



ADMINISTRATIVE NOTES

Newsletter of the Federal Depository Library Program

Vol. 10, no. 15

GP 3.16/3-2:10/15

July 31, 1989

Economic Census Information Available to Libraries

Series of Conferences to be Held

Information is beginning to flow from the 1987 Economic Censuses. Taken by the Census Bureau every five years, these censuses provide vital information on the characteristics of the American economy. If you're interested in knowing more about this source of information, the Census Bureau will be conducting a series of one-day conferences across the country. Cities include Atlanta, Boston, Charlotte, Chicago, Cincinnati, Dallas, Detroit, Houston, Kansas City, Miami, Minneapolis, New Orleans, New York, Philadelphia, Pittsburgh, St. Louis, and Washington, DC. Call **301/763-1510** or a Census Bureau Regional Office for dates and specific locations.

Free Video Available

If you would like additional information to share with staff and patrons, the Census Bureau is making available upon request to Depository Libraries a copy of a 17-minute standard VHS tape on the 1987 Economic Censuses. The video includes information on the background and scope of the censuses, the kinds of information published, the availability of data products, and sources of additional assistance. To request a free copy of the tape, please write to:

User Training Branch
Data User Services Division
Bureau of the Census
Washington, DC 20233



United States Government Printing Office
Washington, DC 20401

June 13, 1989

Dear Depository Librarian:

Last year, the Library Programs Service (LPS) distributed the following publication, Program Operations Manual System, Part 02 - General, Chapter 022, Overpayments, Subchapter 15, Transmittal No. 9. This piece, containing "Sensitive Instructions", was distributed in error. It is "required for official use only for strictly administrative or operational purposes" under provisions of 44 U.S.C. 1902.

For this reason, I am requesting that you immediately withdraw this publication from your library collection, and destroy it by any means that will prevent disclosure of its contents.

Descriptive information on this publication:

Title: Program Operations Manual System, Part 02 - General, Chapter 022, Overpayments, Subchapter 15, Transmittal No. 9
Shipping list number: 88-604-P
Shipping list date: October 17, 1988
Item number: 0516-S
SuDocs class number: HE 3.6/5:02/022/15/trans. 9

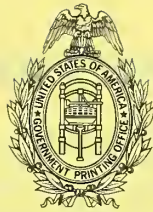
Thank you for your cooperation and prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Donald E. Fossedal".

DONALD E. FOSSEDAL
Assistant Public Printer
(Superintendent of Documents)





United States Government Printing Office
Washington, DC 20401

Library Programs Service (SLLA)
June 29, 1989

Dear Depository Librarian:

The Library Programs Service (LPS) has been apprised recently that the publication, A Treatise on Acoustic Radiation, volume 5, Large Amplitude Radiation, has a flaw. The Naval Research Laboratory informed the Government Printing Office that the word "aperture" is erroneously stamped on the spine and cover. The correct word, "amplitude", appears on the title page and on the shipping list.

As LPS has been informed that the agency will not reprint the book, please make the appropriate adjustments to the book and to your bibliographic records.

Descriptive information on this publication:

Title: A Treatise on Acoustic Radiation, volume 5, Large Amplitude Radiation
Shipping list number: 89-0068-P
Shipping list date: January 31, 1989
Item number: 0407
SuDocs class number: D 210.2:Ac 7/v.5

GPO regrets any inconvenience resulting from this misprint.

Sincerely,

A handwritten signature in cursive script that reads "Sheila M. McGarr".

SHEILA M. MCGARR
Chief, Depository Administration Branch



Electronic Corner

On Thursday, May 25, 1989, a "kick-off" meeting of the pilot project participants was held at GPO. The purpose of the meeting was to announce approval of the pilot projects on electronic dissemination and to provide a forum for participants to share information with one another.

Superintendent of Document Don Fossedal welcomed the group to GPO and introduced his staff who would be working on the projects. John Chambers, JCP Staff Director, spoke briefly, expressing his enthusiasm for the pilot projects and praising GPO for its commitment to the program. Jan Erickson from LPS gave a brief chronology of the electronic dissemination issue and discussed development of the pilot project proposals.

Representatives of the five agencies included in the project spoke next. Forrest Williams from the Census Bureau described his agency's extensive CD-ROM publishing program, and noted that Census was committed to distributing future CD-Roms to the depository libraries. Jerry Brown from EPA discussed the Toxic Release Inventory CD-ROM now under development. The disc will be released sometime this summer, depending on how long selection of the software takes. Larry Long, from the JCP Congressional Record Index Office, and Bernadine Hoduski also spoke. A working group will be formed to study requirements for the final Congressional Record (1985) on disc. Bernadine said that cost-sharing is being investigated for the online projects.

Ken Rogers spoke about Commerce's information dissemination activities, including the Economic Bulletin Board. Sutton Kay from the Department of Energy described the four-part project his agency had proposed.

Larry Herrmann from the General Accounting Office announced that his agency will be assisting GPO with evaluation of the pilot projects, at the request of GPO. GAO will seek a broad perspective, looking in particular at the cost-benefits of such projects.

Mark Scully briefly recapped the day's discussion. The next step, he said, will be for GPO to meet with GAO and then with participating agencies to develop project implementation plans.

Photo © by Stan Barouh Photography



Ken Rogers from the Commerce Department describes the Economic Bulletin Board.

