LETTER FROM THE CHAIRPERSON

As Convention time rapidly approaches, I hope you have all made plans to attend and come to the GD/SIS business meeting. The meeting will be held on Tuesday, July 23, starting at 6:30 P.M. I thought this would give us time to enjoy our dinner and those who do not want to attend the dinner can come to the business meeting (6:30-7:15 P.M.). Those not coming to the dinner will have seating either at additional tables or in chairs around the perimeter of the room.

The tentative agenda for the business meeting is included in this issue of JURISDOCS. Our incoming chair, Susan Dow, will also present her agenda for the coming year. Anyone who has topics of interest or items they want discussed, should let one of us know so that they can be addressed at the business meeting. I encourage anyone with program ideas for next year to let us know so that this can also be discussed.

The proposal from the Grants Committee is included in this issue of JURISDOCS. Please read over this proposal and come to the business meeting to discuss it. Hopefully, a grant proposal can be voted on this year and, if accepted by the membership, initiated next year.

I encourage you to attend the educational program the GD/SIS is presenting this year. It is entitled "Documents in Debate: The Foreign Relations of the United States; Series Under Fire." It will be presented on Tuesday, July 23, at 8:30 - 10:00 A.M.

It has been brought to my attention that there will be a significant increase in the cost of the U.N. Treaty Series this coming year. Last year the individual volumes were $22.00 each and throughout 1990 only 15 were published. However, this year, in May alone, 14 volumes plus an index were released; all priced at $45.00.

Sources at the U.N. confirm that this series will be releasing more volumes during this coming year in an attempt to clear up the backlog. They are projecting at least 100 additional volumes over the next twelve months. They intend to keep up this pace of

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Appeal for GD/SIS Volunteers pull-out
production for the next three to four years. Does anyone have any suggestions for a response to this development that will impact all of our budgets?

Lastly, I would like to all the members who have worked this year for the GD/SIS. David Batista and Cheryl Nyberg have done an excellent job of producing our terrific newsletter. Susan Dow and Christine Corcos should be thanked for their job in preparing our program for this convention. Mary Shearer and Faye Couture for working on an index for JURISDOCS. Carol Moody and Dorie Bertram should be recognized for their work on developing a travel grant proposal. Our treasurer, David McFadden, should be thanked for his efforts. Finally, all the authors of bibliographies should be thanked for the time spent on preparing them.

I look forward to seeing you at the Convention.

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**NEWSFLASH**

Mr. Wayne Kelley, the Superintendent of Documents, and Ms. Bonnie Trivizas, Library Programs Service, will be attending the GD/SIS business meeting and dinner in New Orleans, Tuesday evening. Help the SIS welcome the Superintendent to the documents community.

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**FROM THE EDITORS**

**THIS ISSUE**

This pre-convention issue includes the text of three of AALL's recommendations to the White House Conference on Library and Information Services. Virtually all of the recommendations address issues of concern and interest to documents librarians. With Patricia Schumann, President-Elect of ALA, providing the convention's keynote address on WHCLS, the recommendations should be required reading for those of us who are heading for New Orleans.

The editors are grateful to Barbara James for answering our plea for library guides. This issue includes her guide to finding Presidential executive orders and proclamations. Have you prepared something similar for your library?

Also appearing is the agenda for the annual business meeting, the GD/SIS travel grant proposal, a letter from our Washington Representative, Robert Oakley, to OMB about Circular A-130, and the continuing column Recent Publications.

Congratulations to Mary Shearer and Faye Couture! The compilers of the cumulative subject and name index to the first twelve volumes of JURISDOCS have nearly completed their herculean task and will be bringing fifty copies of the index to the GD/SIS business meeting in New Orleans. The index will be published as a special issue of volume 13 and all current members of the SIS, who receive an automatic subscription to the newsletter, will receive their copies of the index after the convention. The members of the SIS owe Mary and Faye a debt of gratitude for undertaking this project to facilitate access to the wealth of information found in JURISDOCS. Thank you, Mary and Faye.

With this issue, Cheryl is stepping aside to allow other eager SIS members to contribute to the content, design, and direction of JURISDOCS.

**SUBMISSIONS FORMAT**

As I have mentioned before, I would like to receive your writings on a disk, if possible (this saves me a great deal of time). I can now process 5 1/4 and 3 1/2 inch disks, in either Macintosh or DOS format, and in any density. If you send a DOS disk please save your file(s) in either Word Perfect (our 1st choice) or generic ASCII (the form of last resort). If you send a Macintosh disk please save your file(s) in McWrite, McWrite II, Word, or text.
GOVERNMENT DOCUMENT INDEXES ONLINE

For some time now WESTLAW has offered access to DIALOG as a separate system using their telecommunication network. This still required a separate contract, separate billing, separate signons and signoffs, and having to master DIALOG's old, difficult, and quirky command driven search strategy.

Since June WESTLAW has offered a number of DIALOG databases as part of the WESTLAW system (i.e. searchable using WESTLAW search strategies).

Of interest to GD/SIS members is the ability to easily search the U.S. Monthly Catalog, Publications Reference File (PRF), and the CIS indexes. The NTIS index is supposed to be added shortly.

Since academic law libraries pay a flat rate for this extra cost feature of WESTLAW, has the addition of these DIALOG databases affected the way you use these indexes? That is, are you searching these document indexes for everyday office/processing questions or are you searching with the same (reduced?) frequency that you did when DIALOG was a per-search charge system? Do you like access to DIALOG through the WESTLAW shell? Will this increase the utility of your government documents collection?

