

CONSORTIUM of SOCIAL SCIENCE ASSOCIATIONS

1755 MASSACHUSETTS AVENUE, N.W., SUITE 300, WASHINGTON, D.C. 20036 • [202] 234-5703

TO: COSSA Members, Affiliates, Contributors and Friends

FROM: Roberta Balstad Miller, Executive Director

COSSA LEGISLATIVE REPORT

October 8, 1982

This Week . . .

22 Congressmen Send Letter to NSF
Researcher Nominated to Head NIE
House Appropriations Committee Completes Work on NIMH Budget
New OSTP Staff to Cover Social and Behavioral Sciences
Public Comments on Proposed Regulations: How You Can Help
Coming to Washington? Visit Your Member of Congress!
House Report on Statistical Cutbacks
Required Reading
Next Issue

* * *

22 CONGRESSMEN SEND LETTER TO NSF

On October 4, 1982, after the appropriation for HUD-Independent Agencies (which includes the National Science Foundation) was signed by President Reagan, 22 Members of the House of Representatives signed a letter to NSF Director Dr. John B. Slaughter. The letter, which was sent from the House Committee on Science and Technology, urges NSF to allocate funding for FY 1983 in accordance with the House authorization for NSF. This authorization, passed on May 19, 1982, provides that the social and behavioral science research programs in the Directorate for Biological, Behavioral, and Social Sciences (BBS) be restored to their FY 1980 level, adding \$17.6 million to the BBS budget for this purpose. The letter was signed by the Honorable Don Fuqua (D-FL), Chairman of the Science and Technology Committee, the Honorable Doug Walgren (D-PA), Chairman of the Subcommittee on Science Research, and Technology, and the Honorable Margaret Heckler, ranking minority member of the Subcommittee. In addition, the following Members of Congress signed the letter to Dr. Slaughter:

22 CONGRESSMEN SEND LETTER TO NSF (Cont.)

Bob Shamansky, D-OH
Tom Harkin, D-IA
George E. Brown, Jr., D-CA
James J. Blanchard, D-MI
Lawrence J. DeNardis, R-CT
Hamilton Fish, Jr., R-NY
Claudine Schneider, R-RI
Jim Dunn, R-MI
Harold C. Hollenbeck, R-NJ
Carl D. Pursell, R-MI

Allen E. Ertel, D-PA
Mervyn M. Dymally, D-CA
Howard Wolpe, D-MI
Ray McGrath, R-NY
Peter Peyser, D-NY
Paul Simon, D-IL
Ted Weiss, D-NY
Stanley Lundine, D-NY
Dave McCurdy, D-OK

Social and behavioral scientists in the districts of these Members of Congress are urged to contact their Representatives with thanks for their support in signing the letter to Dr. Slaughter.

RESEARCHER NOMINATED TO HEAD NIE

In a welcome departure from recent practice, the Reagan administration has nominated a researcher to head the National Institute of Education (NIE), the federal agency charged with conducting research on education. The new director is Dr. Manuel Justiz, assistant professor at the University of New Mexico and head of the University's Latin American programs in education. His predecessors, who have not been from the research community, were a former headmaster of a private school and a small businessman and textbook salesman from New Hampshire. Dr. Justiz is a member of the American Educational Research Association (AERA), a COSSA Affiliate. The Senate is expected to confirm his nomination during the lame-duck session of Congress after the elections.

HOUSE APPROPRIATIONS COMMITTEE COMPLETES WORK ON NIMH BUDGET

The House Appropriations Committee has recommended a research budget of \$152.3 million for the National Institute of Mental Health (NIMH). This figure represents an increase of \$11.2 million over funds appropriated for NIMH in FY 1982. The Committee provided \$18 million for clinical training, although the Administration originally proposed the elimination of the NIMH clinical training program in FY 1983. The bill also recommends that the budget for research training be reduced by \$1 million from FY 1982 levels to \$14.4 million for FY 1983.

The Senate Appropriations Committee is expected to act on the NIMH appropriation during the lame-duck session, which is scheduled to begin on November 29.

NEW OSTP STAFF TO COVER SOCIAL AND BEHAVIORAL SCIENCES

The White House Office of Science and Technology Policy (OSTP) has appointed Dr. Trudy Solomon as Senior Policy Analyst working under Assistant Director Denis J. Prager. Among her responsibilities at OSTP will be the area of the social and behavioral sciences. Prior to joining OSTP, Dr. Solomon, a social and organizational psychologist, was with the National Science Foundation.

