

APPENDIX 27. SURVEY OF SELECTED FEDERAL AGENCY POLICIES, PROGRAMS AND PRACTICES RELATING TO PUBLIC INFORMATION DISSEMINATION

In early September 2000, NCLIS conducted an informal survey of 38 federal agencies to determine their policies, programs and practices relating to public information dissemination. The survey instrument and the survey results are provided below.

NCLIS SELECTED AGENCY SURVEY SAMPLING OF PUBLIC INFORMATION DISSEMINATION POLICIES AND PROGRAMS⁹³

Conducted by F. Woody Horton and Sarah T. Kadec, NCLIS Consultants

SURVEY INSTRUMENT

As you may know, at the request of several committees of the Congress, NCLIS is engaged in a major study of the Federal Government's public information dissemination laws, policies, programs, and practices. Four panels have been at work for a month, and a board of experts is writing various invited papers. NCLIS will make recommendations to the President and the Congress by December 15th for reforms to strengthen this area. In case you are unfamiliar with the study's background, goals and objectives, structure, and other particulars, you may want to look at the NCLIS study web page at <http://www.nclis.gov/govt/assess/assess.html>.

In addition to the work of our four panels and board of experts, I believe our study's co-coordinator, Sarah T. Kadec, has already telephoned you to discuss one important additional component of that study, a sampling of selected agency public information dissemination policies and programs.

To that end, we have prepared a list of six questions. If you provide a "yes" answer to any of them, kindly furnish us with a hard copy of the material (or call our attention to the web site addresses containing the information in electronic form).

If you have any questions, please call me at (202) 606-9200, or Sarah at (757) 259-0358. Please accept our grateful appreciation in advance for your assistance!

1. Does your department/agency have published policies on government information dissemination to the public, and/or programs which implement those policies, especially for information products being made available on agency web sites in electronic formats and mediums? Short of a formal policy, is there a letter or other communication from a senior official that mandates the discontinuance of publishing an information product in paper form, in favor of utilizing electronic mediums and formats?
2. Have your individual bureau-level units established their own policies and/or implementing programs? If so, what are they?

⁹³ Available at <http://www.nclis.gov/govt/assess/assess.appen27.pdf>.

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3. Does your department/agency have guidelines for adding new, changing existing, or deleting "old" information available to the public from its websites? Does this guidance include instructions on when to take information down, make a backup copy for permanent retention and availability, and archive an official record copy?
4. Is there a reasonably comprehensive and authoritative listing of the department/agency's electronic public information products which is periodically updated?
5. Which of your major information products/resources and/or most important information dissemination policies, are mandated by Congress or federal statute? Which ones were put in place by the President, your department/agency head, or a senior program official?
6. Do you have any recommendations for strengthening existing laws, policies, programs, and practices relevant to the dissemination of, and access to, your agency's publicly available information? If so, what are they?

We would much appreciate receiving this information by September 25th, or even earlier if possible, because of our very short study deadlines.

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SURVEY RESPONSES FROM AGENCIES

Introductory Note

Thirty-eight federal agencies were surveyed during the study to ascertain:

- The level of information dissemination in electronic form.
- Use of web sites and the management of information placed on the web.
- The policies that have been issued relative to information dissemination, particularly in electronic form.
- Whether these policies resulted from statutory, Executive Office, or Departmental requirements; or Agency or Bureau level program initiatives.
- If a comprehensive listing of publicly available electronic information products existed.
- Whether there were suggestions/recommendations for NCLIS' consideration in preparing the report.

Twelve agencies responded to the survey. The responding agencies are as follows:

1. Department of Commerce (DOC), Bureau of the Census
2. Department of Defense (DOD)
3. Department of Health and Human Services (HHS), National Institutes of Health (NIH)
4. Department of Health and Human Services (HHS), Indian Health Service (IHS)
5. Department of the Interior (DOI), Geological Survey (USGS)
6. Department of Labor (DOL)
7. Department of the Treasury

8. Department of Veterans Affairs (VA)
9. Environmental Protection Agency (EPA)
10. Federal Communications Commission (FCC)
11. Smithsonian Institution
12. Administrative Office of the United States Courts (AOUSC)

When providing the detailed responses from the agencies, the survey question number is identified, but the survey question is not repeated.

Summary of Responses

Department of Commerce (DOC), Bureau of the Census. Authorizing legislation requires collection and publication of statistics and protects the confidentiality of the Bureau's information. The Bureau also follows OMB Circular A-130 in the collection and dissemination of its information. It moved to electronic media as the principal means of dissemination in 1995 and has issued guidelines and standards for use of the Internet. These are updated as needed. Individual sub-organizational units do not issue their own guidelines.

General policy is to retain all information on the web though a survey is underway to determine if any superceded information should be replaced. Old information may be transferred to a GPO site under a program currently being discussed. Data products (CD-ROM and tapes) are sent to NARA.

The Bureau maintains a complete catalog of its products on the web, updated daily. The *Monthly Product Announcement* is issued in print, e-mail and on the web, though the printed version will cease in January 2001.

Census's major concern is ensuring that all data remains accessible, regardless of media. It is also concerned with the development of new technologies for the future.

Department of Defense (DOD). The DOD has a number of information policies governing information dissemination, several of them related to information in electronic format; many related to national security concerns and clearance requirements; and several pertaining to the management and availability of records in printed or electronic form. The use of the World Wide Web is encouraged "to convey information quickly and efficiently on a broad range of topics relating to its activities, objectives, policies, and program". The individual Services and agencies have issued policies to meet their needs, consistent with DOD-wide guidance.

The "Web Site Administration Policies and Procedures" states that information posted on the web be timely and that outdated or superseded information is promptly removed or appropriately archived. All DOD organizations list their official, publicly accessible web sites, web publications, electronic reading room documents, and library resources in the DOD Resource Locator.

Department of Health and Human Services (HHS), National Institutes of Health (NIH). Maintains an electronic listing of publications available online; no policies other than Department-wide exist or are used in this Division.

Department of Health and Human Services (HHS), Indian Health Service (IHS). Follows the Department's information dissemination policies, procedures and preferences. Its Records Management Program follows federal statutes, with policy procedures and responsibilities spelled out

in the Agency's Manual, part 5, chapter 15. Records created or received in electronic media must be printed and incorporated in the official file system.

Best practices and guidelines on the Agency web site have been published by the Information Technology support Center Web Team, following HHS guidelines. Any document published electronically must have been first published in hard copy. Guidelines include instructions on adding, changing, and deleting information on the web, particularly on annual updates. Backup copies of all content and documents are archived monthly and maintained, though the Team does not maintain official record copies of electronic information.

Information on the web site is indexed and available in a searchable database; a web site map categorizes information by topic. The web includes news releases, fact sheets, health data information publications and reports, program specific announcements and guidance, and information about agency programs and leadership; additional documents may be electronic, especially since the issuance of the E-FOIA.

The Electronic Freedom of Information page (in reading room), Kids site, Privacy Policy Page, Disclaimer Page, Frequently Asked Questions, and points of contact are mandated by Congress in federal statutes.

Department of the Interior (DOI), Geological Survey (USGS). Policies follow the DOI and USGS manual guidance on disseminating information to the public. Authority is delegated to the lowest level possible, but policies related to electronic information are generally at the Division level. USGS has developed internal guidelines for web publication and for use of the Visual Identify on information products.

The Biological Resources, Geology, National Mapping, and Water Resources Divisions have outlined publication procedures in internal memoranda. One Division requires all new formal publications be on the web; some publications series are digital only. Others are putting earlier general interest publications on the web to increase their availability and reduce printing and distribution costs.

The Geologic Division guidelines and policies state that all information products will be technically sound and scientifically credible, effectively convey the intended message to target audience, have required authorization and sufficient funding, will be archived for long-term preservation, and will be produced in electronic form at a minimum (with printed products from these electronic materials optional).

The Biologic Resources Division's policies require inclusion of metadata in the National Biological Information Infrastructure, peer review, and publishing in the BRD series. Products are to be distributed to NTIS and DTIC to ensure broad availability.

The National Mapping Division (responsible for much of the reproduction and dissemination of USGS products) has policies regarding free distribution of maps and map indexes, implementation and maintenance of the Spatial Data Transfer Standard (format of geospatial data available for free downloading from the Internet), product delivery to government partners and geospatial metadata product information.