Your comments can/will be part of the Letters To The Editor column.

PRESIDENTIAL EXECUTIVE ORDERS AND PROCLAMATIONS

by Barbara G. James, Georgia State University, College of Law Library

"A great deal of authority, especially when it has been delegated by Congress by means of specific legislation, is exercised by the President in Presidential proclamations and executive orders. They can vary in importance. . . . There is no difference in legal effect between a proclamation and an executive order."

Presidential orders and proclamations have been issued regularly since 1789.

SOURCES

Microfilm

Executive Orders. #1-#7403 (1845-1936). Trans-Media, (1980?)

Proclamations. #1-#2160 (Vols. 1-44, 1789-1936). Trans-Media, 1982. The last two reels are indexed by subject and date.

Microfiche

 Presidential Executive Orders and Proclamations. Congressional Information Service (CIS). Includes a 22-volume index in 2 parts that corresponds to the microfiche set. Part 1 spans 1789-1921; part 2 covers 1922-1983. A special supplement to part 2 indexes an additional 5,300 items that were discovered after the volume went to press. After 1983, the CIS Federal Register Index includes indexing for orders and proclamations.

Print Sources

Unnumbered orders

Unnumbered orders are more problematical. Many can be found in James D. Richardson, A Compilation of the Messages and Papers of the Presidents, 1789 - 1897, Washington, DC: Published by Authority of Congress, 1899. (Microfiche reprint by Law Library Microfilm Consortium.) This is a 10 volume, comprehensive source compiled at the request of Congress. It is also printed in the

Federal Register. GPO.
Most orders and proclamations must be published in the Federal Register (those of a "public general nature") and are the first documents appearing in each issue. The Federal Register began publication on March 14, 1936 and the first order appearing was #7316 of March 13, 1936. There is no numerical table of orders and proclamations in the Federal Register. The only listing is alphabetically by subject or by "Presidential Documents" or "President of the U.S." in the index. The Federal Register can be searched on LEXIS and WESTLAW from mid-1980. WESTLAW also has a database (Pres) that includes executive orders published in the Federal Register which are not in the FR database.

Orders and proclamations are also cumulated and published in Title 3 of the CFR, which began publication in 1938. The first order included is #7316. Additionally, Title 3 volumes are compiled so that several years are included in a single volume. The CFR is included on LEXIS (1981 to date) and WESTLAW (1984 to date).

United States Code (USC). GPO.
When issued under specific authority of a statute, some orders and proclamations are published in full text in USC (and commercial reprints) with the authorizing statutory section. Indexing is by subject unless the order is part of a statute or mentioned in an editorial note; then orders are listed by number.

Codification of Presidential Proclamations and Executive Orders. GPO.
This volume is arranged by subject, with a 50 title approach. Coverage is currently from 1945-1989. Includes amendments to and dispositions of orders and proclamations.

Weekly Compilation of Presidential Documents. GPO.
Began publication on August 2, 1965 and contains orders and proclamations. Also available in microfiche from LLMC and UMI.

Public Papers of the U. S. Presidents. GPO.
Also in microfiche by LLMC. Includes orders and proclamations. The papers of Franklin D. Roosevelt are not included in this set since they were privately published.

USCCAN publishes orders and proclamations unofficially (once again, those of a "public general interest").
USCCAN began publication in 1939 under the title U.S. Code Congressional Service and continued as U.S. Code Congressional Service 1951-52.

United States Statutes at Large. (Stat.) GPO.
Includes all proclamations issued from vol. 11 (1855-59) to date. Some proclamations are included from 1789-1859 but many are missing.

Indexes


This set provides access to both numbered and unnumbered orders. Access is chronological and by a special name and subject index. The entries provide the text of the order and indicate the source where the order was originally found.

OTHER REFERENCE SOURCES

CIS Serial Set Indexes.
Early volumes include references to orders and proclamations under "President," "Presidential Messages," "Proclamations." These documents can then be located in the Serial Set.

Congressional Record, and its predecessors.
The Congressional Record, and its predecessors, often include texts of proclamations and orders. Indexing is under "President" and by subject. The Congressional Record can be searched on LEXIS and WESTLAW from 1985 to date.

Document Catalog 1893-1940. GPO.
Microfiche reprint by LLMC.
Can be used as another pre-1936 reference tool. This set provides comprehensive coverage of orders and proclamations on a biennial basis. The arrangement is that of a dictionary catalog with entries under subject, individual author, and governmental author.

Checklist of United States Public Documents, 1789-1909. GPO.
This shelflist of SuDocs classification numbers includes orders and proclamations that were published as single printed sheets. SuDocs classification number was Pr 1.5 for orders and Pr 1.7 for proclamations.

Monthly Catalog. GPO.
Prior to 1947, orders and proclamations are indexed by subject.

Code of Federal Regulations. GPO.
Title 3 of the first edition of CFR (1938) contains a list, in chronological order, of proclamations and orders in force at the time of publication. See Price and Bitner (1953) for a description of the index tables to CFR, Title 3. These two tables list all orders, chronologically and by serial number, which have been included or cited in the CFR.

CITATORS

Orders and proclamations are included in Shepard's CFR Citations.

Orders are also included indirectly in Shepard's United States Citations - Statutes. Use table 2 to USC to get a related USC citation.

Proclamations may be shepardized by using the Statutes at Large cite in Shepard's United States Citations - Statutes.