GOVERNMENT PRINTING OFFICE

memorandum

DATE: May 22, 1989

REPLY TO
ATTN OF: General CounselSUBJECT: **GPO Dissemination of Federal Agency Publications in Electronic Format**

TO: Acting Public Printer

This is in response to your request for my opinion as to the authority of the Government Printing Office to disseminate Federal agency publications in electronic format, whether or not such publications had previously been printed in traditional ink-on-paper format. In addition, you have asked me to review the March 23, 1982, opinion issued by Garrett E. Brown, Jr., then GPO General Counsel, to determine its present applicability to the above question.

Opinion

Pursuant to the authority granted the Public Printer and the Superintendent of Documents by title 44, United States Code, the Government Printing Office is authorized to distribute Federal agency publications in electronic format to depository libraries. To be so distributed, Federal agency publications need not have been first printed in traditional ink-on-paper format. The opinion issued by the GPO General Counsel in 1982, holding that the Government Printing Office is not required to provide depository libraries with free access to unpublished computer data bases, remains valid. However, to the extent that opinion suggests that only traditionally-printed publications could be made available to the depository libraries, it is disapproved.

Discussion

The essence of the question you posed is whether government information in electronic format constitutes a "publication" within the meaning of applicable sections of title 44. Throughout that title, the terms "publication," "Government publication," "document," and "public document" appear, but only section 1901 provides a specific definition of any of these terms. Section 1901, a restatement of section 1 of the Depository Library Act of 1962, 76 Stat. 352 (the "Act"), defines a "Government publication" as "informational matter which is published as an individual document at Government expense, or as required by law."

Background of the Depository Library Act of 1962

The background of the Act was succinctly described in the General Counsel's 1982 opinion:

The modern depository library program developed into its present form over the last 200 years. Before the establishment of any systematic methods of distribution of public documents, Congress acted to make certain Government documents available to various libraries throughout the Union. In 1857 the practice of designating certain libraries and other institutions as depositories for Government documents was formalized by Congressional resolution. From this date until 1962 various statutes were passed directing that all Government publications published by the GPO would be made available for distribution to the depository libraries. Prior to 1922 the libraries had no choice as to what publications would be received, any that were issued by the GPO were forwarded. However 42 Stat. 436 provided that these libraries could select what publications were desired.

The entire system was overhauled by the Depository Library Act of 1962, 76 Stat. 352. The reform was designed to eradicate certain inadequacies that had crept into the program. Of great importance to the drafters of this bill was the need for expanded availability of Government publications to the depository libraries. As stated above, prior to this act selection of documents by the depositories was made from documents actually printed at the GPO. Although the GPO was originally designed to produce all the printed materials of each of the branches of the Federal Government, the increased demand made it impossible for all Government printing to be done at the GPO. In fact, by 1962 only half of Government printing was produced at the GPO. Therefore the depository libraries could avail themselves of only one-half of all Government publications. This artificial and arbitrary division of Government publications into GPO-printed and non-GPO-printed publications hampered the purpose for the depository program which was to make valuable and useful Government publications available to the public.

The 1962 Act was designed to alleviate this problem. Section 1901 defined "Government publication" as "informational matter which is published as an individual document at Government expense, or as required by law." Section 1902 directed that these publications be made available to depository

libraries. Senate Report No. 1587 which was issued by the Senate Committee on Rules and Administration to accompany the 1962 revision of the depository library system set forth the intent of Congress in passing these provisions. The purpose of the Act was to make available Government publications that were printed by any Government entity. However, in order for these publications to be available they first had to have been published as individual documents at Government expense or as required by law. Senate Report 1587, *supra*, pgs. 11-19. The congressional intent is clear, the act requires that only identifiable documents previously published by the Government are to be made available through the depository program....

(Opinion of the GPO General Counsel, March 23, 1982, at 1-2.)

Definition of "Government Publication" Established by the Act

In passing the Depository Library Act of 1962, Congress indicated its intent that all information then emanating from the Government—with but few identified exceptions—be preserved and made available to the general citizenry through the depository library system. In reporting out the library bill, the Committee on House Administration indicated the desire to consolidate into one definition all of the various references to Government publications which had previously been used, so as to indicate that all publications, of whatever kind, should be included:

The terms "public document," "document," "publication," and "Government publication" are all used in existing laws pertaining to depository libraries. The term "public document" as now used does not conform to the definition which was last stated in the law of June 23, 1874 (Stat. L., vol., 18, ch. 456). In order that uniform terminology may be established, the term "Government publication" is defined as "informational matter which is published as an individual document at Government expense, or as required by law." The bill sets forth the policy that Government publications, except those determined by their issuing components to be required for official use only or those required for strictly administrative or operational purposes, which have no public interest or educational value, and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents.

H.R. Rep. No. 724 [To accompany H.R. 8141], 87th Cong., 1st Sess., at 1-2 (1961). It is clear from the language of the statute and from the legislative history that Congress intended the definition of "Government publication" to be all-encompassing, to include every type and form of publication except

those which fell into the defined exception categories. Indeed, in recognition of the automatic, broad sweep of the definition, the bill was amended to include a provision enabling the Public Printer to grant exemptions from its operation. Section 10 of the Act, as passed (now codified at 44 U.S.C. § 1914), provides that "The Public Printer, with the approval of the Joint Committee on Printing, ... shall adopt and employ such measures as he deems necessary for the economical and practical implementation of this Act." In debate on the House floor, Representative Hays (then a member of the Joint Committee on Printing), who had introduced the bill, explained the purpose of the provision¹ thusly:

Mr. Speaker, I believe that the new section 10, as we have reworded it, should now be sufficiently flexible to permit a more economical and effective administration of this act. Specifically, no provision was made for exempting publications produced in small numbers for specialized use, thus requiring overproductions of such publications by several hundred percent in some instances. Also, many publications such as technical and training manuals, and various types of handbooks, while perhaps of some so-called public interest, could not justify the wide dissemination and high cost of maintenance that in books of broader interest would be practical. Clearer power of determination in such cases, and greater selectivity in those publications chosen for distribution to depository librarians, would unquestionably result in a great saving in Government funds and much more efficient administration of the depository library program.