The Earth Science Information Centers operate the nationwide information and sales service for all maps and earth science publications.

A recent Bureau-wide policy requires a disposition schedule be created for all publications; but not how long it should be on the web, since that is determined by the author of the web page. Each Division and smaller unit maintains lists of electronic information products; efforts are underway to create a standard list incorporating all publishing units.

The USGS formal series publications (professional papers, bulletins, various map series, etc.) are authorized by Congress; dissemination complies with the American Technology Preeminence Act; printed products are distributed to the Federal Depository Libraries in compliance with Title 44; and the National Geographic Mapping Act mandates a database with a map catalog linking to maps published by USGS and its partner, the Association of American State Geologists. Executive Order 12906 requires metadata be included in the MBII or NDSF. OMB Circular A-130 provides guidance on information dissemination.

Department of Labor (DOL). The DOL follows government-wide information dissemination policies such as those included in the Attorney General's Manual on the Administrative Procedure Act, Section III, Public Information. The DOL's rules governing Internet services were published in the Federal Register (29 CFR, pt. 70 et seq.) in compliance with the Manual. The Department follows requirements in the FOIA, E-FOIA, Privacy Act and OMB Circular A-130. A number of Secretary's orders and internal memorandum and the Department of Labor Manual Series (DLMS) implement federal laws and departmental policy. A Department "Public Web Site Content Clearance Process" calls for the development of an "Internet Clearance and Operating Procedures" and this is underway.

The Department's Manual designates the Office of Public Affairs as the information dissemination policy maker, and all agencies and bureaus recognize this and incorporate it in any of their individual agency/bureau policies. The Bureau of Labor Statistics, Mine Safety and Health Administration, Office of the Assistant Secretary for Policy (ASP) and Office of the Chief Financial Officer (OCFO) have policies or they are in draft; most have web sites following Departmental Policy.

All information placed on the main DOL or individual agency web sites receives appropriate review and clearance prior to issuance, including timeliness and accuracy, need for coordination with other agencies and appropriate levels of clearance.

There is no Department-wide listing of publications issued electronically; these lists exist at the agency/bureau level.

Department of the Treasury. Treasury follows government-wide regulations on information dissemination such as the Paperwork Reduction Act (PRA) to implement the Government Information Locator System (GILS). The Chief Information Officer (CIO) has created an information management program office with responsibility for information dissemination policy. Policies will be developed, with assistance from the General Counsel, to carry out requirements of the PRA/GILS, the E-FOIA and the Treasury Internet policy site guidelines. Individual agencies do not have dissemination policies, though the Financial Management Service (FMS) has developed a style guide.

The Department and Bureaus have developed guidelines for managing information on the web sites. FMS has specific guidelines on keeping the FMS web site current. New items must be approved at the Director level, with a signed Memorandum of Understanding. All content providers must review and certify the accuracy of their data on a quarterly schedule. A CD of the FMS web site is produced monthly for archival purposes. The various agencies and bureaus maintain updated listings of their electronic public information products on their web sites.

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The E-FOIA and GILS mandate the FOIA reading room by the PRA. The Assistant Secretary for Management/CFO and the Deputy Assistant Secretary for Information Systems/CIO established the Treasury web site; the head of the bureau and the CIO authorized bureau web sites.

Department of Veterans Affairs (VA). The Department has issued policies to implement the Freedom of Information Act and dissemination of government information, and is in the process of drafting an Internet/Intranet policy. Individual bureaus have not established separate policies.

There is no updated, comprehensive and authoritative listing of VA electronic information; there is an index to information in its Electronic Reading Room and an AltaVista search of pages on the web updated in 1994. The Veteran's Benefit Administration (BA) maintains a Web-Automated Reference Materials System (WARMS) providing Internet access to VBA manuals, directives, circulars, letters, Title 38 CFR, and other materials to Veterans Service Organizations (VSO), educational institutions and the general public. The WARMS information is also available free on CD-ROM (ARMS-CD), using a different search engine. Links on the WARMS web page permits the user to download the free Microsoft viewer software to display the retrieved documents. Feedback to the ARMS mailbox is encouraged on the web site.

Environmental Protection Agency (EPA). The Environmental Protection Agency (EPA)'s Information Resources Management Policy Manual (Directive 2100) includes the "Policy on Public Access to EPA Information" in Chapter 21; the "Web Guide" includes policies and informal guidelines in the use of the web; and a memorandum has been issued on "cookies". The Agency is developing policies regarding Disabled Access, Limited English Proficiency (LEP), and the use of Non-EPA servers; as well as a strategy providing direction for the various components of public access.

EPA believes that its users need information in paper as well as electronic forms. A memorandum "Public Availability of EPA Information Via Internet" issued September 23, 1996 commits the Agency to using electronic formats, but doesn't preclude the issuance of information in paper.

EPA's "Web Guide" provides guidelines for adding, changing or deleting information from a web site. When the data owner asks to place information on the web, he or she must maintain and be responsible for the information. The Agency's "Online Rules of Publishing" addresses recordkeeping, permanent retention and availability, and archiving; recordkeeping requirements must be established for records created or received. These areas will be addressed further.

EPA's public information products on the Internet are on each Program Office's web site. In addition the Government Information Locator System (GILS) is being maintained through GPO and on EPA's web site. EPA, in cooperation with the Environmental Council of the States (ECOS) is working on an Information Products Bulletin (IPB) that will provide a comprehensive listing of both EPA and the states significant information products under development or modification. The IPB, seen as a means of improving the public's access to information about environmental conditions and trends, will be released in March 2001 and updated every six months.

Various Agency legislation, in most instances Program specific, mandates information dissemination to the public. "Protecting Personal Privacy on EPA's Public Access Web Site: Cookies Policy" was issued by the Office of Environmental Information. It provides guidance for EPA Programs on protecting the privacy of citizens using EPA web sites.

EPA's authorities stem from a number of different statutes; integrating the data and information from these programs is a major challenge. The Office of Environmental Information was created to

coordinate the Program Offices activities in collecting quality environmental information and making it available to the public.

Federal Communications Commission (FCC). The FCC has several written policies on access and dissemination of information to the public and several NPRMS and reports and orders on electronic filing initiatives. Without a written policy, notices, news releases, reports and Commission orders back to 1994 are included on the web site as a means of quickly disseminating information. Individual bureaus, including Wireless (on using the Universal Licensing Systems (ULS)), Mass Media, and Consumer Information Bureau (Electronic Comment Filing System (ECFS)) also have written policies.

The web site has never been purged, though individual documents have been replaced if incorrect or a substantially wrong document has been posted. FCC currently provides NARA the paper original for records retention purposes; plans call for submitting Computer Output Microfilm/Microfiche (COM) instead of paper (NARA cannot take CD/ROM).

GILS has not been kept up to date. There are two search applications using numbers and subjects to check the web site for relevant documents available over the Internet.

Congress requires the FCC Auctions activities; the Chairmen have been responsible for the push to use the Internet for electronic filing and dissemination.

Smithsonian Institution. The Smithsonian is a trust established by Congress, thus it has no policies on government information dissemination. However its mission to increase and diffuse knowledge results in publication of research results, scholarly and popular pubs, its exhibitions and public programs, issuances of the Office of Public Affairs and a web site (www.si.edu). It responds to requests from the public, though exempt from the FOIA. The web site contains a listing of the Smithsonian's electronic publications.

Administrative Office of the United States Courts (AOUSC). The AOUSC provides useful and timely information to the public through the AO's Internet site (www.uscourts.gov) , publications, news releases, phone and fax. Most of the frequently requested publications are available through the web site, which is also a gateway to federal court information nationwide as well as many other court-related sites and to the Public Access to Court Electronic Records (PACER) system. Proposed amendments to rules, information on meetings of the Judicial Conference Committees, requests for proposals are included on the web site.

The AO's Office of Public Affairs (OPAF) manages the Internet site and is the point of contact for the news media. It regularly updates the materials and publications on the web site; time-sensitive information like job announcements and request for comments on proposed rules of practice and procedure are removed automatically after their closing dates.

The AO's *Catalog of Administrative Office Publications* includes all items produced by, and currently available from, the AOUSC. Those in electronic format are noted. The Internet site's search capabilities provide for easy identification of public information products; the site also indicates which publications are required by law.