SELECTED BIBLIOGRAPHY

Hoag, Gary. "The Search for Orders: CIS Presidential Executive Orders and Proclamations, 1789-1983." Micro-


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**AALL AND WHCLIS**

The second White House Conference on Library and Information Science will take place July 9-13, in Washington. The purpose of this gathering of hundreds of library users, Friends and trustees groups, civic leaders, librarians, and information providers is to develop recommendations for further improvement of library and information services to increase productivity, expand literacy, and strengthen democracy.

To represent the interests and concerns of its members, the Association submitted six recommendations to WHCLIS on:

- Access to law-related government information in electronic formats
- Support for the Depository Library Program
- Support for the National Research and Education Network (NREN)
- Public access to legal information
- Preservation of legal materials
- Support for the Law Library of Congress

ACCESS TO LAW-RELATED GOVERNMENT INFORMATION IN ELECTRONIC FORMATS

**ISSUE**

How can libraries support electronic information exchanges between citizens and government officials?

**BACKGROUND**

Citizens, businesses, and law firms will increasingly use computers to transact legal and political business with government officials. Today, income tax returns and securities filings can be electronically transmitted to Federal agencies.

Soon the public will use computers to submit Social Security claims, renew driver's licenses, bid on government contracts, and perform countless other transactions. Electronic bulletin boards mark an
important new development in government publishing. Many government agencies now operate bulletin boards to disseminate public information. Some bulletin boards are becoming interactive communication channels. Citizens may soon use computers to communicate with agencies and to view and comment on proposed regulations. Agencies and Congress may someday conduct conferences and hold public hearings via electronic bulletin boards.

Unfortunately, not all citizens and businesses can capitalize on these exciting developments. Some lack the equipment or computer literacy necessary to conduct electronic transactions. Even sophisticated users will need electronic access to a body of law-related government information traditionally held by libraries, including government forms and instructions, personnel directories, calendars, annual reports, newsletters, and standards, such as the U.S. Government Manual, which describes the structure and function of government offices. Libraries, in the long-standing tradition as intermediaries between information producers and information seekers, can equalize, ease, and enhance public dialogue with government offices.

**QUESTIONS FOR DISCUSSION**

What government infrastructure must be created or modernized to disseminate electronic law-related information to libraries in the federal Depository Library Program and to other libraries?

To what extent should libraries provide on-site and remote access to electronic government information to the public?

To what extent should libraries provide workstations for citizen-to-government communication?

How should electronic library services be funded?

**SUGGESTED SOLUTIONS**

The federal government should establish a central data bank of electronic forms and instructions intended for public use and a central access node for Federal electronic bulletin boards. The Government Printing Office may be the most appropriate agency to assume this responsibility because of its pivotal role in linking producers of government forms and information and libraries in the Depository Library Program.

Congress and the Administration should enact and implement legislation on the proposed National Research and Education Network (NREN). (See also the American Association of Law Libraries' Recommendation on Support for the National Research and Education Network.)

Congress and the President should increase funding for electronic library services under the Library Services and Construction Act and perhaps through legislation dealing with the Depository Library Program.

Libraries should be encouraged to evolve from passive information repositories to active communication ports with an appropriate realignment of library services.

Government agencies and libraries should conduct campaigns to inform citizens and business-people that libraries disseminate electronic government information and provide communication links to government offices.

**RECOMMENDATION**

That libraries become public reception points for electronic law-related government information and public access channels to government entities.

[X] National
[X] State
[X] Local
[X] Private Sector
[X] Professional and Voluntary Organizations

**JUSTIFICATION**

Using libraries to disseminate law-related government information in electronic formats will foster an informed citizenry. This, in turn, supports public political participation and public accountability of government officials.
Using libraries as communication intermediaries will enable more citizens and businesses to realize the benefits of government information technology.

IMPLEMENTING STRATEGIES
A. Policy

It should be the policy of the United States that all citizens and businesses enjoy equitable access to government law-related information in electronic formats and have equal opportunity to communicate electronically with government officials via libraries.

B. Program

Librarians, educators, and government officials should map out successive five-year plans to upgrade literacy skills needed by citizens of tomorrow, with due attention to the needs of minorities and disadvantaged groups.

Librarians, small business leaders, and government officials should map out successive three-year plans to support the electronic dialogue between government and the competitive small firm of tomorrow.

Librarians should conduct self-studies to reassess missions, reallocate resources, and revamp library services to meet increased demand for electronic information delivery and communication services.

IMPACT
A. Literacy

Libraries will serve as forums to develop computer literacy, especially for ordinary citizens who lack other modes of access to computers.

B. Democracy

Free-flowing, two-way electronic communication will open a new avenue for public participation in law making. A broader cross-section of America can travel this avenue if libraries become public access channels to government offices.

C. Productivity

Electronic forms may be easier to complete than paper forms, particularly if forms programs are menu-driven and have hypertext links to instructions and related forms and materials. Citizens and businesses may spend less time and money and make fewer errors completing electronic forms. Agencies may spend less time processing individual transactions since electronic forms filing will dovetail with the agency's internal information management system. As intermediaries, libraries can extend these economies beyond "information elites" to "average" citizens and businesses. This equalization is appropriate since government information systems are tax-funded.

SUPPORT FOR THE DEPOSITORY LIBRARY PROGRAM

ISSUE

How can the partnership between libraries and the Federal Government be strengthened and improved to effectively support the Depository Library Program as a primary means of bringing publications and government information to citizens?

