reduced appropriation for FY 1987, the Government Printing Office would discontinue depository distribution in hard-copy for all publications currently being distributed in dual format, that is, in both hard-copy and microfiche formats.(21) This is to begin October 1, 1986, the first day of FY 1987. Among the titles and categories of publications that have been offered to depository libraries in dual format are: Federal Register, Congressional Record, the Code of Federal Regulations, and all of the Congressional Committee Hearings, Prints, Reports and Documents. The only stated exception to this decision would be the Congressional Record Index and Daily Digest which would continue to be issued in paper.

EFFECTS ON LIBRARIES

The immediate effect on depository libraries will be dramatically increased subscription costs. The Federal Register and the Code of Federal Regulations are very heavily used in our library, we cannot use fiche as our sole copy, so we will buy paper copy from the Government Printing Office at a cost of $895.00 in serial subscription funds. The Congressional Record in paper will cost an additional $218.00 per year.(22) I cannot give a price for the Congressional publications, because no subscription is offered to all of them. Each item will have to be ordered as a separate publication.

Most depository libraries are publicly funded institutions, costs are being transferred from the federal government to the state or local governments. The taxpayer is still paying the bill whether we order from a private sector source, buy from the Government Printing Office, or receive on deposit as a federal depository library. When depository libraries subscribe to the format most users prefer, paper, the taxpayer is paying twice for the title, once to distribute in microfiche to depository libraries and once for the library to buy the paper copy he prefers to use.

Another effect on libraries is increased time spent on questions at the reference desk, helping users find replacement information, tracing superseding titles, and in some cases, determining the telephone number of the precise part of an agency responsible for collecting the information sought. Occasionally, we have found that calling the agency will result in a photocopy of the information wanted.
I have found that a third effect is an increase in activity both as a professional librarian and as a citizen. Trying to explain the effects of changes in the production and distribution of government information on my library and users, and trying to mitigate the effects to some extent requires writing letters and speaking out to agencies, members of congress, to colleagues, and to the general public.

The American Library Association is fostering cooperation among other concerned groups by developing a Coalition on Government Information. The Coalition will encourage executive and legislative branch policies and activities which assure that information needs of citizens are not restricted. Because that is really the bottom line, public access to information by and about our government. To quote President Reagan's Proclamation in Honor of Freedom on Information Day: "A fundamental principle of our Government is that a well-informed citizenry can take part in the important decisions that set the present and future course of the nation... Most Americans, having never known any other way of life, take for granted open access to information about their Federal, State, and local governments." (23) In my opinion, that statement is something with which we all agree and as documents librarians it is the goal we seek to preserve.

References Cited
4. IBID p.2.
5. IBID p.39.