The Rules Enabling Act (28 USC, paragraphs 2071-2077) requires the wide public dissemination of proposed changes to the rules of practice and procedures used by lawyers practicing in federal court.

Proposed amendments were published on the web site for the first time in 1999; comments on the proposed amendments have been received by e-mail to the site.

Detailed Responses⁹⁴

Department of Commerce (DOC), Bureau of the Census

The responses below report on activities at the U.S. Census Bureau and do not represent the entire Department of Commerce.

1. First and foremost, the Census Bureau is bound by its authorizing legislation, Title 13, United States Code (U.S.C.). Title 13, Chapters 3 and 5 specifically deal with the collection and publication of statistics. Chapter 1, Section 9 protects the confidentiality of Census Bureau information, prohibiting "any publication whereby the data furnished by any particular establishment or individual under this title can be identified." For data available for public release, Census Bureau dissemination policies follow OMB Circular A-130, which states that information is a public good and that "because the public disclosure of government information is essential to the operation of a democracy, the management of federal information resources should protect the public's right of access to government information." Most Census Bureau information is available for free through the Internet; often the same information is available in other formats.
2. In 1995 the Census Bureau determined that electronic media would be the principal means of dissemination. Specific written guidelines and/or statements have been released on dissemination, pricing, and roles and responsibilities regarding the Internet. The Department of Commerce Rehabilitation Act guidelines set forth in Departmental Administrative Order 215-10, "Reasonable Accommodation for Disabilities in Employment," implements the 1998 Amendments to the Rehabilitation Act of 1973, as detailed in the Workforce Investment Act of 1998. The Census Bureau's IT Standards establish a consistent look and feel for Census Bureau Internet site and set the standard for easy use and accessibility, consistent with the Americans with Disabilities Act. The Census Bureau is now in the process of developing additional guidelines for the Internet material; the work on these standards is just being initiated at this time.
3. No, [Census has not established its own policies and/or implementing programs].
4. Our general policy is to not remove any information from our Internet site. We are surveying our various divisions to determine if there are instances where information may be superseded and replaced. We are working with the Government Printing Office to move any such "old" information to a GPO website. Copies of data products on tape and CD-ROM are routinely sent to the National Archives and Records Administration.
5. Yes, a catalog of all current Census Bureau products (electronic and otherwise) is maintained on our website and updated daily. See: <http://www.census.gov/mp/www/censtore.html>. Our Monthly Product Announcement provides a regular listing of new products on a monthly basis. It is available in print, e-mail, and on the web, although the printed version will be discontinued in January 2001.
6. The Census Bureau is mandated by Title 13, U.S.C., to collect and publish information on a variety of topics, including the population and the economy, in accordance with the confidentiality restrictions spelled out in Section 9.

⁹⁴ When providing the detailed responses from the agencies, the survey question number is identified, but the survey question is not repeated.

Other Comments:

One major concern is the need to ensure that all data remain accessible, regardless of deterioration of past and current media and development of new technological changes in the future.

Department of Defense (DOD)

1. There are several Department of Defense policies related to dissemination of government information to the public. The core policy establishing such guidance is:

- "Principles of Information" which are codified as Enclosure (2) to DoD Directive 5122.5, "Assistant Secretary of Defense for Public Affairs" (<http://web7.whs.osd.mil/pdf/d51225p.pdf>)

Additional Departmental guidance that establishes policy and procedures for providing information to the public include:

- DoD Directive 5230.9, "Clearance of DoD Information for Public Release" (http://www.defenselink.mil/admin/dd5230_9.html)
- Deputy Secretary of Defense memo, 17 February 1995, "Clearance Procedures for Making Electronic Information Available to the Public" (<http://www.defenselink.mil/admin/memo.html>)
- DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release" (<http://web7.whs.osd.mil/pdf/i523029p.pdf>)
- Armed Forces Information Service Policy Memorandum, "Electronic Newspaper Policy" (http://www.defenselink.mil/admin/5120_4.html)
- The "DoD Web Site Administration Policies and Procedures" encourages use of the World Wide Web "to convey information quickly and efficiently on a broad range of topics relating to its activities, objectives, policies and program." It can be found at (http://www.defenselink.mil/admin/dod_web_policy_12071998.html)

Finally, the Department requires that records be made available electronically in accordance with the requirements of the Freedom of Information Act (FOIA) (5 U.S.C. 522 (a)(2)(A), (B), (C), and (D)) through:

- DoD Regulation 5400.7-R, "DoD Freedom of Information Act Program" ([http://web7.whs.osd.mil/pdf2/54007r\(9-98\)/p54007r.pdf](http://web7.whs.osd.mil/pdf2/54007r(9-98)/p54007r.pdf)), paragraph C2.1.2,
- With respect to DoD electronic business/electronic commerce (EB/EC) efforts, Joint Electronic Commerce Program Office (JECPO), was established under the Defense Reform Initiative to be the focal point for strategic implementation of EB/EC policy within DoD. The web pages for the Joint Electronic Commerce Program Office (JECPO) (<http://www.acq.osd.mil/jecpo/>) include links to the DoD EB/EC Strategic Plan, Departmental guidance related to EB/EC, and to ongoing EB/EC projects within DoD.

2. The policies identified above are DoD-wide. In addition to those, the Services and Agencies can and have issued policies or programs tailored to their own needs, yet consistent with DoD-wide guidance. Examples of Service and Agency EC/EB efforts can be found via the Department's JECPO webpage identified above under the "DoD EC Partners" link. Web guidance issued and implemented by individual Services and Agencies can be accessed at the following website: (<http://www.defenselink.mil/admin/about.html> - WebPolicies)

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3. The Web Site Administration Policies and Procedures, identified in answer #1 above, focuses on providing guidance on posting information (see Parts II and V). It requires that the information on web sites be timely (see Part I, paragraph 5.5.7) and that outdated or superseded information is promptly removed or appropriately archived (see Part II, paragraph 4.2.3), but does not specify further criteria.
4. All Department of Defense organizations are required to register their official, publicly accessible web sites, web publications, electronic reading room documents, and library sources in the DoD Resource Locator (<http://sites.defenselink.mil/>). The DoD Resource Locator hosts the DoD implementation of the Government Information Locator Service (GILS), as required by OMB Circular A-130.
5. Mandated by Congress or Statute: FOIA/E-FOIA
 - Mandated by President/OMB: The Department's implementation of GILS, required by OMB circular A-130)
 - Mandated by Department of Defense Policy: Policies related to the use of the World Wide Web, information dissemination, public affairs-related guidance.In addition, the DOD's EB/EC efforts are guided by a combination of federal-level and department-level initiatives and guidance.
6. Although we do not have a specific proposal, we wish to note that there is a need to review existing requirements with the objective of strengthening the government's ability to address security and privacy concerns associated with the aggregation of unclassified information made possible and increasingly easy by electronic means such as the World Wide Web. Current statutes, policies and other rules and guidelines for public release of information were developed to serve a paper-based world. Electronic dissemination of information has created an entirely new environment of data mining and rapid aggregation of information that was unforeseen by those rules and requirements. The DOD increasingly is concerned about the risks posed by this aggregation of unclassified information in electronic formats, and while DOD has taken steps to address these issues within the Department by updating its guidance, the government as a whole must address this growing concern.

Department of Health and Human Services (HHS), National Institutes of Health (NIH)

To the very best of our knowledge, the answers to the questions below, as they pertain to the NIH, would be no--with the exception of question number 4. We do maintain an electronic listing of publications available online. They can be found at: <http://www.nih.gov/health/consumer/index.htm>.

Department of Health and Human Services (HHS), Indian Health Service (IHS)

1. The Indian Health Service (IHS) follows information dissemination policies, procedures, and preferences established by the Department of Health and Human Services (HHS) as well as those that are issued that affect all federal agencies. Unpublished interpretations of these policies are provided to IHS senior officials and staff by various program areas relevant to their particular communication and information dissemination focus: programs such as the Office of Management Support (Division of Information Resources [Information Technology Support Center], Division of Administrative Support [Forms and Records Management], Division of Regulatory and Legal Affairs [Freedom of Information Act and Privacy Act], Office of the Executive Secretariat, and the Office of Management Policy); and the Office of the Director (Public Affairs).