(108 Cong. Rec. 13984 (1962).)

Aside from the possible issuance of media used to capture visual and audio information (e.g., photographs, motion pictures, audio tape, video tape), virtually all Government publications in 1962 were issued in traditional ink-on-paper printed form. Because Government publications were at that time only issued in printed form, other provisions of the Act—referencing such things as the various sources of publications and the authority of the Superintendent of Documents to acquire additional copies—are all couched in terms of a printed product. Thus, although the Act at times refers to a "printed" product, it is clear that in defining "Government publication"² Congress intended to cover all official Government dissemination products,

¹As originally proposed by Mr. Hays, the Joint Committee on Printing itself, rather than the Public Printer, would have granted the exemptions.

²Notably, the definition refers not to "printed" information, but to "published" information.

save those falling within the definition exception and those exempted by the Public Printer pursuant to section 10 of the Act.

As recodified in 1968 (Pub. L. 90-620, 82 Stat. 1232), section 1901 of title 44, United States Code, reads: "Government publication' as used in this chapter, means informational matter which is published as an individual document at Government expense, or as required by law." Although the word "published" is often encountered in connection with information that is printed, what "publish" means is "to disseminate to the public."³ This can, of course, be accomplished no matter what form the dissemination takes. Indeed, the Office of Management and Budget, in its "Advance Notice of Further Policy Development on Dissemination of Information,"⁴ published on January 4, 1989 (54 Fed. Reg. 214), in describing the application of its proposed policy, noted that "the proposed policy applies to products such as periodicals and nonrecurring *publications whatever their medium of dissemination.*" *Id.* at 215. (Emphasis supplied.)

Thus, whenever an agency "publishes" information, that is, intends to, and does, disseminate it to the general public—in whatever form—the information constitutes a "Government publication" within the meaning of section 1901. This would include, therefore, a publication in electronic format. Also, this would be so whether or not the electronic formatted publication had previously existed in any other format, such as the printed format.

GPO General Counsel's Opinion of March 23, 1982

Whether a publication in electronic format was a "Government publication" within the definition of the Depository Library Act was not, however, the question put to GPO's General Counsel in late 1981. The General Counsel had been asked to determine whether GPO was required to provide depository libraries with free access to computer data bases maintained by Federal agencies. As stated in his opinion, the issue was "whether the data contained in Government computers could be considered a 'Government publication' within the definition of 44 U.S.C. § 1901."⁵ His analysis properly assumed that the agency which maintained the data base had not determined to disseminate the information, or to otherwise publish its contents, to the general public. What the Depository Library Council had

³Webster's New Collegiate Dictionary (G. & C. Merriam Co., 1977) provides the general definition of "publish" as: "1a: to make generally known; b: to make public announcement of; 2a: to place before the public: disseminate; b: to produce or release for publication."

⁴To supplement the guidance found in OMB Circular No. A-130 (December 1985).

⁵Opinion of the GPO General Counsel, March 23, 1982, at 1.

asked was whether "free access" could be obtained in the form of a computer terminal to tap into the computer data base.⁶ While there had been some discussion at the Fall 1981 meeting of the Council, of seeking an opinion with regard to the ability to obtain "publications in computer format,"⁷ the suggestion was not accepted and the Council instead sought an opinion on the access issue.

As previously noted, the General Counsel examined the history and purpose of the Depository Library Act of 1962, then came to the following conclusion:

The congressional intent is clear, the act requires that only identifiable documents previously published by the Government are to be made available through the depository program. This would logically not include data in a computer that had not been reduced to a published format. Therefore, when such data has not been published as an individual document at government expense or as required by law it is not "informational matter" or a "Government publication" within the definition of the statute.

(Opinion of the GPO General Counsel, March 23, 1982, at 2.)

As is evident from the above, the General Counsel fully recognized that unless information is "published," it is not a "Government publication." He went on to state, however, that:

Clearly, for a publication to [be] available for distribution, it must be printed as a publication first. Therefore, the data which remains in a computer data base without publication cannot be considered "informational matter which is published as an individual document."

The question presented to the General Counsel concerned only the issue of access to unpublished information in a computer data base, and the opinion therefore did not focus on the fact that there were significant alternative means of information dissemination other than distribution through the print medium. Because the question of the distribution of information in electronic formats had not been presented, the opinion's statement that depository distribution was limited to printed products—as opposed to electronic products—was not adequately considered and was unnecessary.

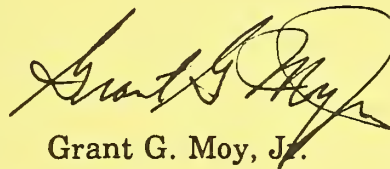
⁶See Transcript of Fall 1981 Meeting, at 43—44.

⁷See Transcript of Fall 1981 Meeting, at 47.

Accordingly, the specific statement in the General Counsel's 1982 opinion, limiting depository distribution to printed products, is disapproved. The main conclusion, however—that the Government Printing Office is not required to provide depository libraries with free access to unpublished computer data bases—remains valid.

Conclusion

For the foregoing reasons, it is my opinion that the Government Printing Office is authorized to distribute Federal agency publications in electronic format to depository libraries.

A handwritten signature in black ink, appearing to read "Grant G. Moy, Jr.", with a large, stylized flourish at the end.

