

**GAO**

Briefing Report to the Chairman,  
Subcommittee on Government  
Information, Justice and Agriculture,  
Committee on Government Operations,  
House of Representatives

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May 1989

# FREEDOM OF INFORMATION ACT

## Agency Reading Rooms



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United States  
General Accounting Office  
Washington, D.C. 20548

General Government Division

B-221963

May 31, 1989

The Honorable Bob Wise  
Chairman, Subcommittee on Government  
Information, Justice and Agriculture  
Committee on Government Operations  
House of Representatives

Dear Mr. Chairman:

In a letter dated January 21, 1988, your predecessor as Chairman said that Subsection (a)(2) of the Freedom of Information Act (FOIA) requires each agency to make available for public inspection and copying selected agency documents that have not been promptly published and offered for sale. Such documents include staff manuals, final opinions, and orders. The Chairman asked us to examine agency use of public reading rooms in fulfilling these FOIA responsibilities. On April 10, 1989, we briefed the Subcommittee on the results of our work and agreed to provide this briefing report.

RESULTS IN BRIEF

The statute does not require agencies to have public reading rooms in order to fulfill their responsibilities under Subsection (a)(2). As a practical matter, however, we found that agencies' FOIA implementing regulations often contain provisions for "public reading rooms" or "document inspection facilities."

OBJECTIVES, SCOPE, AND  
METHODOLOGY

Our objectives were to examine (1) whether agencies maintain public reading rooms in the Washington, D.C., area; (2) how the public is notified of the existence of reading rooms; and (3) whether agencies include material other than that required by Subsection (a)(2) of the FOIA in their reading rooms.

To meet our objectives we judgmentally selected 15 federal agencies for review. We interviewed FOIA officials at each agency and reviewed agency FOIA implementation regulations to

determine the availability of public reading rooms, the nature of information contained in the reading rooms, and how the public is made aware of the rooms' existence. In addition, we reviewed the law to determine its requirements. In doing our work we did not visit agencies' reading rooms to observe their physical characteristics or verify the information provided by FOIA officials. We did our work during the period from March 1988 to March 1989 and in accordance with generally accepted government auditing standards.

PUBLIC READING ROOMS AVAILABLE  
IN THE WASHINGTON, D.C., AREA

Agency FOIA officials at 13 of the 15 agencies reported that a public reading room was available either on an agencywide level or at one or more of the agency's components in Washington, D.C. The 15 agencies and the availability of reading rooms at each are listed in table 1.

Table 1:  
Agencies Contacted and Reading Rooms Available

<u>Agency</u>	<u>Reading rooms available in D.C.</u>	
	<u>Agencywide room</u>	<u>Component room</u>
Agriculture		X
Commerce	X	X
Education <sup>a</sup>		
Energy	X	
Environmental Protection Agency <sup>a</sup>		
General Services Administration	X	
Health and Human Services		X
Housing and Urban Development	X	
Interior		X
Justice	X	X
Labor		X
Nuclear Regulatory Commission	X	
State	X	
Transportation		X
Treasury		X

<sup>a</sup>Public reading room not available.

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Officials at the Department of Education and the Environmental Protection Agency (EPA) said their agencies do not have a public reading room. The official at Education said, however, that occasionally space is made available to provide public access. The EPA official said that while there is not a formal public reading room, the agency has collections of information housed at various locations. For example, public information reference material is maintained in the agency library.

PUBLIC NOTICE

Each agency has published FOIA implementation regulations in the Code of Federal Regulations (CFR). Of the 13 agencies that we identified as having public reading rooms, all except the Department of Health and Human Services (HHS) say in their regulations that they have reading rooms or inspection facilities available to the public. Agencies vary considerably, however, in the information they provide about their reading rooms. The information available to the public through CFR notices is summarized in table 2.