The IHS Records Management Program is governed by the following mandates: The Federal Records Act of 1950, P.L. 754, Chapter 849; The Paperwork Reduction Act, P.L. 96-511; The Paperwork Reduction Reauthorization Act, P.L. 99-500. Using these three statutory authorities as guidance, the IHS has developed policy, procedures, responsibilities, and other elements pertinent to the administration of the IHS Records Management Program. Indian Health Manual Part 5, Chapter 15 "Records Management Program", TN 97-04, is the current policy. This chapter is available at: http://www.ihs.gov/PublicInfo/Publications/IHSManual/Parts_index.html, part 5. Within the current IHM Part 5, Chapter 15, the policy on electronic records is: "Records created or received using electronic media must be printed out in paper form and filed in the official file system." (IHM 5-15.8E)

The IHS Information Technology Support Center Web Team has published best practices and guidelines on the agency web site, based on those of HHS, that define a general set of rules for publishing information on the IHS intranet and internet servers. The best practices and guidelines are available at: http://home.webteam.ihs.gov/ProductsServices/index.cfm?module=prodserv&client_id=59.

Since the inception of the IHS Internet presence, the general rule has been not to publish any document electronically that has not been published in hard copy before. General web page content must be approved by an Office or Program Official who is, at least, a Division Director.

No, [there is no letter or other communication from a senior official that mandates the discontinuance of publishing an information product in paper form, in favor of utilizing electronic mediums and formats.] The IHS follows the guidance and regulations set forth in the Paperwork Reduction Act and Records Management and Disposition Regulations.

2. No. The IHS has not issued any requirement that forms or information products be exclusively available only electronically.
3. Yes. That guidance is contained in the IHS best practices and guidelines available electronically at: http://home.webteam.ihs.gov/ProductsServices/index.cfm?module=prodserv&client_id=59.

Yes. Guidance, on at least annual updates, is included in the best practices and guidelines for the intranet/Internet. Persons responsible for content are instructed to keep backup copies of all content and documents and to observe any records management guidelines. The ITSC Web Team does not maintain official record copies of electronic information, but archives of all information available on the web site is archived monthly in the event this data is required.

4. All information on the IHS web sites is indexed and contained in a database that is searchable online. The web site also has a site map that categorizes information available by topic. All of the IHS Directives, Circulars, and the IHS Operating Manual are available on-line. In addition, information products that are also of public interest, some of which were developed specifically for public dissemination, are available on-line. Items such as news releases, fact sheets, health data information publications and reports, program specific announcements and guidance, and other information about agency programs and leadership. The IHS web site searchable database represents a reasonably comprehensive and authoritative listing of what is electronically available on the web, but it does not represent what additional IHS information documents may be electronically available. It is reasonable to assume that since the issuance of the Electronic

Freedom of Information Act and the advances and reliance on computer technology, most every IHS document can be provided electronically.

5. Electronic Freedom of Information page (reading room), Kids site, privacy policy page, disclaimer page, frequently asked questions, points of contact.

Most required information products were implemented before requirements were identified by executive or departmental directive.

6. None. Current laws, policies, programs, and practices are sufficient. Current requirements allow the agency to develop responsive practices to meet the public's interest in obtaining information documents about our agency. Current requirements allow for flexibility and agency discretion to design systems and programs with the goal of information dissemination. Additional requirements are not desired and if proposed they should be carefully evaluated as to the impact on workload and staff capacity to meet additional workloads or burdensome and unreasonable expectations or deadlines.

Department of the Interior, U.S. Geological Survey (USGS)

Overview

The U.S. Geological Survey is mandated through its Organic Act to examine the geological structure, mineral resources, and products of the national domain, and throughout its history the USGS has been committed to disseminating the results of its studies to those who need or can use the information. In general, USGS has delegated authority to the lowest level possible. Most bureau publication policies outlined in the USGS manual reflect the older technology of printing rather than electronic dissemination; newer policies related to electronic information dissemination are generally at the division rather than the bureau level.

Responses to Questions

1. Yes, we have published policies; a number of chapters in the DOI and USGS manuals provide policy guidance on disseminating information to the public. In addition, the USGS has developed internal guidelines for web publication and for use of our Visual Identity on information products.

The USGS has a fax-on-demand capability (703/648/4888; also available through the toll-free number 1-888-ASK-USGS) through which the public can access a number of short publications.

2. Yes, there are internal memoranda from the Associate Directors of the four USGS divisions (Biological Resources, Geology, National Mapping, and Water Resources) that outline publication procedures. One Division has a policy that all new formal publications must be available on the Web, and some publications series are digital only. In addition, many groups are informally putting many of their previously published general-interest publications on the Web, both to increase the availability of these materials and to reduce printing and distribution costs. The websites listed under question 4 include links to many of these publications.

Examples of division-level guidelines/policies follow:

Geologic Division will create, maintain, and distribute a wide variety of earth-science products in order to convey the results of Program or reimbursable activities to diverse audiences. All products will be technically sound and scientifically credible, will

effectively convey the intended message to the target audience, will have required authorization and sufficient funding, and will be archived for long-term preservation.

6.1.3 All formal products of Geologic Division will be produced and distributed in electronic form at a minimum.

6.1.3.1 Products such as printed books, pamphlets, and maps derived from the electronic material are optional, depending on the need and available funding.

BRD has several policies that touch on issues related to dissemination. These include policies on preparation and inclusion of metadata in the National Biological Information Infrastructure (#08 Metadata for Data Sets and Information Products), peer review (#11 Science Quality), and publishing in the internal BRD series (#14 Printing and Publishing). Our publishing program guidelines instruct publishers within BRD to provide copies of published reports to the National Technical Information Service and the Defense Technical Information Center to ensure broad availability. No formal or informal guidance has been issued advocating discontinuation of paper products, with the exception of a few informal, infrequently published products.

The National Mapping Division does much of the reproduction and dissemination of USGS products. Policies include: 99-1, Free Automatic Distribution of USGS Paper Maps and Map Indexes; 98-6, Implementation and Maintenance of the Spatial Data Transfer Standard, relating to the format of geospatial data that are available for free download from the Internet; 98-5, Product Delivery to Partners, relating to delivery of products, both digital and hard copy, to government partners that contribute to the costs of producing a geospatial product; and 98-1, Policy on Geospatial Metadata, relating to the product information that is distributed with each product.

The USGS Earth Science Information Centers (ESICs) offer a nationwide information and sales service for all USGS map products and earth science publications. A customer can call toll free 1-888-ASK-USGS (275-8747) for more information. At this number the customer can get technical and product ordering information. A list of the ESICs and other information about them can be found at http://mapping.usgs.gov/esic/esic_index.html.

3. We have a new Bureau-wide information product management policy that clearly states a disposition schedule should be created for all publications. We do not have a Bureau-level policy that indicates the specifics of how long a document should be on the web; that information is determined by the authors of the page.

Archiving is clearly an important issue; at this time adequate funding has not been provided to address the problem of electronically archiving the vast amount of information that USGS has produced.

4. There are a number of lists of electronic information products, generally maintained by divisions or smaller geographically based units. See examples at <http://geology.usgs.gov/products/html>
<http://water.usgs.gov/pubs/>
<http://mapping.usgs.gov/mac/isb/pubs/pubslists/index.html>

Other ways to find USGS information on the web include <http://www.usgs.gov/library/>
<http://edc.usgs.gov/webglis/>

<http://edcsns17.cr.usgs.gov/EarthExplorer/>

A group within USGS is currently working to develop a standard list that will include all publishing units.

5. Our formal series publications (professional papers, bulletins, various map series, etc.) are authorized by Congress. Like all federal agencies, we distribute our printed products to Federal Depository Libraries. Our information dissemination activities were designed to comply with the provisions of the American Technology Preeminence Act, OMB Circular A-130, and other government-wide statutes related to information availability.

Inclusion of metadata in the NBII or NSDI is mandated by Executive Order 12906. The National Geologic Mapping Act requires the USGS to build a national geologic map database which provides, through its "map catalog", a link to all geoscience maps published by the USGS and its partner in the act, the Association of American State Geologists.

6. This is a critical area; the information paid for by taxpayer dollars must be accessible to the public to the maximum extent feasible. NARA has the authority, but perhaps inadequate resources, to establish policies and standards for archiving. A clearinghouse approach may be the most appropriate approach for the vast amount of diverse information available, as long as consistent, long-term funding is assured.