BACKGROUND

In 1814 the American Antiquarian Society in Worcester, Massachusetts became the first federal depository library. Today, nearly 1,400 public, academic, law school, court, and special libraries participate in the Depository Library Program.

The Government Printing Office administers the depository program and supplies participants with government information in print, microform, and most recently, on computer discs and CD-ROMs. In exchange, depositories provide the public free access to government information and material. The Association of Research Libraries estimates that for every dollar the Federal Government spends creating publications, depository libraries spend $10 making them available to the public.

In the past decade this partnership for
making government information available to the public has become strained and, increasingly, less effective. Federal agencies frequently fail to comply with their legal obligation to provide publications for distribution to depository libraries. Equally significant is the impact of automation on the availability of government information. Government information that was never readily available in print form is now produced in electronic format and information that was contained in printed publications is now only available electronically. In short, citizens enjoy less access to government information.

Although depository libraries have begun to receive some electronic information products and services, no clear policy mandates the provision of electronic government information to depository libraries. A 1989 opinion from the Government Printing Office's General Counsel determined that GPO does have authority to distribute federal agency publications in electronic format; unresolved was the issue of depository access to government information in online databases. In 1990, Congress considered, but failed to enact, the Government Printing Office Improvement Act. (See also the American Association of Law Libraries' Recommendation on Access to Law-Related Government Information in Electronic Formats.)

QUESTIONS FOR DISCUSSION
How can the Depository Library network be most fully utilized to deliver government information to the public?
Are legislative initiatives necessary to guarantee that government information, regardless of format, is distributed to depository libraries?
What must be done to ensure that depository libraries take full advantage of information issued in electronic formats?
What opportunities exist for private/public partnerships in informing the nation?
How can depository libraries serve the information needs of a diverse public with differing needs and literacy/computer skills?

SUGGESTED SOLUTIONS
Existing mechanisms, such as the Federal Publishers Committee, should be strengthened to assure that the Government Printing Office is notified about all non-GPO publications in order to obtain sufficient copies for distribution to depository libraries.
Congress and the Administration should enact legislation to specifically include government information products and services in electronic formats in the definitions sections of Title 44 of the United States Code, to guarantee depository library access.

The Superintendent of Documents and depository libraries should develop an educational campaign to inform elected government officials, federal agencies, and the general public about the resources and services of depository libraries.

The federal government, libraries, and interested participants in the private sector should encourage public/private sector partnerships to provide enhanced access to government information and, especially, to develop innovative technological solutions to improve the delivery of government information to the people.

RECOMMENDATION
That the Depository Library Program be strengthened to specifically include information in electronic formats; that federal agencies observe their legal commitment to provide government information published in-house or by commercial printers to the Government Printing Office for distribution to depository libraries; and that federal agencies, elected representatives, and libraries vigorously promote the Depository Library Program as a primary source for government information.

[ ] National
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[ ] Local
[ ] Private Sector
[ ] Professional and Voluntary Organizations
JUSTIFICATION

Strengthening the existing nationwide network of depository libraries is a cost-effective way of providing broad access to government information, thus meeting a primary goal of a democratic society: an informed citizenry.

IMPLEMENTING STRATEGIES

A. Policy

It should be the policy of the United States that the Depository Library Program be a primary means of distributing government information to the public.

B. Program

Congress should hold hearings that focus on the Depository Library Program to define key policy issues, to identify necessary legislative initiatives, and to begin a dialogue on how best to resolve the dilemma of inconsistent information dissemination policies among and within the three branches of government.

Federal agencies and the Government Printing Office should establish an Inter-agency Task Force to examine the information dissemination activities of federal agencies and to develop recommendations for effective use of the Depository Library Program in disseminating government information.

Representatives of the Depository Library community and the private sector should meet regularly to identify products and services that will provide meaningful access to government information.

IMPACT

A. Literacy

Government education policy and educational programs and services are announced, promoted, and explained in the government information products and services supplied to depository libraries. Vigorously promoting the Depository Library Program and assuring that depository libraries have complete and current collections will effectively put these information resources in the hands of the public.

B. Democracy

Nothing is more basic to maintaining our democratic government than an informed citizenry. No official program has been as important in providing free public access to government information as the Depository Library Program. Modernizing this direct program of documents to the people will ensure citizens' access to government information in the 21st century, thus empowering citizens and making government more accountable.

C. Productivity

Access to current and complete government information is essential for businesses of all sizes to comply with regulations, to identify entrepreneurial opportunities, and to monitor vital consumer data. The free availability of this information in depository libraries reduces the need for expensive and duplicative information-gathering by business, allowing businesses to focus their resources on securing and maintaining a competitive position in the local and global marketplace.

SUPPORT FOR THE NATIONAL RESEARCH AND EDUCATION NETWORK

ISSUE

How can citizen and library access to electronic legal information be improved through the development of the National Research and Education Network (NREN)?

BACKGROUND

In 1990, Congress considered proposals on the development of the NREN, a high-speed, computer/telecommunications network that would succeed existing networks and become a national information superhighway for disseminating and exchanging electronic information.

A system known as the Internet now links diverse computer networks around the
country. Many members of the legal community use this important vehicle to disseminate and exchange legal information. Legal information professionals use the Internet to search online library catalogs and to exchange information through electronic mail and bulletin boards. Some public agencies and commercial vendors have found the Internet the cleanest, fastest, and most cost-efficient means for distributing electronically formatted legal information. For example, Mead Data Central began making its legal and news databases, LEXIS and NEXIS, accessible to some law school libraries through the Internet last year.