PUBLIC COMMENTS ON PROPOSED REGULATIONS: HOW YOU CAN HELP

The drafting of regulations to govern federal programs enacted into law by Congress is an important part of the policymaking process and one that can be influenced by public participation.

When Congress passes laws, it cannot attend to the myriad administrative details necessary to their implementation. That task is left to federal agencies and is accomplished through the rulemaking process. Those agencies responsible for the administration of a newly-enacted program propose a set of rules and regulations for governing its administration, the full text of which is published in the Federal Register along with an invitation to the public to submit written comments. The rules must conform to Congressional intent in passing the legislation. Changes in rules for existing programs are usually subject to the same public comment process.

Although lobbying for the passage of legislation may appear to be the more important task, informed monitoring and commenting on proposed regulations comprises an equally essential part of the policymaking process. In general, agencies carefully consider those comments submitted by the public and often rely on them to point out potential problems they might have overlooked. (See Attachment 1.)

The COSSA Legislative Report has noted opportunities for public comment on newly proposed rules (see COSSA Legislative Report, September 24, for the most recent instance) and will continue to do so. We urge our readers to submit comments in areas where they are knowledgeable. If you would like to submit comments but need assistance, call the COSSA office (202/234-5703).

COMING TO WASHINGTON? VISIT YOUR MEMBER OF CONGRESS!

Social and behavioral scientists have been very helpful about contacting Members of Congress when support has been needed for pending legislation. It is not enough, however, to act only in legislative emergencies. To assure sustained and enlightened Congressional support for research in the social and behavioral sciences, we must see that Members of Congress understand why their support for this kind of research is so important.

If you are in Washington to participate in, for example, an NIH Study Section meeting or on other business, consider arranging a short visit with your Representative or Senator. Inform him or her about your department or institute and what kinds of research is being conducted there. Be prepared with information about how much money you, your department, or your university receives in federal research funds. In addition, prepare a one or two page memo summarizing this information which you can leave with the Member or a legislative aide.

It is not always possible to anticipate attacks on behavioral and social science research. An informed Congress is our best defense against surprise attacks.

COSSA was established to encourage and organize communication between the Congress and the social science community. We would be happy to assist you in arranging your visit to Congress. For assistance, call 202/234-5703.

HOUSE REPORT ON STATISTICAL CUTBACKS

On Monday, October 4, the House Committee on Government Operations released a report documenting the adverse effects wrought by budget reductions for federal statistical programs (see Attachment 2). For copies of the Committee report, call or write COSSA (1755 Massachusetts Avenue, NW, Suite 300, Washington, D.C. 20036; 202/234-5703).

REQUIRED READING

Behavioral and Social Science Research: A National Resource, Part II, has been published by the Committee on Basic Research in the Behavioral and Social Sciences of the Commission on Behavioral and Social Sciences and Education, National Research Council. This volume contains the background essays for the report released by the Committee in June. (See the COSSA Legislative Report, June 25, 1982.)

REQUIRED READING (Cont.)

Essays in the second volume include:

- "Research in Formal Demography", Jane Menken and James Trussell
- "The Study of Voting", Philip E. Converse, Heinz Eulau, and Warren E. Miller
- "Behavior and Health: The Biobehavior Paradigm", David S. Krantz, David C. Glass, Richard Contrada, and Neal E. Miller
- "Earnings and the Distribution of Income: Insights from Economic Research", James J. Heckman and Robert T. Michael
- "Cultural Meaning Systems", Roy G. D'Andrade
- "The Life-Span Perspective in Social Science Research", David L. Featherman
- "Advances in Methods for Large-Scale Surveys and Experiments", Judith M. Tanur
- "Research in Psychophysics", L.D. Braida, Tom N. Cornsweet, N. I. Durlach, David M. Green, Herschel Leibowitz, Alvin Liberman, R. Duncan Luce, Richard Pew, and Carl Sherrick
- "Reading as a Cognitive Process", Patricia A. Carpenter and Marcel Adam Just
- "Territory, Property, and Tenure", Robert McC. Netting
- "Cognitive Development in the First Years of Life", Katherine Nelson
- "From Experimental Research to Clinical Practice: Behavior Therapy as a Case Study", G. Terence Wilson

Copies of Part II, Behavioral and Social Science Research: A National Resource can be obtained from the National Academy Press, 2101 Constitution Avenue, NW, Washington, D.C. 20418 (\$27.00).

NEXT ISSUE

The Congress is now in recess until the lame-duck session begins after the November elections. The COSSA Legislative Report is generally issued every week that Congress is in session. During the election recess, however, the Legislative Report will be issued every other week. The next report will be mailed on October 22.