Grant G. Moy, Jr.

Readers Exchange

Many federal depository libraries are interested in finding ways to better serve their U.S. Congressional districts. Sandra McAninch, Kentucky's Regional Librarian and Chair of GODORT, distributed the following mailing to Kentucky's U.S. Congressional delegation, as a way of promoting the depository to people who represent these congressional districts. This mailing is being reproduced in the "Readers Exchange" column to encourage other depositories to formulate and distribute similar mailings.

* * * * *

Dear

This letter is to introduce you to some of the unique services that we can offer to your constituents in Kentucky, and to ask for your help in promoting and improving access to these services. The University of Kentucky Libraries' Government Publications/Maps Dept. is the only regional depository in the state of Kentucky for U.S. Government publications and maps distributed by the U.S. Government Printing Office (GPO). This means that we receive and retain permanently one copy of every U.S. Government publication or map distributed by GPO to depository libraries (see attached brochure). We make these publications and maps available not only to residents of the Lexington area, but to citizens across the state.

We can do this in a number of ways, but the most popular method is by loaning our materials to other libraries in Kentucky when U.S. Government publications are requested by citizens in their area. There are twenty other selective depositories for U.S. Government publications in the state (see attached list/map) who can also help fill such requests. These depositories are allowed to select what they will receive from GPO, rather than receiving everything as we do, so they may not always have exactly what a person needs in their own collection. However, these libraries can request the material from us via interlibrary loan. Rapid delivery of these materials can be arranged, provided the publication meets certain criteria (primarily length), and where telefacsimile capabilities are present in the requesting library.

In addition, personal assistance can be obtained if citizens will either call, write or visit us to ask specific questions or use our materials. In order to make use of these resources as effectively as possible, we would like to invite you and your staff to feel free to refer your constituents to the University of Kentucky Libraries or one of the other U.S. depositories in Kentucky if they need help in locating U.S. Government information.

The network of depository libraries in Kentucky has been serving your constituents' government information needs for well over a century, and we are looking forward to doing so for another century. Please let us know if we can provide you with any further information on any of these issues or services. We look forward to hearing from you, your staff and your constituents.

Sincerely,

Sandra McAninch, Head
Government Publications/Maps Dept.
University of Kentucky Libraries

encl. (2)

GOVERNMENT PUBLICATIONS DEPARTMENT
UNIVERSITY OF KENTUCKY LIBRARIES

LEXINGTON, KENTUCKY 40506

March 24, 1989

To whom it may concern:

As the regional depository for U.S. government publications, we are responsible not only for maintaining a complete collection of all depository publications, but also for coordinating communication between the other eighteen depositories in Kentucky. To facilitate this process, we publish a newsletter, Let's Talk Documents, in which we often publish news about legislative issues of interest to documents librarians.

We have added your office to our mailing list, and hope that you will find it useful as a source of information on what issues are of concern to at least one segment of your constituency. We would also be willing to publish information from your office regarding your interest in or positions on government information and publishing.

I am sure that I speak for the documents community in Kentucky when I say that we appreciate your vigilance on behalf of the citizens of our state in seeing that open and free access to all U.S. government-produced information and publications will continue to be provided for and supported by Congress. Please let us know if you would like any further information on our activities, or if you have information you would like to contribute to the newsletter.

Sincerely,



Sandra McAninch, Head
Government Publications/Maps

Encl. (1)

xc: Michael Lach, Assistant Director for Public Services, UK Libraries
Paul Willis, Director, UK Libraries

KENTUCKY

CONGRESSIONAL DISTRICTS LEGISLATIVE RESEARCH COMMISSION

March 1982

Louisville Free Public Library
Univ. of Louisville, Ekstrom Library
Univ. of Louisville, Law Library

Kentucky State University
Kentucky State Law Library
Kentucky Dept. for Libraries
and Archives

Thomas More
College

Northern Kentucky
University

Univ. of Kentucky, Law Library
Univ. of Kentucky, MIK Library

Morehead State
Univ.