Advantageous features of the Internet include redundancy, which allows for virtual error-free transmission; high transmission speed, which exceeds 1.5 megabits per second compared to 9600 baud over conventional telephone lines; and cost-savings for users, who are relieved of telephone line maintenance charges and modems. Today, the Internet connects approximately 100,000 computers; that number is likely to exceed 500,000 by the turn of the century and the number of users is expected to swell from one to six million.

However, access to the Internet is restricted to an information elite who are affiliated primarily with universities and think tanks. The evolution of the Internet into the NREN could extend the benefits to a wider group and enrich the quality and breadth of electronically distributed legal information by improving user interfaces, encouraging private as well as public use, supporting the further development of technical standards, and increasing bandwidth and telecommunications speed.

In the 101st Congress, Senator Gore introduced the High-Performance Computing Act of 1990 (Senate Bill 1067) and the Bush Administration advanced its own Federal High Performance Computing Plan. Neither proposal was enacted. However, many library and information associations and coalitions support the NREN concept, as do many in the scientific, academic, and commercial communities. A new bill will likely be introduced in the next Congress.

**QUESTIONS FOR DISCUSSION**

Who will pay for the NREN?
Who will have access to the NREN?
How will the NREN be governed?

**SUGGESTED SOLUTIONS**

Many NREN supporters advocate public and private funding of the NREN. The federal government would provide initial financial support to stimulate additional investments at the local and regional level and to provide an infrastructure that will bring the benefits of those local and regional investments to the entire nation. A $400 million proposal was presented to Congress as an initial request for 1991-1995. The Coalition for the NREN suggests that universities continue to build local networks that would connect to the NREN and that telecommunications companies contribute to the research and development of technologies to increase the speed and enhance the quality of services on the NREN.

The EDUCOM Networking and Telecommunications Task Force notes that one of the primary objectives of the NREN should be to connect all important information sources, specialized instruments, and computing resources worth sharing with those who need to access these resources. To move in this direction, the Corporation for National Research Initiatives recommends that the initial technical architecture should incorporate a commercial service provision to avoid the creation of a system that relies solely on the federal government for its support and operation.

Questions remain about commercial use of the NREN and the allocation of costs. Senate Bill 1067 calls for an annual evaluation of how commercial information providers and users could be charged for access.

The Coalition for Networked Information urges that the National Science Founda-
tion be designated the lead federal agency in developing the NREN because of the Foundation’s commitment to basic rather than mission-oriented research and to prevent the cost and complexity of developing multiple, parallel, and possibly incompatible federal networks.

RECOMMENDATION
That Congress enact legislation creating an infrastructure and providing initial funding for a National Research and Education Network, to be coordinated and developed under the general guidance of the National Science Foundation.

[X] National
[ ] State
[ ] Local
[X] Private Sector
[X] Professional and Voluntary Organizations

JUSTIFICATION
It is in the national interest to develop a high-speed national computer/telecommunications network capable of disseminating the vast array of electronically distributed legal information to the public, to the legal community, and to libraries. The federal government’s leadership is needed to develop the infrastructure and standards and to provide the initial funding for such a massive and complex initiative.

IMPLEMENTING STRATEGIES
This recommendation is in accord with two common agenda items shared by national library associations: (1) National commitments of financial resources for library services are indispensable investments in the nation’s productivity and (2) Open and equitable access to information in all formats is a linchpin in a democratic society.

IMPACT
A. Democracy
Democracy can be strengthened by providing equitable access to and wider dissemination of legal information through an NREN.

B. Productivity
Productivity can be increased and economic activity can be stimulated by improving access to legal information through the NREN. Access to information is critical to the legal profession and the impact of the NREN is likely to be profound and far reaching.

A.A.L.L. LETTER TO OMB, RE: CIRCULAR A-130

May 3, 1991

Mr. James McRae
Acting Administrator &
Deputy Administrator
Information Policy Branch
Office of Information & Regulatory Affairs
Room 3235 New Executive Office Building
Office of Management & Budget
Washington, D.C. 20503

Dear Mr. McRae:

On behalf of the American Association of Law Libraries (AALL) please consider these comments on the Advance Notice of Plans for Revision of OMB Circular A–130 which appeared at 56 Federal Register 9,026 (1991). These comments are decidedly general in keeping with the generality of the OMB notice. We understand that OMB will publish the proposed text of the revised Circular for public comment. At that time we will respond with specific comments on exact language.

In the meantime, here we address the general form and function of a new Circular A–130.

1. Information Dissemination Policy
All quarters pay lip service to the idea that government information is a valuable national resource. But the step beyond this
platitude is a complex engineering problem: how best to make this national resource available on an equitable basis to a nation of information consumers who have differing needs, literacy skills and financial means?

Obviously A–130 cannot miraculously solve the entire engineering problem. Nevertheless, Circular A–130 can and should focus on improving the flow of government information to the public. This focus would dramatically change the nature of A–130.

As an outgrowth of the ideology of privatization, the current Circular focuses only on minimizing information dissemination as a governmental operation. So focused, the Circular fails to provide Federal agencies with positive policy. The new Circular should provide a creative, supportive environment for both government and private initiatives. Private enterprise should remain free to innovate and similar flexibility should be granted to agencies. If nothing else, Circular A–130 should be designed with an “open architecture” which permits agencies to experiment prudently with emerging information technology. Technology which seems costly today may prove cost–effective tomorrow.

a. General Responsibilities.