Department of Labor (DOL)

The *Attorney General's Manual on the Administrative Procedure Act*⁹⁵, section 3, Public Information (attached), is one of the primary authorities that governs how agencies distribute information to the public. On the issue of applicability, the *Manual* reads "(t)his section, unlike the other provisions of the Act, is applicable to all agencies of the United States, excluding Congress." It also notes two exceptions, namely a need for secrecy and any matter relating solely to the internal management of an agency. Section 3(a) directs each agency to "separately state and currently publish in the *Federal Register*" its organization, procedures and substantive rules. DOL's rules regarding Internet Services were published in August of the current year.⁹⁶ In reviewing the *Manual* further, it discusses the Department's publishing obligations, as they relate to substantive rules, procedures and any orders or decisions that are by nature adjudicatory, such as ARB or ECAB decisions. The public records requirement is also articulated, and is most often applied in a FOIA context. The *Manual* states in relevant part:

Each agency should publish in the Federal Register, under 3 (a) (1), a rule listing the types of official records in its files, classifying them in terms of whether or not they are confidential in character, stating the manner in which information is available (as by inspection or sale of photostatic copies), the method of applying for information, and by what officials the application will be determined.

It is left to the agencies to determine if what is produced should be considered part of the official record. "Each agency must examine its functions and the substantive statutes under which it operates to determine which of its materials are to be treated as matters of

⁹⁵ <http://www.oalj.dol.gov/public/apa/refrnc/ag02.htm>.

⁹⁶ http://www2.dol.gov/dol_sec/public/regs/fedreg/notices/2000020763.htm.

official record for the purposes of the section." It should be noted that on the issue of report publication or publication in general, the Manual is silent.

Another often cited reference is the OMB Circular A-130.⁹⁷ "Circular No. A-130 provides uniform government-wide information resources management policies as required by the Paperwork Reduction Act of 1980, as amended by the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35." The *Circular* describes the management of information: "Agencies shall plan in an integrated manner for managing information throughout its life cycle" and then articulates steps A-F regarding information management planning. Of particular interest is the section on Electronic Information Dissemination. It reads in relevant part:

Agencies shall use electronic media and formats, including public networks, as appropriate and within budgetary constraints, in order to make government information more easily accessible and useful to the public.

The *Circular* then goes on to discuss several points on when this type of format (electronic) is appropriate.

The regulations that govern the Department's disclosure of information policies are outlined in 29 CFR part 70 et seq. (attached). Note that the date of enactment, unless otherwise noted in the specific part, is May 30, 1989. The policy is articulated in part 70.3 (Subpart A General) which states:

All agency records, except those specifically exempted by one or more provisions of 5 U.S.C. sect. 552(b) shall be made promptly available to any person submitting a written request in accordance with the procedures of this part.

According to part 70.4 of the same title, these materials include final opinions and orders [70.4(a)(1)], statement of policy and interpretation not published in the *Federal Register* [70.4(a)(2)], and administrative staff manuals not exempt under section (b) of FOIA [70.4(a)(3)]. Subsection (b) of the same part also calls for current indices providing identifying information regarding any material issues adopted or promulgated after July 4, 1967. This same subsection also adopts a provision that provides for the removal of identifying details from any record that is published or made available for inspection, so as to prevent an unwarranted invasion of personal privacy. Subpart B outlines the procedure for disclosure of records under the Freedom of Information Act, Subpart C discusses costs for production of documents and Subpart D discusses public records.

Internal Department of Labor public information dissemination guidelines are articulated in a number of Secretary's Orders and other internal memoranda, and the *Department of Labor Manual Series* (DLMS), all of which are discussed in more detail in the paragraphs below.

The Secretary's Order dated August 16, 2000 is an acknowledgement that the Department is beginning the process of upgrading their standards for web-based delivery of government information. These standards include a commitment to regularly update laws,

⁹⁷ <http://www.whitehouse.gov/omb/circulars/a130/a130.html#8>.

regulations, programs and activities on each agency web page. In reference to the information delivery issues at hand, the Order reads:

- e. Ensure that all information placed on the main DOL or individual agency web sites receives appropriate review and clearance within the Department prior to issuance, including consideration of all appropriate factors such as: the need for coordination between relevant agencies; appropriate levels of clearance; timeliness and accuracy of information; and the implications of applicable statutory and administrative requirements or guidelines.

Continuing on, the Order says that:

Departmental Public Web Site Content Clearance Process[□] refers to the procedures to be developed by the Assistant Secretary for Policy (ASP) for purposes of the Department's review and approval of documents and other substantive materials to be placed on the DOL public web site and which require Department-level clearance.

As this inquiry has shown, the ASP or OASP, is in the process of developing these guidelines in compliance with this Secretarial Order.

The "Internet Clearance and Operating Procedures" memo to DOL Executive Staff, dated October 29, 1996, provides interim guidance for policies and procedures to address the most pressing concerns regarding the Department's Internet policy. It sets out interim policy covering information involving the Secretary, the DOL Homepage, Internet-specific information, links to sites outside DOL and inaccurate, outdated or missing information. Of note, the policy regarding the Internet Homepage requires agencies to notify ASP in writing at least one week prior to the planned release date, and then ASP will coordinate these requests with OPA. The policy articulation regarding Internet-specific information requires each agency to identify an Internet Coordinator, and notify ASP of that person's identity. Further, and of greater importance to the issues being considered here, each agency will establish written clearance official(s) at the policy level for all information contained on their Internet sites.

Secretary's Order 6-83, dated April 21, 1983 (attached), deals with the consolidation and control of Department of Labor Audiovisual Activities. This Order delegates authority and assigns responsibility for the management, coordination and control of the Department's audiovisual program to the Office of Information and Public Affairs. As it relates to the DLMS Chapter 5, this Order defines the policy by which all materials are cleared through the Department's Control System (see DLMS 5-540). An exception is noted for production of research reports, statistical analysis, et al, when the primary intent behind such production is to provide limited distribution within the government, among the personnel of an agency for policy analysis and formulation, or when produced by an analyst for presentation of research before professional bodies.

Secretary's Order 37-65, dated December 8, 1965 (attached), delegates authority and assigns responsibility for public information, publications and reports for functions within the Department. It should be noted that this order is cited in the Department of Labor Manual Series, discussed below, and is still active policy for publications and reports. The Order states, in relevant part, that the heads of administrations, bureaus and offices are responsible for "... developing planning goals and program objectives for information, publications and reports activities covering substantive program areas." The Director, Office of Information, Publications and Reports is responsible for "prescribing policy,

guidelines and standards for the conduct of information, publications and reports programs and providing technical assistance and leader to information staff of Administrations, Bureaus and Offices."

The *Department of Labor Manual Series* (DLMS), which has been referenced above, also discusses public information disclosure and distribution. DLMS 5, Chapter 300⁹⁸ discusses disclosure of records under the Freedom of Information Act. Note that again, the internal operating guidance is silent on the issue of report publication or publication in general. DLMS 5, Chapter 500⁹⁹ discusses the Department's Office of Public Affairs (OPA or OIPA), including its role as the information dissemination policy maker for the Department. Section 523 deals with publications, and states in relevant part: "OIPA is required to review all DOL publications to be distributed to the public by the following orders..." and instructions as to format, attribution, and prior approval are articulated. I found this directive to be widely recognized by agencies, as articulated below. DLMS 5-1 constitutes the *Handbook on Public Affairs Policy* (attached).

At the sub-Departmental agency level, I have contacted individuals to find out their agencies' information dissemination policies. In response to my queries, I received two general answers, either that their agency follows OPA's guidelines, or that their agency had no distinct policy in place. Additionally, there are materials from the agency web sites within DOL that show the agency's policy or mission statement in an effort to flesh out the purpose and policy of various agencies. The URLs for these guidance documents are given in chart format. To give the end user a sense of structure, I have also included the DOL Organizational Chart.¹⁰⁰

Agency	Response
ARB	The website ¹⁰¹ provides access to Board decisions, Executive Mission and Members.
ASP	Web policies are still in draft ¹⁰² . The DOL Policy Center Overview is cited below. ¹⁰³
BLS	Three policy documents are attached. Mission statement is cited below. ¹⁰⁴
BRB	The website ¹⁰⁵ provides access to Board decisions and Executive Mission.
ECAB	No written policy, the website provides access to Board decisions and Board's function. ¹⁰⁶
ESA	Their website ¹⁰⁷ provides access to laws and regulations, published reports and mission statement.