Boyd County
Public
Library

Hazard
Community
College

Union
College

Cumberland College

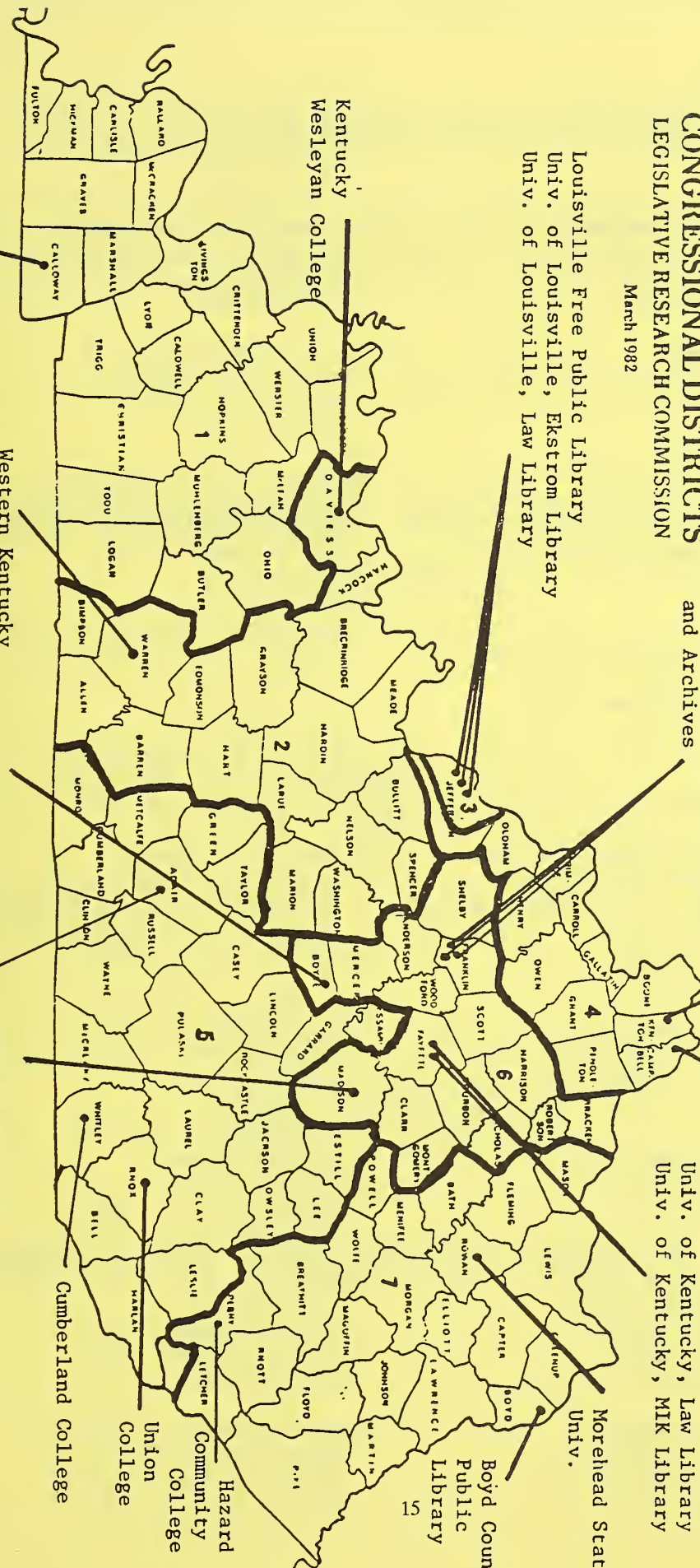
Eastern Kentucky
University

Lindsey Wilson College

Centre College

Western Kentucky
University

Murray State
University



Boyd County Public Library
1740 Central Avenue
Ashland, KY 41101
606-329-0090

Centre College of Kentucky
Grace Doherty Library
Danville, KY 40422
606-236-5211 ext 296

Cumberland College
Norma Perkins Hagan Memorial
Library
821 Walnut Street
Williamsburg, KY 40769
606-549-2200 ext 4329

Eastern Kentucky University
John Grant Crabbe Library
Richmond, KY 40475
606-622-1791

Hazard Community College Library
Highway 15 South
One Community College Drive
Hazard, KY 41701
606-436-5721

Kentucky Department for Libraries and
Archives
State Library Services Division
Federal Documents Section
Street Address: 300 Coffee Tree Rd.
P.O. Box 537
Frankfort, KY 40602
502-875-7000 ext 219

Kentucky State Law Library
State Capitol, Room 200
Frankfort, KY 40601-3489
502-564-4848

Kentucky State University
Blazer University
Frankfort, KY 40601
502-227-6857

Kentucky Wesleyan College
Library Learning Center
3000 Frederica Street
Owensboro, KY 42301
502-926-3111 ext 135

Lindsey Wilson College
Katie Murrell Library
210 Lindsey Wilson Street
Columbia, KY 42728
502-384-2126

Louisville Free Public Library
301 W. York
Louisville, KY 40203
502-561-8614

Morehead State University
Camden Carroll Library
Morehead, KY 40351
606-783-2160

Murray State University
Waterfield Library
Murray, KY 42071
502-762-4799

Northern Kentucky University
W. Frank Steely Library
Highland Heights, KY 41076
606-572-5455 or 5683

Thomas More College
Thomas More College Library
Crestview Hills, KY 41017
606-344-3302

Union College
Abigail E. Weeks Memorial Library
Barbourville, KY 40906
606-546-4151 ext 242

University of Kentucky
Margaret I. King Library
Government Publications/Maps Dept.
Lexington, KY 40506-0039
606-257-3139 or 8400

University of Kentucky
Law Library
Lexington, KY 40506-0048
606-257-8347

University of Louisville
Belknap Campus
Ekstrom Library
Louisville, KY 40292
502-588-6760

University of Louisville
Law Library
Belknap Campus
Louisville, KY 40292
502-588-6392

Western Kentucky University
Helm-Cravens Library
Bowling Green, KY 42101
502-745-6175 or 2097

FLICC Forum on Federal Information Policies

The Federal Library and Information Center Committee (FLICC) held its sixth annual Forum on Federal Information Policies on March 22, 1989. FLICC's report on the proceedings is reprinted on the following pages. It should be noted that the views and opinions are those of the speakers quoted, not necessarily those of the GPO.

Bringing Government Information to You ... *Electronically !*



Through Your Depository Library Program

FEDERAL LIBRARY AND INFORMATION CENTER COMMITTEE

WASHINGTON, D.C. 20540

LIBRARY OF CONGRESS
Adams Building, Room 1026C

Phone: (202) 707-6055

May 11, 1989

For your use**200-year Struggle over Access Shapes
Future of Federal Information Policies**

Congress, in enacting information policies, attempts to balance public and private interests competing for federal information access and control. This 200-year balancing act, as well as complaints of decreasing access to government information in the 1980s, were topics of provocative discussions at the sixth annual Forum on Federal Information Policies, sponsored by the Federal Library and Information Center Committee (FLICC) at the Library of Congress on March 22.