Circular A–130 should declare unequivocally that the United States government operates under a duty to disseminate public information to its citizenry.

Federal agencies should assume primary responsibility for determining the content, format and currency of public information products and services. Knowing their statutory mandates and clientele, agencies stand in the best position to make the initial assessments of whether and how to disseminate a given body of government information.

To determine if information should be disseminated, an agency should consider 1) whether dissemination is required by law, 2) whether dissemination will advance the mission of the agency, or 3) whether a significant public need exists for the information.

In deciding how to disseminate its in-formation, an agency should consider the following factors from the perspective of the end user of the information:

1) whether the government information is most useful in electronic, non–electronic or both formats,

2) whether design elements of a proposed agency information product or service (its organization, content, currency, finding aids, documentation, search software and similar considerations) maximize the utility of the underlying information to the public,

3) whether the proposed agency information product or service promotes equitable and timely access to the underlying information, and

4) whether the proposed agency product or service will be disseminated to secondary providers who will redisseminate the information to the public at no or low cost.

Agencies should enjoy considerable discretion in making initial dissemination decisions. OMB and Congress, in turn, should assume coordinating and oversight roles to ensure that agencies meet their dissemination responsibilities.

To manage Federal information effectively, OMB can no longer play the role of nay–sayer. Instead, OMB should serve as a quality assurance engineer for the dissemination programs of the Executive Branch.

b. Management of (Electronic) Information Dissemination.

To the greatest extent possible, common policies should govern the dissemination of information “products” and “services”.

Each of these terms should be precisely defined so that any policy differences between the two are expressed openly and not disguised.

In particular, omitting the term “services” from strategic parts of the Circular should not limit the ability of government agencies to transmit data electronically to end–users. Nor should a strategic use of the term “services” insulate private information
providers from potential competition from government information services. Failing to clearly define "products" and "services" may create a covert policy of privatization which would be as unacceptable as any overt policy.

This section of the revision notice also suggests that government information products and services should be "of maximum usefulness to the public". In keeping with this goal, we strongly recommend that OMB require Federal agencies to disseminate any basic software which must be used in conjunction with an agency product or service.

c. Adequate Notice.

Agencies should issue a simple public notice before terminating or significantly modifying an information product or service. Such notice should be calculated to permit end-users of government information to comment on any need to redesign or continue a government product or service. The notice and comment process should not give commercial firms a lever to quash publication of an agency product or service. In other words, notice should improve and not restrict government dissemination programs.

d. Avoiding Monopolistic Practices.

Neither the government nor private industry should exert monopoly power over any body of government information. Surprisingly this revision speaks only to government monopolies but private monopolies are no less tolerable.

Congress by enacting the Sherman Act, the Clayton Act and Section 5 of the Federal Trade Commission Act has declared that monopolistic practices of private firms are contrary to public policy. To complement Congressional policy, Circular A–130 should prohibit agencies from conferring monopoly power on private firms.

Prohibiting monopolistic practices by any information provider is the best strategy for preserving a diversity of providers.

e. User Charges.

The new Circular should ensure that government information is delivered to the public at no or low cost. Cost containment is possible by mainstreaming government information through non-profit dissemination centers including libraries and non-profit corporations such as SCON.

Two of the Paperwork Reduction Act bills before the 101st Congress – H.R. 3695 and S. 1742 – would have permitted agencies to waive fees for disseminating information. Circular A–130 should have a similar fee waiver provision.

The opposite side of the coin is cost-sharing – whether Federal entities, including Federal depository libraries, should be assessed user charges for government information. Since the Depository Program was established by Congress and since Title 44 of the United States Code expressly provides that "[d]epository libraries shall make Government publications available for the free use of the general public" 44 U.S.C. sec. 1911 (1988), OMB cannot unilaterally impose a cost-sharing rule on depositories. Even if OMB had such authority, a cost-sharing policy would be unwise.

Depository libraries already bear substantial costs to make government products and services available. These include the costs of physical plant, equipment, technical processing and reference staff. Given the substantial costs now borne by depository libraries, further cost-sharing is unjustified.


The Federal Government has a non-delegable duty to disseminate public information to citizens. For over 200 years this duty has been met by a primary network of official information providers supplemented by a commercial marketplace for government information. This diversity of sources should continue.

Circular A–130 should perpetuate this
equilibrium between official and commercial information providers in an era of electronic information. As Federal offices install automated information systems and as a broader cross-section of the public gains computer literacy, government dissemination programs will remain relevant if, and only if, they deliver electronic information in a timely, useful manner.

Primary responsibility for disseminating government information is borne by a network of Federal entities including the OMB, Federal agencies, the GPO, the NTIS, and Federal depository libraries. Some pieces of this network are mandated by Congress. Other pieces have been created by Presidents. While OMB cannot restructure this network, certainly A-130 can and should facilitate new cooperation among these entities.

The private sector has traditionally occupied an important supplemental role in disseminating government information. Unfettered by regulation, commercial firms have offered innovative and enhanced editions of government works to consumers willing to pay a premium for the private value added to the government information. Circular A-130 should preserve this environment of commercial innovation and competition. All firms should have equal access to wholesale quantities of government information. Agencies should be prohibited from imposing royalties or resale restrictions on private information providers.