⁹⁸ http://www.labornet.dol.gov/OASAM/LIBRARYxDLMS/dlms5_300.htm.

⁹⁹ http://www.labornet.dol.gov/OASAM/LIBRARYxDLMS/dlms5_500.htm.

¹⁰⁰ <http://www2.dol.gov/dol/public/aboutdol/org/orgchart.htm>.

¹⁰¹ <http://www2.dol.gov/dol/arb/>.

¹⁰² <http://www-test.dol.gov/dol/dolonly/internet/standards.htm>.

¹⁰³ <http://www2.dol.gov/dol/asp/public/aboutasp/mission/mission.htm>.

¹⁰⁴ <http://www.bls.gov/blsmissn.htm>.

¹⁰⁵ <http://www2.dol.gov/dol/brb/>.

¹⁰⁶ <http://www2.dol.gov/dol/ecab/>.

¹⁰⁷ <http://www2.dol.gov/dol/esa/>.

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Agency	Response
ETA	ETA has no set policy, said that divisions are supposed to follow policy set by Secy.'s office. Their website ¹⁰⁸ provides access to published reports and mission statement. Agency web technical standards, attached, are posted on the Workforce Development Service Center website. ¹⁰⁹
ILAB	No policy of their own, they follow the Department's policy. Their website ¹¹⁰ provides access to published reports and mission statement.
MSHA	Their web policy is attached. DLMS 5-1 <i>Handbook on Public Affairs Policy</i> , p.14, states MSHA Public Information Policy. Their statutory functions are cited below. ¹¹¹
OALJ	Their mission statement is cited below. ¹¹²
OASAM	The printing services brochure is attached. ¹¹³ Departmental Information Accessibility Plan is attached. IT Center is revising their current forms, testing for document routing, nothing even in draft yet. Current OASAM Mission and Function is cited below. ¹¹⁴
OCFO	Their website ¹¹⁵ provides access to Publications List, Financial Library (which includes DOL and other information), and mission statement.
OCIO	Their mission statement is cited below. ¹¹⁶
OIG	Have FOIA posted on their web page, follow E-FOIA, no other policy in place. Their mission statement, from Strategic Plan FY 1997-2002 is cited below. ¹¹⁷
OSHA	DLMS 5-1, <i>Handbook on Public Affairs Policy</i> , p. 15, states OSHA Public Information Policy. Docket office has procedures manual which is being updated (started with OPA, got transferred to Docket office) Their mission statement is cited below. ¹¹⁸
OSBP	Revisions to DLMS expected in mid-Oct 2000, until then, nothing. Their mission statement is cited below. ¹¹⁹
PWBA	They follow the Department's policy. Currently doing new ERISA processing, receiving materials via electronic format re: pension plans. Their Customer Service Standards are cited below. ¹²⁰
SOL	Follow the Department's lead. About SOL is cited below. ¹²¹

¹⁰⁸ <http://www.doleta.gov/>.

¹⁰⁹ <http://www.wdsc.org/techcouncil/tech-std.html>.

¹¹⁰ <http://www2.dol.gov/dol/ilab/>.

¹¹¹ <http://www.msha.gov/mshainfo/mshainf1.htm>.

¹¹² <http://www.oalj.dol.gov/aljmissn.htm>.

¹¹³ <http://www.labornet.dol.gov/oasam/services/printing.htm>.

¹¹⁴ http://www2.dol.gov/dol/oasam/public/info_about_oasam/mission/oasam1.htm.

¹¹⁵ <http://www2.dol.gov/dol/ocfo/>.

¹¹⁶ http://www2.dol.gov/dol/cio/public/about_cio/cmission.htm.

¹¹⁷ <http://www.oig.dol.gov/public/strplan.pdf>.

¹¹⁸ <http://www.osha.gov/oshinfo/mission.html>.

¹¹⁹ <http://www2.dol.gov/dol/osbp/public/aboutosbp/mission.htm>.

¹²⁰ <http://www2.dol.gov/dol/pwba/public/aboutpwba/main.htm>.

¹²¹ http://www2.dol.gov/dol/sol/public/info_about_sol/main.htm.

Agency	Response
VETS	ASVET memo 2-97 addresses this ¹²² , along with their mission statement. ¹²³ NB: we have experienced problems accessing this .pdf document, so a hard copy is attached.
WB	Follow department's policy, don't have their own Their mission statement is attached in two forms: one from their web ¹²⁴ and one from their office.

Department of the Treasury

1. The Department of the Treasury uses government-wide regulations on information dissemination as they have been issued. For example, we have followed the requirements under the Paperwork Reduction Act (PRA) to implement the Government Information Locator Service (GILS).

Effective, October 1, 2000, the Treasury Chief Information Office (CIO) recently reorganized and has created an information management program office that will be responsible for information dissemination policy. The CIO office plans to develop, with assistance from general counsel, the required information dissemination policies levied under the PRA/GILS, Electronic Freedom of Information Act (E-FOIA), and Treasury Internet policy site.

2. The Treasury bureaus have not established their own information dissemination policies and/or implementing programs; however, the Financial Management Service (FMS) developed a style guide located at: <http://fms.treas.gov/style.html>.
3. The Department, with involvement of the bureaus, established guidelines for managing information on websites. The bureaus follow the Treasury guidelines located at: <http://www.treas.gov/internetpolicy/procedures.html>.

In addition, FMS has developed more specific guidelines to keep the FMS website current. New items must be approved at the Director level and include a signed Memorandum of Understanding (MOU) (attached). All content providers must review and certify the accuracy of their data on a quarterly schedule. A CD of the FMS website is made monthly for archival purposes. The attached MOU lists FMS employees who maintain their own web on fms.treas.gov.

4. The following sites provide Treasury public information products and are periodically updated:
<http://www.bep.treas.gov/>
<http://www.publicdebt.treas.gov/>
<http://www.usmint.gov/>
<http://www.irs.treas.gov/>
<http://www.treas.gov/fletc/foia/readroom.htm>
<http://www.customs.treas.gov/>
<http://www.fms.treas.gov/browse.html>
<http://www.treas.gov/foia>

¹²² <http://www-nvti.cudenver.edu/new/resources/Key Links/ASVET MEMOS/ASVET202-97.PDF>.

¹²³ <http://www2.dol.gov/dol/vets/public/aboutvets/mission/mission.htm>.

¹²⁴ http://www2.dol.gov/dol/wb/public/info_about_wb/mission.htm.

http://www.access.gpo.gov/su_docs/gils/index.html

<http://www.treas.gov/information.html>

5. The FOIA reading room is mandated by the E-FOIA and GILS was mandated by the PRA. The Treasury website was established by the Assistant Secretary for Management/CFO and the Deputy Assistant Secretary for Information Systems/CIO. The bureau websites were authorized by the bureau's head and the CIO.
6. Treasury requests additional guidance from: (1) the Department of Justice to implement E-FOIA; (2) the Office of Management and Budget to implement the Privacy Act; and (3) government oversight agencies on web posting and content management. Further, bureaus recommend that aggressive program management be used to ensure the public receives effective and complete dissemination of, or access to, agency information.

Department of Veterans Affairs (VA)

1. The Department of Veterans Affairs (VA) has policy on the Freedom of Information Act and the dissemination of government information. The policies/procedures may be found at:
 - a. <http://www.va.gov/publ/direc/irm/6300dir.html> — VA Directive 6300, Records and Information Management
 - b. <http://www.va.gov/publ/direc/irm/63003HB.html> — VA Handbook 6300.3, Procedures for Implementing the Freedom of Information Act
 - c. <http://www.va.gov/publ/direc/irm/6360dir.html> — VA Directive 6360, Dissemination of Government Held Information
 - d. <http://www.va.gov/publ/direc/irm/63601hb.pdf> — Procedures for Implementation of the Government Information Locator System (GILS).
2. Individual bureau-level units have not established separate policies or programs. They follow the department-wide policy.
3. VA is in the process of drafting Internet/Intranet policy.
4. VA does not have a comprehensive and authoritative listing of VA electronic information that is periodically updated. VA does have an index of information in its Electronic Reading Room (<http://www.va.gov/foia/err/standard/Default.htm>). In addition, there is an AltaVista search of pages on the www.va.gov web server that was last updated in 1994: <http://www.altavista.com/cgi-bin/query?q=host%3Awww.va.gov++&r=&kl=XX&d0=&d1=12%2F31%2F1994&stype=stext&pg=aq&Translate=on&search.x=0&search.y=0>.