Wednesday, October 6, 1982

Comments on Rulemaking

They Measure Pressure, Seldom Change Minds

There is more ado to interpret interpretations than to interpret the things and more books upon books than upon all other subjects; we do nothing but comment upon one another.

— Michel de Montaigne

By Felicity Barringer
Washington Post Staff Writer

The people in the Office of Adolescent Pregnancy Programs, with 80,000 written comments sitting in front of them, know what the 16th century French philosopher was talking about.

When the Health and Human Services Department moved this spring to require doctors to notify a teen-ager's parents before dispensing contraceptive devices, the agency, thanks to a 1946 law, had to publish its proposal in the Federal Register and solicit public reaction. As a result, four staffers have been opening, sorting, analyzing and summarizing comments for nearly six months.

The sheer volume of comments produced by this proposal is unusual, but the administrative procedure that made them possible is familiar to everyone who writes or seeks to influence government regulations.

Except in emergencies and special cases, the federal government must announce its intentions and invite response every time it tries to make or change a rule. This often means a time-consuming, exasperating and predictable ritual for everyone involved—regulators, lobbyists and citizens alike, according to those familiar with the procedure. Yet a recent effort to short-circuit the process has met with a strongly negative response by some of the same people who find it most exasperating.

Both the conservative American Medical Association and its frequent adversary, Ralph Nader's Health Research Group, have written to oppose an HHS proposal to bypass the "notice and comment" procedure on loan, benefit and grant regulations when "the delay that would result from such procedures would impair the attainment of the program." Of

the 1,300 comments received so far, "the large majority are negative," said Terry Coleman of the HHS General Counsel's office.

Why does this procedural issue matter so much to so many people? According to lobbyists, government officials and experts in administrative law, there are a variety of reasons, both theoretical and practical.

Philosophically, "It's important for the legitimacy of government to say, 'We will listen to anybody about this issue,'" said a former Carter administration regulatory expert. "I think it is fundamental that people have a chance to participate in decisions, however marginal that participation may be."

That's the theory. In practice, according to one lawyer-lobbyist who often drafts comments for a variety of regulatory agencies, "comments rarely change minds."

"The secondary purpose is establishing something in the record which might be useful if you want to challenge a rule in court later. . . . Due process requires agencies to give due weight to all comments."

But not all comments can be weighed the same way. Take the situation of the Federal Energy Regulatory Commission, which sought comments to guide possible changes in the price structure for natural gas. More than 700 comments were filed, most—as is usual across the government—within hours of the deadline.

The Texas Energy and Natural Resources Advisory Council filed a 53-page comment with a 21-page appendix giving a history of natural gas development and the applicable laws. An industry group called Indicated Producers filed three volumes of material weighing more than five pounds; the index alone ran seven pages.

Another 500 comments were written with the same typewriter but signed by different individuals, and each began: "As a consumer of natural gas I have been very concerned about the ever-increasing price of fuel. . . ." All had been solicited by

the Citizen/Labor Energy Coalition, a Washington lobbying group.

"We wanted to alert a lot of people who don't ordinarily participate in rulemaking. We wanted at least to let the agency know that these people were willing to sign their names to our statement," said Ed Rothschild of the Citizen/Labor organization.

Groups like this, who use a comment period as a political referendum, usually give regulatory officials few facts to consider but effectively convey the volatility of an issue. "This sort of thing is far more influential in terms of indicating the strength of the opinions held than giving us a particular view of the shape of the world and answering the substantive questions we've asked," said Richard Wilson, an FERC official who has analyzed many of these comments.

Mike Roudemeyer, a staffer at the Federal Trade Commission, agrees. As a procedural device, he said, the comment period works to the benefit of lobbyists who object to something an agency proposes to do.

"Using comments as a referendum, a vote, that's not really very effective," Roudemeyer added. Yet when a friend suggested that he write HHS's Office of Adolescent Pregnancy Programs protesting the proposed rule on parental consent, he was tempted.

"I saw it as a political rule," Roudemeyer said, "and in that situation you should bring political pressure to bear."

House Panel Report Questions Cutbacks in Statistics Programs

By DAVID BURNHAM

Special to The New York Times

WASHINGTON, Oct. 3— The Reagan Administration, a House committee has concluded, has eliminated or reduced at least 50 major statistical programs that measure the state of the economy, the health of the nation and the effectiveness of Federal programs.