FLICC joined in celebration of the 200th anniversary of the United States Congress in 1989 by focusing its forum on "The Congressional Initiative." Ruth Ann Stewart, assistant librarian for national programs, Library of Congress, and chair of FLICC, opened the forum by welcoming an audience of more than 200 persons. Other welcoming remarks were made by Mary Berghaus Levering, acting executive director of FLICC, and Associate Librarian of Congress Donald Curran, who introduced the keynote speaker, Congressman Robert E. Wise, Jr., (D-W.V.), chair of the House Subcommittee on Government Information, Justice and Agriculture.

Congressional Perspective

Wise reviewed the history of the Freedom of Information Act (FOIA) to illustrate how the Congress enacts information policies, the executive branch enforces them, and the courts "interpret the meaning of the words." Congress passed the FOIA in 1966 and President Lyndon B. Johnson signed it--over objections of executive branch agencies. In 1974, Congress overrode a presidential veto of tough FOIA amendments to provide for judicial review of contested requests for information and to limit agency time in processing information requests.

Wise said he supports the idea of a freedom-of-information law that applies to electronic media, but that Congress should move cautiously into uncharted areas and should work cooperatively with the executive branch.

Historical Perspective

Catherine A. Jones, chief, Congressional Reference Division, Congressional Research Service (CRS), Library of Congress, moderated the morning session. She introduced Harold C. Relyea, a specialist in American national government, CRS, who based his remarks on a paper, "Congressional and Federal Information Policies: The Bicentennial Record and the Future," that he had prepared for the forum. The paper examines the constitutional context, the publication foundation, accountability and administration considerations, national security struggles, personal and institutional confidentiality protections, and the role of Congress in future information policies.

"The informing function of Congress should be preferred even to its legislative function," Relyea said, quoting from former President Woodrow Wilson. In a review of major legislation that supports the "informing function," Relyea discussed the publication foundation of U.S. information policies, including congressional mandates for the printing of bills, treaties, and hearing records; their distribution through the Depository Library Program (1813); publication of the Congressional Record (1824); establishment of the Government Printing Office (1860); passage of the Printing Act of 1895; enactment of copyright and patent statutes (1790); and authorization for federal libraries, including the Library of Congress (1800) and federal information centers (1978).

With the rise of the "administrative state" in the twentieth century, the "oversight function" of Congress became more critical, Relyea said. To address agency accountability problems, Congress authorized publication of the Federal Register (1935) and its supplement, the Code of Federal Regulations (1937).

Affirming the public's right of access to government information, Congress included a public information mandate in the Administrative Procedure Act (1946), enacted the Freedom of Information

Act (1966) and amended it (1974), and passed the Federal Advisory Committee Act (1972) and the Government in Sunshine Act (1976) with their open-meeting provisions.

Historically, Congress has been wary of government propaganda and censorship efforts, and "successfully encouraged and pressured presidents from Eisenhower to Reagan to narrow classification criteria and limit discretionary authority to classify [information]," Relyea said.

However, the Reagan administration reversed that trend, Relyea said. In 1982, an executive order expanded the authority and categories for classifying information, and in 1983, a national security decision directive (N.S.D.D. 84) required executive branch employees to agree to keep secret classified information, to submit all of their public writings for pre-publication review (even after their government employment), and to submit to polygraph examinations in investigations of unauthorized disclosures.

Congress resisted by linking appropriations to prohibitions on the increased use of polygraph tests and post-employment prepublication review of writing, Relyea said. The issue is on appeal before the Supreme Court.

Relyea also reviewed the history of confidentiality and provisions of the Privacy Act. As for the future, two challenges of central importance to Congress are "the onset of the electronic information mode and the emergence of the national security state," Relyea said.

Inaccessible Information

"The outlook for the availability of government information is not very good at all," said the third speaker of the day, Ralph Nader, consumer advocate and lawyer.

Nader said the Office of Management and Budget (OMB) has "misused the Paperwork Reduction Act . . . to curtail the collection of data in areas that businesses do not desire information to be collected." Without sufficient data on which to base analyses, agencies such as the Consumer Product Safety Commission cannot issue regulations, he said.

Nader also said government agencies are producing fewer consumer publications--3,800 have been eliminated or consolidated in the past decade--and are charging higher prices. For example, he said,

an annual subscription to the Congressional Record has increased from \$45 in 1975 to \$220 in 1989.

Other impediments to information access are expanded trade secrecy exemptions, national security restrictions, and a trend toward privatization, exemplified by the contracting out of federal libraries, he said. Privatization of electronic databases creates "one more barrier between the citizen and the government," Nader charged.

Except for libraries, the American public has accepted these trends with "hardly a squeak of protest," Nader said. He suggested that Congress increase public awareness by conducting publicized hearings on information issues.

Congressional Accountability

The Freedom of Information Act should be amended to apply to the legislative as well as the executive branch, said Walter Berns, a professor at Georgetown University and adjunct scholar, American Enterprise Institute.

Congress must publish laws and records of its debates, Berns said, but the extent to which Congress must account for its actions is not clear. For example, he suggested, should not the public have the right to know the content of conversations between the lawmakers and some of their constituents, such as officials of savings and loan institutions.

"If the public has a right to know what goes on in the administrative agencies and executive branch, why doesn't the public have a right to know what goes on in the legislative branch?" he asked.

