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**Comments on Proposed Guidelines for Information Disseminated by  
Federal Agencies**

The Arts Endowment is fully committed to quality assurance in all aspects of its operations, including information dissemination. The Endowment has high standards of quality, utility, objectivity and integrity, as well as long-established standards and procedures for customer service.

Quality control safeguards and a practice of testing information before we disseminate it make sense. We are, however, extremely concerned about the addition of a formal process for challenging agency information. We believe that aspects of the current proposal will further bureaucratize responsiveness to complaints, not enhance standards.

An institutionalized challenge process, we suggest, has the potential to dramatically further divert attention and impose unnecessary administrative processes that may, ironically, backfire and handicap our ability to disseminate information at all. This, we note, is in contrast to other initiatives focused on streamlining processes.

The agency already devotes substantial resources to Freedom of Information Act and Privacy Act requests, customer service issues, Inspector General investigations, civil rights complaints, and over-the-transom correspondence including an increasing amount of all-agency e-spam. A disproportionate amount of these efforts are devoted to a relatively small number of frequent correspondents. We anticipate that these frequent correspondents will also be the primary constituents for any procedure we adopt to facilitate challenges to information.

The thought of every Agency in government opening up every bit of information they disseminate to unfettered challenges to its "quality, objectivity, utility, and integrity" is frankly a scary notion. We are especially concerned about the need to continually justify the utility of the information we disseminate. We fear that the effect of this policy will be not an increase in the quality of information, but reluctance to disseminate information that we don't control, and a weakening of the information we do create to meet the blandest, least common denominator.

Our specific comments follow:

- o The OMB guidelines should, as always, afford maximum flexibility to agencies, not create major new administrative hurdles (including complex reporting requirements), and recognize that these guidelines affect all agencies; those with fewer than 100 employees to those with thousands. Certainly, capacity to respond will greatly differ. Each agency's mission and information dissemination goals are different, and agencies should be allowed to develop their own guidelines in a way that reflects the agency's needs and goals.
- o The focus should be predominantly on the process and guidelines for assuring quality information to begin with and less on the administrative mechanisms for correction and the reporting process.
- o Development of model policies that agencies can adapt would be helpful. We suggest a procedure along the lines of providing a contact name and address for correction requests -- perhaps the same as we use for customer service complaints
- o The repeated language that "allowing affected persons to seek *and obtain* correction" causes concern. We would be much more comfortable with deleting the "and obtain." (We realize that this language is in the statute.) The guidelines should acknowledge that correction would not always be appropriate. At times, the appropriate action may simply be a letter thanking the correspondent and pledging to take their opinions into account upon the next revision of the material in question.
- o The guidelines do not at present require adherence to any particular timeline. This is good, especially given the lead-time on print publications.
- o As currently drafted, the reporting requirements in II.3 are cumbersome and unnecessary. We are extremely leery of adding yet another level of recordkeeping and reporting. The diversity of complaints and comments that might be received under this policy are likely not amendable to the FOIA report format that the guidelines purport to follow. (In the case of FOIA, requests and responses can be easily categorized by whether the information is released or withheld, and which statutory exemption allows withholding.) The requirement of Federal Register notice of the availability of the report -- something not mandated under FOIA -- is especially questionable and costly -- and should be deleted. If a report is required, the requirements should be substantially simplified and the publication requirements dropped.

The guidelines should expressly state that the policy does not require the government to publish or disseminate any information in order to meet its standards. In particular, the guidelines should expressly state that the procedure does NOT create a "fairness doctrine" requirement that agency publications disseminate

opposing perspectives. Section B.i comes perilously close to suggesting the opposite.

- o The guidelines should distinguish between different types of information. Most critically, the guidelines should expressly distinguish between errors of fact -- say, stating that a particular organization received a grant when it did not -- and differences of opinion -- say, over the value of federal arts funding. Errors of fact, when material, may require correction; differences of opinion should not. The guidelines' application, we believe, should be limited to factual errors.
- o The guidelines suggest that their primary target is statistical and scientific research information. Again, we suggest that the guidelines be restricted to such information
- o The guidelines as drafted extend to any dissemination of very broadly defined "information," not just information created by or for the government. All agencies do their best, but must not be put in the position of guaranteeing the quality and integrity of every piece of information they disseminate. The guidelines should restrict the definition of information to information whose content is developed by the government.
- o The guidelines should allow agencies to liberally employ disclaimers regarding information that they disseminate in lieu of application of the policy. We recognize concerns that this approach might raise; nonetheless we suggest that this approach would lessen administrative burdens and allow the government to disseminate information without necessarily vouching for it. This is especially important for website information.
- o Some of the requirements of additional information do not seem appropriate for publications geared to the general public (for example, the requirement in B.ii.b. of disclosure of statistical methods and in C of information on information security). The guidelines should be clear that agencies have the option of providing such information on request (as is our current practice) rather than in the publication itself.
- o The guidelines should not require agencies to establish an internal appeals process from denials of requests for correction. The guidelines should expressly state that the denial of requests for correction is not subject to judicial review.