Ironically, preservation of the free market economy also militates against wholesale privatization. In theory, an agency could pay a private firm to serve as a “common carrier” to disseminate information as the agency’s proxy. That common carrier would be heavily regulated to prohibit discrimination among consumers and to ensure that other firms could compete freely in retail markets for the agency’s information. In other words, those assuming government’s mantle would no longer operate in a world of free enterprise.

If privatization is unsatisfactory, a much better arrangement is the one now in place – the diversity of official and commercial sources for government information.

Circular A-130 should strengthen the primary official dissemination network which serves all citizens and preserve the secondary marketplace for those who wish to purchase innovative private products.

g. Depository Libraries.

Finally, Circular A-130 should forge a strong working relationship between agencies, the Government Printing Office and the Federal depository libraries. The new Circular should encourage Federal agencies to use GPO as a primary means to disseminate government information in both traditional and electronic formats. Similarly, agencies should be encouraged to channel information products and services through the depository network. That network can serve as a vital conduit to deliver government information from budget-conscious agencies to citizens and businesses of modest means.

AALL is pleased that Circular A-130 is under revision. As we have indicated on earlier occasions, the Association is ready and willing to assist you in this effort. Thank you for considering these comments.

Sincerely,
Robert L. Oakley
Washington Representative
American Association of Law Libraries

GOVERNMENT COPYRIGHTS?

The AALL Copyright Committee will hold its second meeting on Wednesday, July 24, from 7-8:30 A.M. The topic for discussion: should the copyright statute be amended to permit, in special instances, the extension of copyright protection to government-produced software? All interested AALL members are invited to attend.
Government documents librarians should be particularly interested in this topic. With the growing number of CD-ROM and other electronic publications offered by GPO to depository libraries, the software issue is a major concern. Many agencies use commercial, proprietary software to create and manipulate information; some agencies also design (or have designed) customized software for use with a particular dataset. If government-produced software becomes eligible for copyright protection, would the software be provided free to libraries that select the electronic information package? With the potential for economic gain in the sale of government-produced software, would agencies be more inclined to develop customized software for each dataset, rather than using widely available commercial software? In short, how would depository libraries and other users of electronic government information be affected by copyright protection for government-produced software?

If you won't be attending the convention or the early morning meeting, please convey your concerns and questions to any member of the Copyright Committee. The Committee is considering proposing a resolution in support of copyright protection for government-produced software to the AALL Executive Board.

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GD/SIS TRAVEL GRANTS PROPOSAL

The GD/SIS would like to establish travel grants to support attendance at documents related meetings, conferences, and continuing education programs. This proposal will be voted on at the GD/SIS business meeting in New Orleans.

1. Any GD/SIS member, and non-member documents support staff at the recommendation of a GD/SIS member, are eligible to receive a travel grant. A person is only eligible to receive a grant once.

2. The GD/SIS will have available $2,000 to $3,000 per year to fund the travel grants. Awards will be a maximum of $500 each going to four to six recipients depending on availability of funding.

3. The funds are to be spent on travel, lodging, and registration fees. Submission of receipts will be required. Unexpended funds must be returned to GD/SIS.

4. Travel grants can be used for any document related meeting, conference, or continuing education program offered either nationally or regionally with the exception of the AALL Annual Meeting. Examples of events to be funded: Depository Library Council; Interagency Depository Seminars; and GODORT ALA Preconferences.

5. Notification of the availability of the
grants and calls for applications will be published in JURISDOCS.

6. Applications will be accepted in December and the following January of each year, and successful applicants will be notified by February 28th.

7. An Awards Committee will be formed to select grant recipients.

8. Preference will be given to those who will not receive any support from their institutions and/or those who have never before attended the meeting for which they are requesting support.

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RECENT PUBLICATIONS

compiled by Cheryl Nyberg
University of Illinois Law Library


Full text from the U.S. Code and the Code of Federal Regulations on NARA, coordination of federal information policy by OMB, creation and disposition of records, micrographics, and electronic records management.


“The existing statutory framework of the DLP provides no answers to the problems raised by electronic information products. Congress should define substantive criteria for distribution of electronic government information that consider the types of distribution efforts undertaken by both federal agencies and private businesses, as well as the nature of the government information.” (p. 286)

“The Depository Library Act of 1962 should be revised to explicitly include (1) on-line information systems of core government information products, such as the Federal Register, that reflect the process of government; (2) on-line information systems with (a) a substantial public policy or educational value and (b) an insufficient commercial value to encourage private dissemination or where free access is necessary to reach all interested citizens; and (3) data tapes with the corresponding government software when an on-line system is not offered.” (p. 295)


A hearing on the NREN, the National Research and Education Network, otherwise known as the National Information Superhighway. The President’s science advisor, Allan Bromley, testified, and ALA and ARL submitted statements for the record.

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CENTER FOR ELECTRONIC RECORDS

A partial title list of records held in the Center for Electronic Records, National Archives and Records Administration, is
available upon request. This list, which is updated monthly, identifies thousands of datasets. On the May 1991 list were dozens of Census files, civil and criminal dockets and reporting system files from the Department of Justice (1974-89), Federal Trade Commission records on the effects of coaching for the Law School Achievement Test (1974-77), records of the Presidential Commission on the Accident at Three Mile Island (1979), foreign military sales (1948-86), and records of the Watergate Special Prosecution Force.