Open hearings to inform the Congress and the public can be misused in the oversight process, Berns warned, as in the case of the Senate Judiciary Committee "manufacturing and manipulating public opinion" in hearings on the proposed appointment of then U.S. Appellate Court Judge Robert H. Bork to the U.S. Supreme Court

Electronic Age

Bernadine E. Abbot Hoduski, professional staff member, Joint Committee on Printing, moderated the afternoon session. She reported that the committee has adopted policies in support of electronic pilot

projects for depository libraries, the procurement of compact disk-read only memory (CD-ROM) for government agencies, Government Printing Office (GPO) sale of electronic publications, and the release of the Congressional Record on tape. GPO also has acquired a CD-ROM publishing system, Hoduski said.

Leading off the afternoon session was Dr. John H. Gibbons, director of the Office of Technology Assessment, which recently published "Informing the Nation: Federal Information Dissemination in an Electronic Age."

Congress must manage mountains of information, which in the words of anthropologist Ernest Becker, is "strewn all over the place, with no throbbing vital center or link to decision-making," Gibbons said.

In addition, Gibbons said, Congress must keep governance up to date, promote effective and efficient government operations, encourage research and innovation, and protect proprietary and private rights--leading to complicated interfaces between the government and the private sector with respect to who manages and moves information.

ALA Documents Less Access

The American Library Association (ALA) has documented less public access to government information as the result of administrative directives, agency use of the Paperwork Reduction Act, privatization, increased use of security classifications, and agency budget cuts, said Nancy Kranich, assistant university librarian for public services, New York University.

An ALA document, "Less Access to More Information," includes eight years of statistics showing that access to government information was curtailed by 71 government actions from 1981-84, 116 actions in 1985-86, 78 in 1987, and 104 in 1988, Kranich said.

To combat this trend, she said, an ALA ad hoc committee, which she chaired, formed the Coalition on Government Information (COGI), which among other activities is monitoring proposed revision of Office of Management and Budget Circular A-130, reauthorization of the Paperwork Reduction Act due this fall, and public access to several new electronic databases.

White House Conference

Susan K. Martin, executive director, National Commission on Libraries and Information Science (NCLIS), discussed NCLIS activities, focusing on the upcoming second White House Conference on Library and Information Services. She explained how the conference delegations and a 30-member advisory committee are constituted and invited those at the forum to help prepare their delegates for participation in the conference.

Scholarship and Information

Robert M. Rosenzweig, president, Association of American Universities, examined the impact that information technology research has on the relationship of universities to industry and government.

As a cost of accepting research support from industry, universities voluntarily accept restrictions on the communication of research results, Rosenzweig said.

Information policy also is a source of tension between universities and the government, whose interests intersect "most pointedly" in science and advanced technology research, Rosenzweig said. As the result of a Reagan administration premise, that the transmission of ideas across a nation's borders is as damaging as the transport of military hardware, government agencies have attempted to control research results beyond the range of classification, to prescreen research papers to determine if information should be withheld, to reverse a long trend toward relaxation of classification rules, to impose the FBI's Library Awareness Program (to determine who uses libraries), and to require government employees to sign agreements requiring prepublication review of anything they proposed to publish.

"The work of scholarship cannot proceed without a free flow of information and . . . the quality of available information is severely attenuated if the enterprise of scholarship is weakened," Rosenzweig said.

No Single Information Policy

Anthony G. Oettinger, chair, Program on Information Resources Policy, Harvard University, said in conclusion that he was pleased that forum speakers had spoken of information policies rather than one, single overarching policy.

If democracy is to hold together and not fly apart, public and private-sector interests competing for information and its control will have to make accommodations with one another. "This will involve balancing acts, knowing who is out there, who should balance what, what the stakes are, who the stakeholders are, and how all of these are interrelated," Oettinger said.

A full summary of the forum proceedings will be published by FLICC, Library of Congress, late this summer and will be available free upon request to the FLICC office, which also hopes to publish forum papers.--Prepared from a Summary of Proceedings written by Douglas Price.



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May 30, 1989

Donald E. Fossedal
Superintendent of Documents (SD)
United States Government Printing Office
Washington, D.C. 20402

Dear Mr. Fossedal:

Last month I was fortunate enough to attend the excellent 1989 Interagency Depository Seminar. I found it to be an extremely profitable experience. Joseph McClane and his inspection team are to be highly commended for their role in this seminar. They are knowledgeable and considerate in their willingness to share their knowledge with others. They organized the seminar so that it was most efficacious. I will, with pleasure, recommend this seminar to all government documents librarians.

Thank you for allowing me to attend.

Sincerely,

A handwritten signature in cursive script, reading "Christian H. Poehlmann".

Christian H. Poehlmann
Government Publications Librarian

CHP:dh

cc: Joseph McClane
Chief, Inspection Team

WHAT EVER HAPPENED TO . . . ? ? ?

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CLASS NO.	ITEM NO.	STATUS
C 3.24/8:	0135	<p><u>1982 Census of Manufactures, Geographic Area Series, Preliminary Reports</u></p> <p>LPS has been informed by the Census Bureau, that due to budget restraints this publication will not be published as part of the 1987 Economic Census Series.</p>
C 3.164:	0144-A-02	<p><u>Foreign Trade Report - FT-135, U. S. General Imports and Imports for Consumption</u></p> <p>LPS has been informed by the Census Bureau, that the information contained in FT-135, will be combined in a new publication FT-925.</p>
C 3.164:	0144-A-07	<p><u>Foreign Trade Report - FT-410, U. S. Exports, Schedule E, Commodity by Country</u></p> <p>The Bureau of Census, informed LPS that FT-410 will also be combined with FT-925.</p>
C 3.164:	0144-A-11	<p><u>Foreign Trade Report - FT-800, U. S. Trade with Puerto Rico and U. S. Possessions</u></p> <p>The Bureau of Census informed LPS, that FT-800 will be changed to FT-895.</p>
C 3.255/3-2:	0133	<p><u>1982 Census of Retail Trade, Industry Series, Preliminary Reports</u></p> <p>LPS has been informed by the Census Bureau, that due to budget restraints this publication will not be published as part of the 1987 Economic Census Series.</p>
C 3.256/3-2:	0133-B-01	<p><u>1982 Census of Wholesale Trade, Industry Series Preliminary Reports</u></p> <p>LPS has been informed by the Census Bureau, that due to budget restraints this publication will not be published as part of the 1987 Economic Census Series.</p>

WHAT EVER HAPPENED TO . . . ? ? ?