VA's Veterans Benefits Administration (VBA) maintains a Web – Automated Reference Materials Systems (WARMS). WARMS provides internet access to VBA manuals, directives, circulars, letters, Title 38 Code of Federal Regulations and other reference materials to Veterans Service Organizations (VSO), Educational Institutions and the general public. WARMS is available to anyone with Internet access and is subject to timing bottlenecks depending on the number of current users accessing the site.

VBA also has this information available on CD-ROM (ARMS CD). The Internet version uses a different search engine that does not offer a wide range of search options. Searches can only be performed on a single database or the entire collection of databases. A copy of the ARMS CD-ROM may be obtained by contacting Ms. Tammy Hurley at 202-273-7077.

The Internet address is provided to non-VA persons requesting VBA publications. The application is accessible using any standard Internet browser and an Internet Service Provider. Links are provided within the WARMS Web page to download the free Microsoft viewer software needed to display the retrieved documents on the user workstation. Viewer software should only be downloaded to those workstations that do not currently contain the Microsoft Office 97 suite of programs.

Users are provided with an option to provide feedback on the site. All personal Internet account users can forward comments to the ARMS Mailbox using their local mail software. All users accessing the system on a "borrowed" Internet account, such as a public library or other public use workstations can forward comments using an ARMS Contact Form.

The site is updated to reflect current VBA publications.

5. Major information products, etc., mandated by Congress, federal statute or put in place by the President, department/agency head, or senior program official:
 - a. Applicable law regarding dissemination of information in general:
 - (1) The Freedom of Information Act, 5 U.S.C. § 552
 - (2) The Privacy Act, 5 U.S.C. § 552a
 - b. Law applicable to VA in particular:
 - (1) 38 U.S.C. § 5701—protects confidentiality of records related to veterans' claims, confidentiality of names and addresses of veterans and dependents.
 - (2) 38 U.S.C. § 5705—protects confidentiality of medical quality assurance records
 - (3) 38 U.S.C. § 7332—protects confidentiality of records related to the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity related to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus, or sickle cell anemia.
 - c. VA Regulations:
 - (1) 38 CFR. Part 1, §§ 1.460-1.584 (<http://www.va.gov/foia/regulations.htm>)
 - (2) 38 CFR. §§ 14.800-14.810 ("Touhy" regulations) (<http://www.access.gpo.gov/nara/cfr-retrieve.html - page1>)
 - d. Policies put in place by the President: Executive Orders, including Executive Order 12,600, regarding process to be followed when release of confidential commercial information under 5 U.S.C. § 552(b)(4) is at issue
 - e. Other:
 - (1) U.S. Department of Justice Memorandum to Principal FOIA Administrative and Legal Contacts at All Federal Agencies (October 4, 1993), regarding "FOIA Policy Memoranda Issued by President Clinton and Attorney General Janet Reno"
 - (2) Office of Management and Budget Circular A-110
6. Maintain web site to include all current, publicly available information.

Environmental Protection Agency (EPA)

1. Regarding published policies:

YES, EPA has in place Directive 2100—the Information Resources Management Policy Manual. Specifically, Chapter 21, entitled Policy on Public Access to EPA Information, establishes the principles governing public access to, and dissemination of, information gathered and maintained by EPA. The Agency also has published a set of policies and informal guidelines entitled the "WEB Guide" (<http://www.epa.gov/webguide/topics.htm>).

The Agency is actively identifying the need for new policies, especially regarding Internet dissemination. We are in the process of developing policies regarding Disabled Access (Section 508 of the Rehabilitation Act), Limited English Proficiency (LEP), and the use of Non-EPA servers. A recent policy memorandum on "cookies" will be faxed to you. We also continue to review existing policies. We have a public access strategy in development that will provide direction and framework for the various components of public access.

There is no EPA policy that mandates publishing public information only in electronic mediums and formats. In fact, EPA information may need to be made available in both paper and electronic formats to address the needs of public audiences. In many instances, printed "fact sheets" are still the most effective way to inform some communities of important events related to environmental protection (i.e., public meetings regarding cleanup at a hazardous waste site, advisories regarding potential contamination in fish, etc.). For databases and large documents, the Agency increasingly relies on electronic means. Large documents are typically available in both electronic and paper formats.

While not advocating discontinuing the publication of information products in paper form, a September 23, 1996 memorandum entitled "Public Availability of EPA Information Via Internet" (<http://www.epa.gov/webguide/get/hansmemo.htm>) is a key EPA communication. In that memo, Deputy Administrator Hansen stated "the Agency has committed to make information from all EPA programs available through the Internet and other electronic means that Americans and local organizations can access in their homes, schools, and libraries."

EPA is working to implement the Government Paperwork Elimination Act of 1998 where agencies must provide "for the option of electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper" within 5 years.

2. EPA programs generally follow the policies developed for Agency-wide application as per EPA Directive 2100 and the informal guidance in the WEB Guide mentioned in the second part of Question 1 above. EPA also has a central Office that directs product review. In addition, EPA's Office of Environmental Information is in the process of canvassing EPA Programs and Regional offices for current information products and to identify any additional policies that may exist.
3. Yes, as mentioned above in response to Question 1, EPA has a set of guidelines referred to as the WEB Guide (<http://www.epa.gov/webguide/topics.htm>). Please see the section entitled "Publishing on EPA Servers" for additional detail.

Regarding "old" information, the WEB Guide contains the following:

"Every Web site on EPA's public access server has the potential to become stale, out of date, obsolete, contain dead links or inaccurate information. Periodically Web sites must

be reviewed to ensure that only the highest quality information complying with the principles of the Web Guide, Product Review Guidance, and other Agency counsel is released to the public. In the words of the Chief Information Officer of the Agency, information must be 'timely, accurate, integrated, and useful to the public'."

By requesting to post information on an EPA server, the data owner agrees to be responsible for and maintain the information that he/she publishes. Please recognize that this informal guideline is not vigorously enforced.

The EPA Online Rules of Publishing (<http://www.epa.gov/webguide/create/rules.htm>) contain Rules (VII & VIII) that address permanent retention & availability, and archiving. Rule VIII contains information on Recordkeeping Requirements. It states "Program offices must establish recordkeeping requirements (RKR) for the records they create and receive in the course of their official duties. This guide will help program offices improve the quality of their documentation."

Records and archiving issues are complicated topics for web publication. This is a subject requiring clear policy, which EPA will address in the coming months.

4. At this time, the best way to find EPA public information products on the Internet is to go to the website of each Program or Office, or do a search. In most instances, each website has a prominent link for "publications" or "information products." While not perfect, these sites are much improved from earlier versions. In addition, the Agency is still active in maintaining its Government Information Locator System (GILS) for major data systems and public access points. The current GILS collection is maintained both through the Government Printing Office and on the EPA Web site at <http://www.epa.gov/gils/>.

EPA and the Environmental Council of the States (ECOS) are working together to develop an Information Products Bulletin (IPB). An interim version of the bulletin is available on EPA's website at (<http://www.epa.gov/ipbpages>). The IPB will provide a comprehensive list of EPA's significant information products under development or major modification. The bulletin will also list some of the States' significant information products, and in some cases, identify opportunities for stakeholder involvement. The IPB has been initiated as one of several efforts by EPA and the States to advance the creation and use of data to enhance public health and environmental protection, inform decision-making, and improve the public's access to information about environmental conditions and trends. The final version of the IPB will be released in March 2001 and it will be updated every six months.

In addition to the web, various EPA programs maintain "800#" hotlines that the public can call toll-free to learn about available publications for a particular topic (i.e. radon, Energy Star Program, Superfund, etc.) While not comprehensive for the Agency, they are useful in providing program-specific information.

