

**CONGRESS RECESSES: CONFRONTATION, CAPITULATION, OR COMPROMISE COME SEPTEMBER?** *HS*

The Republican congressional leadership got its wish. The Congress passed a \$792 million tax cut and then left town for the August recess. They also left with only two Fiscal Year (FY) 2000 spending bills on their way to the President. The House has passed 11 of the 13 appropriations bills, the Senate 9. With President Clinton assuring the Congress that he will veto the tax cut bill, and threatening vetoes on several of the spending bills, the stage is set for confrontation, capitulation, or compromise come September.

Before leaving town, the Senate finally passed the FY 2000 agriculture and rural development appropriations. By adding \$7.4 billion for emergency aid to farmers, the Senate has now spent about one-half the projected FY 2000 non-Social Security surplus. House Republican Whip Representative Tom DeLay (R-TX) has noted that the GOP strategy is to produce spending bills that will use up all of this surplus, and force the President to use the Social Security surplus to get his spending priorities. How far the GOP is willing to take this confrontational strategy and how willing the White House is to contest it will make for an interesting September.

To get the Commerce, Justice, State bill passed in the House, it used the "gimmick" of calling the Census appropriation "emergency spending." The VA, HUD Subcommittee tried this with Veterans' Medical Care, but the full Appropriations Committee would not buy it. The Interior bill, which includes funding for the National Endowment for the Humanities and the National Park Service, is stuck in the Senate over policy disputes. The Labor, Health and Human Services bill, which has not been marked up in either House, has fallen victim to the strategy of reducing its allocation in order to fund the rest of the spending bills. This leaves the Labor bill in dire straits.

(Story continued on page 7)

**OMB ISSUES SECOND DRAFT OF A-110 DATA RELEASE POLICY: COMMENTS DUE SEPTEMBER 10.** *HS*

On August 11 the Office of Management and Budget (OMB) will release its second version of the attempt to implement the Shelby provision of the FY 1999 Omnibus Appropriations Act to revise Circular A-110 concerning data release policies under the Freedom of Information Act (FOIA). OMB seeks comments on the latest version by September 10, 1999. It expects to issue a final rule by September 30, 1999.

The earlier proposed revision of Circular A-110 received over 9,000 comments. Many of them, OMB notes, raised serious concerns about the impact of the Shelby provision on the conduct of scientific research. Many of the comments sought clarification of four concepts: "data," "published," "used by the Federal government in developing policy or rules," and cost reimbursement. OMB provides clarifying definitions for the first three and provides additional background discussion regarding the fourth. Furthermore, OMB notes that it believes that the Shelby provision "should be implemented in a manner that respects the general framework of the traditional scientific process, and is workable in practice."

The definition of *Research Data*: "as the recorded factual material commonly accepted in the scientific community as necessary to validate

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research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews or communications with colleagues. This 'recorded' material excludes physical objects (e.g. laboratory samples). Research data does not include (A) trade secrets, commercial information, materials necessary to be held confidential by a researcher until publication of their results in a peer-reviewed journal, or information which may be copyrighted or patented; and (B) personnel and medical files and smaller files the disclosure of which would constitute a clearly unwarranted invasion of privacy, such as information that could be used to identify a particular person in a research study."

The definition of **Published**: "either when (A) research findings are published in a peer-reviewed scientific or technical journal, or (B) a Federal agency publicly and officially cites to the research findings in support of a regulation."

The definition of **Used by the Federal Government in developing a regulation**: "when an agency publicly and officially cites to the research findings in support of a regulation."

**Cost reimbursement**: "the agency may charge the requester [under FOIA] a reasonable fee equaling the full incremental costs of obtaining the research data. This fee should reflect costs incurred

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by the agency, the recipient, and the applicable subrecipients. This fee is in addition to any fees the agency may assess under the FOIA." OMB is also seeking comments on the estimates of these costs and the mechanisms available to recipients to charge to their awards the costs they would incur. After receiving the comments OMB will consider revising OMB Circular A-21 "Cost Principles for Educational Institutions."