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DATE June 13, 1989

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CLASS NO.	ITEM NO.	STATUS
C 3.257/3-3:	0133-C-01	<p><u>1982 Census of Service Industries, Industry Series, Preliminary Reports</u></p> <p>LPS has been informed by the Bureau of Census that due to budget restraints this publication will not be published as part of the 1987 Economic Census Series.</p>
J 1.1:	0717-C-01	<p><u>Annual Report of the Attorney General of the United States</u></p> <p>The last issue sent to depository libraries was the 1985 edition. The agency has informed LPS that a new edition will be printed and distributed to the libraries in the near future.</p>
J 28.2:T 34	0718-A	<p><u>National Criminal Justice Thesaurus</u></p> <p>This publication will no longer be offered as a depository item, this publication is considered Administrative used only by the Justice Department. The last and only issue distributed was the 1986 edition.</p>
LC 1.2:P 75/6	0786	<p><u>Poetry's Catbird Seat, The Consultantship in Poetry in the English Language at the Library of Congress, 1937-1987</u></p> <p>LPS has been informed by the Library of Congress that this publication is not a Government publication as defined by 44 U.S.C. § 1901.</p>

Update to the LIST OF CLASSES

1989-12

DATE June 9, 1989

PAGE 1 OF 2

CLASS NUMBER	ITEM NUMBER	CHANGE/NOTICE
D 201.32:	0374-A-01	Change frequency to bi-monthly.
ED 1.328:	0455-G-09	Survey Report (series) (MF) will be added to item number 0455-G-09.
HE 20.3223:	0507-E-08	Directories (MF) will be added to item number 0507-E-08.
HE 20.7614:	0483-L-06	Change title from The Health Consequences of Involuntary Smoking (annual) (P) to Health Consequences of Smoking (annual) (P).
HE 23.3015:	0444-A	This is a change in class from HE 23.3110: (P) to HE 23.3015:. The issuing office is now the Aging Administration. The item number will remain 0444-A.
I 49.100/2:	0614-C	Waterfowl Status Report (annual) (P) has been discontinued.
J 29.11/11:	0968-H-13	Felony Sentences in State Courts (annual) (P) will be added to item number 0968-H-13.
NAS 1.83:	0830-I	NASA NP (series) (P) will be added to item number 0830-I.
L 38.19/2:	0637-M-01	Metal/Nonmetal-Underground Fatalities (bi-annual) (MF) will be added to item number 0637-M-01.
NS 1.40:(date)	0834-C-02	Change title and frequency from Science and Technology: Biennial Report to the Congress (MF) to Science and Technology Report and Outlook (irregular) (MF).
VA 1.22:	0986-A	Change Format from MF to Paper.
VA 1.22/2:	0986-A	Change Format from MF to Paper.
Y 3.Ad 6:10/88-1	1049-H	Studies in Administrative Law and Procedure (P) will be added to item number 1049-H.

Update to the LIST OF CLASSES

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1989-12

DATE June 8, 1989

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CLASS NUMBER ITEM NUMBER

CHANGE/NOTICE

Y 3.N 88:46/

1051-H-34

LPDR (Local Public Document Room) Update (quarterly) (P) has been discontinued. This publication is for official use only or for strictly administrative or operational purposes which have no public interest or educational value according to the exception under Title 44 U.S.C.

Y 4.J 89/1-16:

1020-A (P)
1020-B (MF)

Legislative Calendar (P) (MF) will be added to item numbers 1020-A and 1020-B.

Update to the LIST OF CLASSES

1989-13

DATE June 16, 1989

PAGE 1 OF 1

CLASS NUMBER	ITEM NUMBER	CHANGE/NOTICE
A 13.82/9:(date)	0079-E	Change title from North Central Forest Experiment Station: List of Publications (annual) (P) has been changed to North Central Forest Experiment Station: New from North Central (annual) (P).
I 28.118/3-2:	0639-E	Change title from Dimension Stone (annual) (MF) to Stone (crushed and dimension) (annual) (MF).
I 28.135/2:	0639-E	Change title from Sodium Compounds (monthly) (MF) to Soda Ash and Sodium Sulfate (monthly) (MF).
LC 14.19:	0807-A-05	Change title from Congressional Research Service Review (10 times a year) (P) to CRS Review (10 times a year) (P).

Update to the LIST OF CLASSES

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1989-14DATE June 23, 1989PAGE 1 OF 1

CLASS NUMBER ITEM NUMBER

CHANGE/NOTICE

A 88.19:

0024-B-08

National Honey Market News (Monthly) (MF) will not be distributed to depository libraries. This is a cooperative publication as defined by Title 44 U.S.C.

GA 1.6/6:

0545-G-08

GAO Policy and Procedures Manual for Guidance of Federal Agencies: Title 6, Pay, Leave and Allowances (P) will be added to item number 0545-G-08.

PrEx 1.10/16:

0766-C-15

The President's Committee on Employment of People with Disabilities report (Annual) (P) will be added to item number 0766-C-15.

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