

THE UNIVERSITY OF IOWA

August 13, 2001

Ms. Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

Subject: Proposed Guidelines for Ensuring and Maximizing
the Quality, Objectivity, Utility and Integrity of Information
Disseminated By Federal Agencies. (66 FR 34489)

Dear Ms. Dickson:

On behalf of the University of Iowa, I am pleased to have the opportunity to comment on the proposed guidance regarding the dissemination of information by federal agencies (66 FR 34489). The University of Iowa is a Carnegie I comprehensive research university, with about 28,000 students in 11 colleges and conducting approximately \$169 million annually in federally supported research. Though the proposed guidance focuses primarily on federal agencies rather than the recipients of federal support, it could nonetheless affect those recipients in ways you did not intend. For these reasons, we urge you to take into account the comments you are receiving from academic institutions and organizations, incorporate those comments into revised guidance and republish this revision as a draft for public comment.

We do have specific problems with: (1) the costs, both in time and money, that might be anticipated with an additional level of analysis and review that the guidance might involve; (2) the definition of "affected persons" who might subject agencies and institutions to an onslaught of requests for correction or clarification which could be used to slow or discourage communication on certain subjects; and (3) the treatment of "opinion" in scientific information covered in all these guidelines (i.e. what standards apply to meet statutory obligations of legitimacy and credibility). We also need to make clear that information provided to universities under a confidential relationship between doctor and patient will be protected, as would information related to potentially important intellectual property. All of these questions, in one way or another, go to an issue of de facto prior restraint of communication, if subjected to abuse by "affected persons" or groups.

The most fundamental concerns we have, however, are with the relationship between agencies and universities and protection of the peer review process. We believe that if reference to scientific research information under V.B. ii (a) is to remain, it should read "With respect to scientific information, the peer review process meets the standard for independent verification."

Because research universities such as the University of Iowa generate much information federal agencies use as critical parts of the materials they distribute, the proposed guidance could have a major impact on our activities. We fear that the proposed guidance could have a chilling effect on the ability of our university to form or sustain the productive relationships with federal agencies that we have had in the past. Specifically, we fear that some information arising from research conducted at our university, and others, could be treated in a manner that would discourage sharing of qualified information. This in turn would be contrary to one of the public policy interests giving rise to the proposed guidance.

There are three categories of information that are of special interest to us. First, we produce a variety of studies under contract to federal agencies. These contracts include those associated with the discovery of new knowledge, the evaluation of programs, epidemiological studies, surveys and many others. We believe