Address your request to the Center for Electronic Records (NHX), National Archives and Records Administration, Washington, DC 20408. For reference services call (202) 501-5579 or e-mail the Center at TIF@NIHCU.BITNET. Included with the partial title, you will receive a brochure describing services and fees.

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**More Government-Sponsored Bulletin Boards**

In the May 1991 issue of **JURISDOCS**, a “Selected List of Federal Government Bulletin Board Systems” was included in the article on ALIX, the Automated Library Information eXchange. A supplemental list of federal bulletin boards appeared on the GovDoc-L in April. Bulletin boards that did not appear in the previously published list are included here. The information for most of the services is sketchy; we have made no effort to verify the information. If you have accessed any bulletin board from this or the previous list or have signed on to a bulletin board that is not identified on either list, the editors would be happy to publish your comments in a future issue of **JURISDOCS**.

**Agriculture Dept: Nutrient Data Bank (USDA nutrition information)**

301-436-5078

**HPRCC, Weather data, Lincoln NE: Regional agricultural weather**

402-472-6615

**Army Corps of Engineers: COE Manpower BBS (open board; some sections have restricted access because this board is also used for internal information exchange)**

202-272-1514

**Census Bureau: Microcomputer Information Center (microcomputer news, software and hardware reviews, public domain software, training programs for Census and Commerce personnel; after connecting, enter 1 or 2 returns to start)**

301-763-4576

**Census Bureau: Federal-State Cooperative for Population Estimates (information and news about population and demographic projections; after connecting, type “run” to start)**

301-763-5225

**Centers for Disease Control?: AIDSQUEST Online (Atlanta; AIDS and cancer information)**

404-377-9563

**Environmental Protection Agency: Pesticide Programs BBS**

202-557-3769

**Export-Import Bank of the U.S. (open board)**

202-566-4602

**Federal Deposit Insurance Corporation**

202-737-7264

Federal Highway Administration BBS 202-426-2961

Federal National Mortgage Association: Fannie Mae BBS (open board) 202-537-7475

General Accounting Office, Information Technology Center 202-275-1050

General Services Administration, Information Resources Services 202-535-7661

Immigration and Naturalization Service: Budget/finance Board, open board (don’t use midday) 202-786-3640

Judge Advocate General, OTJAG BBS contains a number of publications from the Judge Advocate General’s School available for downloading; see The Army Lawyer, volume 220 (April 1991), pages 60-61 703-693-4143

Labor Dept: News releases 202-523-4784

Labor Market Economic Analysis: Seattle, WA area economic information 206-924-4102

National Center for Health Statistics, Public Health Service (contains statistical data on NCHS surveys) 301-436-6346

National Drug Information (pharmacological information) 402-280-3023

National Science Foundation: Computer Performance Evaluation Group (300 baud only; open board) 301-948-5717

National Space and Aeronautics Administration, Johnson Space Center, Houston (shuttle calendars) 713-483-5817

National Weather Service, Climate Analysis Center (historical weather information—daily, weekly, monthly; heating degree days; weekly climate bulletins) 301-763-8071

National Weather Service (marine weather and nautical information for coastal waterways; information includes data for bays and sounds, coastal waters, offshore waters; tropical storm advisories; tidal information; important weather advisories; nautical and fishing news; primarily covers middle Atlantic region; open to the public, free of charge; users must register by calling Ross Laporte, 301-899-3296; information about similar bulletin boards for other regions available) 301-454-8700

US Navy, Naval Aviation News: NANci (reference on naval aviation history, message access to the magazine, operates 5-7 pm) 202-475-1973
9th Circuit Court, San Francisco (pilot project to provide information on cases before the court. Not known if past decisions can be searched online)
415-556-3075

6th Circuit Court, Cincinnati (pilot project to provide information on cases before the court. Not known if past decisions can be searched online)
513-684-2842

US Geological Survey, Earthquake QED, Golden, CO (earthquake epicenter information; carries information on "felt" earthquakes around the world)
800-358-2663

Veterans' Administration: Info Technology Center BBS (open board)
202-376-2184

World Bank (open board)
202-477-8500

VICE CHAIR/CHAIR ELECT
Susan Dow
State University of New York at Buffalo,
Amerherst Campus
Charles B. Sears Law Library
John Lord O'Brien Hall
Buffalo, New York 14260
Phone (716) 636-2084
Fax (716) 636-3860

SECRETARY/TREASURER
David McFadden
Southwestern University
School of Law Library
675 S. Westmoreland Ave.
Los Angeles, California 90005-2338
Phone (213) 738-6723
Fax (213) 383-1688

JURISDOCS BUSINESS MANAGER
Keith Buckley
Indiana University School of Law Library
Bloomington, Indiana 47405
Phone (812) 855-9666
Fax (812) 855-7099

JURISDOCS EDITORS
David Batista
Rutgers State University-Camden
School of Law Library
5th & Penn Sts.
Camden, New Jersey 08102
Phone (609) 757-6469
Fax (609) 757-6488

Cheryl Rae Nyberg
University of Illinois Law Library
504 E. Pennsylvania Ave.
Champaign, Illinois 61820
Phone (217) 244-3044
Fax (217) 244-8500
Bitnet AXVUCCN@UICVMC

GD/SIS OFFICERS & JURISDOCS STAFF

CHAIRPERSON
Mary Ann Nelson
Washington University
Freund Law Library
Box 1120, Mudd Law Building
One Brookings Drive
St. Louis, Missouri 63130
Phone (314) 889-6434
Fax (314) 889-6493
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