5. EPA is mandated by law to disseminate information. Examples of the various citations where we have been directly required to provide its information can be found in a March 1996 Congressional Research Service Report (this can be provided, if necessary). For example, the 1986 Emergency Planning and Community Right-to-Know Act (EPCRA), provides an infrastructure at the state and local levels to plan for chemical emergencies. Facilities that store, use, or release certain chemicals, may be subject to various reporting requirements. Reported information is then

made publicly available so that interested parties may become informed about potentially dangerous chemicals in their community. EPCRA requirements include:

- Emergency planning notification (EPCRA §302)
- Emergency release notification (EPCRA §304)
- Hazardous chemical inventory reporting (EPCRA §§311/312)
- Toxics Release Inventory (TRI) reporting (EPCRA §313); see (<http://www.epa.gov/tri/>)

In addition, as a result of the Safe Drinking Water Act, reports of water quality are sent periodically by local water authorities to consumers with their monthly bills.

Examples of Agency led initiatives include the Sunwise Program and the Surf Your Watershed Program (<http://www.epa.gov/sunwise> and <http://www.epa.gov/surf3/sitemap/graphic2.html>).

An example of a recent policy memorandum recently developed by EPA's Office of Environmental Information is entitled "Protecting Personal Privacy on EPA's Public Access Web Site: Cookies Policy." This policy includes guidance for EPA programs on how to ensure that they are protecting the privacy of citizens using EPA web sites. In addition, we continue to develop polices as stated above in our response to Question 1, namely Section 508, Limited English Proficiency, and the use of Non-EPA servers.

6. EPA is an Agency comprised of several programs stemming from different statutory authorities (i.e., Clean Water Act—Office of Water, Comprehensive Environmental Response, Compensation & Liability Act—the Superfund Program, and several others). A very significant challenge for us is to integrate the data and information from our various programs. They generate hundreds of information products.

To better support and coordinate the work of these various programs, in 1998, EPA created the Office of Environmental Information (OEI). This office helps ensure that EPA collects high quality environmental information and makes it available to the American public. We provide guidance to assist the agency about the way we collect, manage, analyze and provide/allow access to environmental information.

EPA's Office of Environmental Information:

- sets goals, develop processes and establishes data standards to enhance environmental data and information collection,
- centrally manages EPA's information technology (IT) policy, infrastructure and oversight of federal and agency information technology (IT) statutes, regulations, and standards,
- develops and implements policies for improving public access to environmental information, and
- oversees EPA's quality-related procedures and policies for environmental programs.

Federal Communications Commission (FCC)

1. Yes we do have several written policies on FCC's access and dissemination to the public. FCC has had several NPRMs [Notices of Proposed Rulemaking] and Report and Orders on electronic filing initiatives. Most of these have been required to make e-filing mandatory. On the other hand, the use of the FCC web site, <http://www.fcc.gov/>, for dissemination of public notices, news releases, reports, and Commission orders has been an effort within the Commission to quickly disseminate information without written policy to do so, but simply to get information out ASAP. Our site has most of these documents dating back to 1994. Look at our site near the bottom for disclaimer information <http://www.fcc.gov/disclaimers.html>
2. The answer to this question is yes, there have been orders released by the Wireless Bureau on using the Universal Licensing System (ULS), Mass Media Bureau has done several as well, and so have the folks developing the Electronic Comment Filing System (ECFS), which I am responsible for, go to <http://www.fcc.gov/e-file/ecfs.html> search the database by putting in 97-113 for the proceeding name and the you can view the NPRM, the Comments filed, and the final Order. I cannot give you all of the cites for MMB and Wireless.
3. The FCC web site has never been purged. Individual documents have been replaced if the incorrect or substantially wrong document was posted with the correct one. The FCC is sending NARA the paper original for records retention purposes. We do plan to send Computer Output Microfilm/Microfiche (COM) in lieu of paper in the future, but haven't had the time or resources to do so. With NARA incapable of receiving CD-ROM, COM is the next best thing, until then FCC will continue to send paper.
4. FCC did the GILS thing several years ago, but has not really kept it up to date, however, we have 2 search applications using numbers or subjects to check our site for relevant documents available over the internet.
5. The Auctions activities are required by Congress. The rest have been a significant push by the present and previous Chairman to use the Internet for electronic filing and dissemination. Go to the following site for a list of our e-filing systems: <http://www.fcc.gov/e-file/>.
6. Force NARA to receive agency documents by CD-ROM, electronically transmitted from us to them, accept the PDF file format or mandate the file format to use, or leave us alone. Most of our initiatives have been for the public to file electronically so that we use less paper. Eventually, we will either generate COM to send to NARA, or the records will be incomplete because their present requirements for accepting data are so outdated, e.g., 6250 bpi tape, no extraneous characters, 7 digit block factor,....please get real.

Smithsonian Institution

1. The Smithsonian Institution is a trust established by Congress for the increase and diffusion of knowledge. It has no governmental function and was created by Congress to be separate from the three branches of government. As such, it has no published policies on government information dissemination.

In the course of fulfilling its mission to increase and diffuse knowledge, however, the Institution continually disseminates information through its publication of research results, its scholarly and popular publications, its exhibitions, and its public programs, including the issuances of the Office of Public Affairs, in addition to the Smithsonian website (<http://www.si.edu/>). Although the Institution is not covered by the Freedom of Information Act, it does respond to requests for information from the public.

No, [there is no letter or other communication from a senior official that mandates the discontinuance of publishing an information product in paper form, in favor of utilizing electronic mediums and formats].

2. The response to Question 1 applies here as well.
3. There are no Smithsonian-wide guidelines.
4. Such a listing is available on the Smithsonian website at http://www.si.edu/info/pubs_media.htm.
5. Pursuant to its charter (specifically, 20 U.S.C. § 57), the Institution submits to Congress an annual report of its operations, expenditures, and conditions.
6. No response.

Administrative Office of the United States Courts (AOUSC)

1. The AO is committed to providing information to the public in a useful and timely fashion. This is done through the AO's Internet site (<http://www.uscourts.gov/>), publications, news releases, phone, fax, and other vehicles and methods of communication. Many, if not all, of the most frequently requested publications are available through this web site. They include *The Third Branch*, *Understanding the Federal Courts*, *the Judicial Business of the United States Courts*, and numerous other matters of public interest. In addition, the AO's Internet site is a gateway to federal court information nationwide and to many other court-related sites. Not only does the AO's Internet site link to all federal court web sites, it also provides Internet access to the Public Access to Court Electronic Records (PACER) system. In addition, the AO and the entire federal judiciary constantly explore more efficient and effective ways to conduct business and to make more information electronically accessible to the public.
2. The AO's Office of Public Affairs (OPAF) is the point of contact for communications with the news media. OPAF also manages the AO's Internet site. While OPAF has much contact with the general public, certainly other AO offices also have a need to work with select public audiences.
3. The AO's Office of Public Affairs (OPAF) monitors the AO's Internet site and regularly updates materials and publications. Press releases, new publications, proposed changes to rules of procedure used by lawyers who practice in federal courts, and various new reports are routinely added to the web site. Some of the more time-sensitive information, such as job vacancy announcements and requests for comments on proposed revisions of rules of practice and procedure, are removed automatically after their closing date.
4. The AO produces a Publications Catalog which includes notations if the publication is available in electronic format. In addition, the Internet site's search capabilities provide for easy identification of public information products.
5. The Rules Enabling Act (28 U.S.C. 2071-2077) requires the wide public dissemination of proposed changes to the rules of practice and procedure used by lawyers who practice in federal court. While the AO has published and continues to publish proposed amendments to the rules in the Federal Register, last year the same material was, for the first time, published on the AO's web site. This has enabled a broader audience to have access to this information. Comments about the proposed amendments also have been received via e-mail to this web site. In addition, information is provided about past and future meetings of the Judicial Conference committees with responsibility for rules of practice and procedure in the federal courts. Also, potential contractors can read Requests for Proposals (RFPs) for competitive procurement matters over the AO's Internet site. Additionally, the enclosed Publications Catalog indicates which publications are required by statute.

6. The AO has a long-standing commitment to providing public information to interested parties, within the context of legal constrictions on the release of certain information. While the AO has no recommendations for strengthening existing laws and policies at this time, it wishes to have an opportunity to comment on any proposed changes, especially as they may be related to limits on existing resources.