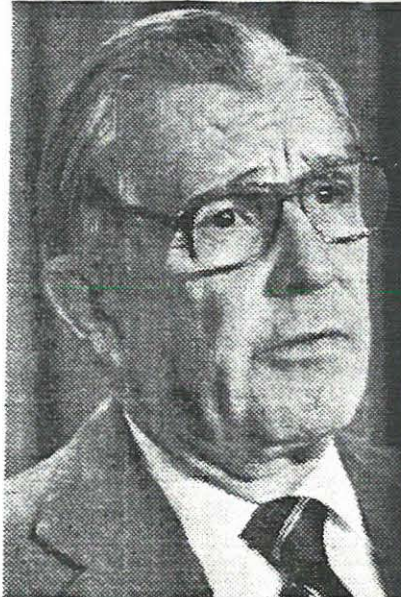
According to a report by the House Government Operations Committee, unanimously approved by committee members from both major political parties, the recent changes "have raised serious questions over the future of the Federal statistical system."

Some of the programs eliminated, the report said, include surveys on family budgets, collective bargaining agreements, expenditures by rural consumers and certain parts of the Consumer Price Index. Programs that have been reduced, it went on, include surveys of housing, nursing homes, health and nutrition and energy consumption. The information generated by these programs is used by other Government agencies, businesses and the public to evaluate the performance of the Government.

The Reagan Administration has justified its actions partly on the ground that they are part of its overall effort to reduce Government spending. Administration officials have further contended that only unnecessary programs are being cut, and that, in the words of one committee by the Research Service of the Library of Congress on the statistical changes says that because information is the medium of exchange in government, "changes in the amount, kind and quality of statistical information that is collected often reflect the policy agendas of those in power."

Even some high officials in the Reagan Administration have expressed concern about some aspects of the statistical cutbacks. "We don't know enough about our economy," Treasury Secretary Donald T. Regan said recently. "Have we really cut back on statistics too much?" He added that he planned to raise the question with the Office of Management and Budget.

The House report, which will be released Monday, charges that "recent reductions in the agency budgets have had a noticeable impact on Government statistical programs," particularly the Census Bureau.



The New York Times

Treasury Secretary Donald T. Regan is concerned about the Reagan Administration's reduction of statistical information.

"Because the statistics generated by the Census Bureau are the basis for so many other statistical activities, the problems of the Census Bureau have quickly become the problems for all users of statistics," the report said.

The committee study explained how the cuts affected the Pentagon, the health of the economy and the operation "For example," the study said, "the Department of Defense had to delay a recruitment of manpower study because critical census data was not official, "fundamentally important efforts have not been damaged or thwarted."

But a study undertaken for the House available. Delays and cancellations in tabulating census data by small areas (e.g. county, ZIP codes, etc.) have forced businesses to postpone vital marketing surveys or to conduct them using outdated information. In addition, delays in the analysis and release of data have meant that block grants to local health services cannot be properly allocated, and that the Department of Education found it necessary to allo-

cate Federal funds for the 1982-83 school year on the basis of the 1970 census information."

Representative Jack Brooks, Democrat of Texas, chairman of the committee, said the cuts were "being done in the name of economy, but I am concerned that what is being lost is far more valuable than the money saved."

The report argued further that the decline in available statistics made it hard to judge the impact of some major policy initiatives of the Reagan Administration. "The Administration contends that many of the energy statistics eliminated were needed only to implement regulatory policies that are no longer in force," the study said. But it said that the simultaneous termination of data collection and Federal programs to regulate the price of petroleum "makes it extremely difficult, if not impossible, to determine the effect of policy changes."

The committee report also criticized the decision of the Reagan Administration to abolish the Statistical Policy Branch, a small arm of the Office of Management and Budget that since 1947 had sought to assure the coherence and integrity of the Government's statistic collecting efforts.

Thomas Hopkins, the deputy administrator for Regulatory and Statistical Analysis in the budget office, defended the Administration's actions in cutting back on the collection of Federal statistics and eliminating the Statistical Policy Branch.

"As a general matter," Mr. Hopkins said in an interview, "most of the statistical programs are holding their own. Certainly sufficient information is being collected to allow the public to judge the effectiveness of Government programs. The cuts in the programs doesn't mean we're trying to hide something. We're just trying to get these programs to concentrate on essential areas."

Mr. Hopkins said the decision to abolish the Statistical Policy Branch was an effort to improve the Government's ability to coordinate the collection of information. "The office was abolished, but not its function," he explained.

The committee report quoted Dr. Courtenay Slater, former chief economist of the Department of Commerce, as saying that funds appropriated for Federal statistics had not kept pace with cost increases in the last few years.