OMB rejected the call for public access to data used in agency guidance, surveys, assessments, and reports, calling this broader proposal "problematic." It concluded that "It is not clear how the [Shelby] provision . . . would operate in practice outside the regulatory context." Therefore, it limited the scope of application for the provision to the regulatory process. OMB also requests comments on whether the provision should be limited to only those regulations that meet a \$100 million impact threshold, similar to other laws such as the Unfunded Mandates Reform Act.

Comments should be addressed to: F. James Charney, Policy Analyst, OMB, Room 625, New Executive Office Building, Washington, DC 20503. Comments may also be sent via e-mail, in the context of the message, not as an attachment, to [grants@omb.eop.gov](mailto:grants@omb.eop.gov).

The full text of the proposed OMB revision can be found at <http://www.whitehouse.gov/OMB>, under the heading "Grants Management."

#### HOUSE PANEL PROPOSES DECREASED NSF FUNDING

The House VA, HUD, Independent Agencies Appropriations Subcommittee, faced a daunting task providing FY 2000 funding for the Departments of Veterans' Affairs, Housing and Urban Development, NASA, the Environmental Protection Agency (EPA), the National Science Foundation (NSF), and the Federal Emergency Management Agency (FEMA), and others, with an allocation that was \$8 billion below last year.

At its markup on July 26, it recommended Fiscal Year (FY) 2000 funding of \$3.647 billion for the National Science Foundation (NSF). This was a

decrease of \$26 million from the FY 1999 appropriated level of \$3.673 billion. The NSF FY 1999 current budget plan includes money from other sources (H-1B Visa and Domain Names funds) is \$3.737 billion. The administration's FY 2000 request was \$3.954 billion.

Once again, Veterans' Medical Care was the major priority for the Subcommittee. NSF did not suffer the significant reduction given NASA, or EPA science, but NSF Director Rita Colwell's hope of a down payment toward achieving a large enhancement of the NSF budget similar to those granted NIH in recent years, fell to the Congressional leadership's insistence that the "caps" or spending limitations under the 1997 budget agreement remain in place.

For Research and Related Activities the Subcommittee provided \$2.779 billion, an \$8.5 million increase above the FY 1999 enacted level. In an unusual move, the Subcommittee provided amounts for each of the research directorates. Almost all of the directorates, including the one for the Social, Behavioral and Economic Sciences (SBE), were level funded. The exception was the Directorate for Computer and Information Science and Engineering (CISE). NSF had requested a major increase for CISE that included \$146 million for the Information Technology initiative. The Subcommittee provided \$35 million to start the initiative, but CISE received only a \$14 million increase. The panel funded the Biocomplexity Initiative at \$35 million. The Foundation had requested \$50 million.

NSF had also established an "Opportunity Fund" in the Director's office that allowed the Directorates to support innovative ideas in a specific area. SBE had received some seed money for its Child Development and Learning program from this fund. The NSF had requested \$30 million for this Fund for FY 2000. The Subcommittee gave it zero.

The Education and Human Resources Directorate (EHR) received \$660 million from the Subcommittee for FY 2000, a \$2 million decrease below the FY 1999 enacted level. The requested FY 2000 budget for EHR was \$678 million. Again, the panel provided specific allocations for the Divisions within EHR. The Subcommittee accepted NSF's recommendation to decrease funding for Graduate Education by \$4 million. It increased support for the Research, Evaluation and Communication division and the Undergraduate Division by \$2 million each, while

decreasing funding for Education System Reform by \$2 million.

The major reduction for NSF came in the Major Research Equipment account. The panel recommended \$56.6 million funding for FY 2000. FY 1999 funding was \$90 million and the request was \$85 million.

On July 30 the full Appropriations Committee ratified the Subcommittee's decisions regarding NSF. The full House was supposed to pass the bill before recessing on August 5, but the death of the father of Representative Alan Mollohan (D-WV), Ranking Democrat on the Subcommittee, has postponed the House debate until September. The Senate has yet to be heard from on this bill. The White House has already issued a veto threat, since among other things, the House bill zeroes out the Corporation for National Service, funder of one of the President's favorite programs, Americorps.