Table 2:  
Information Provided About Reading Rooms  
in the Code of Federal Regulations

	<u>Building address</u>	<u>Room</u>	<u>Telephone number</u>	<u>Business hours specified</u>
Agriculture	X	X		X
Commerce	X	X	X	X
Energy	X			
General Services Administration	X	X	X	
Health and Human Services <sup>a</sup>				
Housing and Urban Development	X			
Interior	X	X		
Justice	X			
Labor <sup>b</sup>	X			
Nuclear Regulatory Commission	X			X
State	X			
Transportation	X	X		X
Treasury	X	X		

<sup>a</sup> No information provided.

<sup>b</sup> Provides mailing addresses where individuals can direct inquiries about FOIA reading rooms.

The State Department notice does not include a room number, but directs readers to a receptionist who will direct them to the proper room. Regulations for the Departments of Commerce, Justice, Transportation, and Treasury include building addresses for all of their component unit rooms in the Washington, D.C., area.

The Department of Labor's regulations say that certain agency components have public reading rooms, and list the addresses of all component bureaus, offices, and administrations. The regulations, however, do not indicate which components have a reading room; the reader is instructed to inquire whether the component unit of interest has a reading room.

HHS revised its FOIA regulations in November 1988, omitting any reference to public reading rooms. However, several component units, including the Food and Drug Administration, maintain reading rooms. According to an HHS official, the HHS agencywide reading room has been phased out due to staffing cuts and lack of public use.

In describing what information is available at each of the reading rooms, most agencies restate in general terms the documents required to be available under Subsection (a)(2). Transportation's regulations provide slightly more detailed information about the particular documents found at each bureau's or headquarters' reading room. For example, the Federal Railroad Administration description of available records includes the titles of statutes upon which the agency bases orders or opinions, titles of bulletins and reports, and categories of other documents.

#### AVAILABILITY OF OTHER FOIA MATERIALS

Not all reading rooms are designated solely for the purpose of making required Subsection (a)(2) materials available to the public. The reading rooms at the International Trade Administration (Commerce), Energy, the Pension and Welfare Benefit Administration (Labor), the Nuclear Regulatory Commission (NRC), and State have collections that include other materials, according to officials. Such materials include documents that have been previously released pursuant to specific FOIA requests. The State Department, for example, places previously released material in the reading room when it believes the documents will be of topical or recurrent public interest. Such documents include information relating to the Jonestown massacre, the Grenada invasion, and the Cuban missile crisis.

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The FOIA official at the NRC said that a large majority of NRC-generated documents are routinely made available in the public document center. Currently, the NRC center contains over 1 million documents and receives approximately 300 new documents per day.

In contrast, the Treasury Department FOIA official said its reading rooms generally hold only those documents required to be publicly available under Subsection (a)(2). Similarly, the FOIA official at the Commerce Department said that the agencywide reading room does not contain documents previously released to FOIA requesters, although the International Trade Administration does.

Agency officials also said the freedom of information or public information offices do not always have complete responsibility for managing reading rooms. At Commerce, each bureau decides which Subsection (a)(2) materials to send to the main reading room and/or which materials are to be retained by the bureau. Similarly, at Energy each program area decides what information to submit to the FOIA office. The Energy FOIA branch chief has the final decisionmaking power over reading room contents, but he said that in general, whatever the program areas submit is accepted.

At the NRC, a document control function processes new documents to determine if they are to be added to document center holdings. At State, the FOIA staff decide what documents belong in the reading room. At Treasury, the FOIA staff periodically review bureau disclosure rooms to make sure that required materials are actually present.

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As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this briefing report until 30 days from its date. At that time we will send copies to the head of each agency included in our review, congressional committees having an interest in FOIA issues, and other interested parties. Additionally, we will

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make copies available to others upon request. The principal contributors to this report were Deborah Parker, Evaluator, and Richard Caradine, Assistant Director. If you have any questions, please contact me on 275-8676.

Sincerely yours,

A handwritten signature in black ink that reads "L. Nye Stevens". The signature is written in a cursive style with a large, stylized initial "L".

L. Nye Stevens  
Director, Government Business  
Operations Issues

(014609)

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