#### HUD'S Policy Research

In the same bill, the Department of Housing and Urban Development's Office of Policy Development and Research received \$42.5 million for FY 2000. This is \$5 million below last year's appropriation and \$7.5 million below the request. Of the total, \$35 million is for research, technology, and policy analysis. The other \$7.5 million is for the Partnership for Advancing Technology in Housing (PATH) initiative that supports a public-private partnership to develop the next generation of housing that is technologically advanced and environmentally sound.

#### BOARD SEEKS NSF BOOST IN SPENDING ON ENVIRONMENTAL RESEARCH HS

Having earlier rejected calls for a separate National Institute for the Environment within the National Science Foundation (NSF) (see *UPDATE*, May 5, 1998), on July 28 the National Science Board approved an "Interim Report" calling for enhanced funding for environmental research at NSF. As the Foundation's governing body, the NSB recommends increasing funding in this area by \$1 billion in the next five years. In the constrained funding environment NSF finds itself, to fully implement this increase may require a reallocation of NSF's portfolio.

The report, *Environmental Science and Engineering for the 21<sup>st</sup> Century*, notes that NSF funds about \$600 million in its current budget for environmental research and education. It declares that "Environmental research, education and scientific assessment should be one of the highest priorities of the National Science Foundation."

Environmental research within all relevant disciplines should be enhanced, according to the NSB, with significant new investments in research critical to understanding biocomplexity, including the biological/ecological and social sciences and environmental technology. In the FY 2000 budget, NSF requested an additional \$50 million for Biocomplexity research. So far, the House committee only partially funded this initiative (see previous story).

Since most environmental issues are interdisciplinary, the Board calls for more support for this kind of research. Since most environmental issues "propagate across extended spatial and temporal scales," the report states that the Foundation needs to increase its resources for "long-term, large-scale, problem-based research and monitoring efforts."

According to the report, the Foundation also needs to enhance its formal environmental education efforts "by encouraging submission of proposals that capitalize on the inherent student interest in environmental areas while supporting significantly more environmental efforts through informal vehicles."

For years, part of the U.S. Global Change Research Program has focused on the development of assessment tools. The NSB recommends that NSF boost its research support for "inquiry based analysis of relevant biological, socioeconomic, and physical environmental scientific information . . . to facilitate the development of methods and models of scientific assessment and foster the conduct of scientific analyses of environmental issues, both domestically and internationally."

The report further recommends increased investment in environmental technologies and infrastructure such as observatories, high speed communication links, databases, natural history collections, and centers. Of course, the report recommends that NSF should coordinate its efforts with other Federal agencies and the NSB asks the

National Science and Technology Council, part of the White Office of Science and Technology, to "reevaluate the national environmental portfolio," including the respective roles of the different Federal agencies.

Finally, the NSB recommends that NSF management should "develop an effective organizational approach that meets all of the criteria required to ensure a well-integrated, high priority, high visibility, cohesive, and sustained environmental portfolio." Since this is an "interim report," the NSB is seeking comments. Go to <http://www.nsf.gov>.

#### SENATE COMMITTEE CONSIDERS CENSUS SUPPLEMENTAL SPENDING; HOUSE PASSES CJS FUNDING BILL DH

The Senate Commerce, Justice, State, Judiciary, and Related Agencies (CJS) Appropriations Subcommittee heard from Census Bureau Director Kenneth Prewitt at a July 29 hearing. Subcommittee Chair Judd Gregg (R-NH) held the hearing to discuss supplemental requests for the Fiscal Year (FY) 2000 CJS funding measure, including the \$1.7 billion in additional funds requested by the Census Bureau to conduct the upcoming census.

Prewitt noted at the outset that the Senate-approved version of the CJS funding measure severely limits the Bureau's ability to conduct a successful census. The Senate-passed version provides \$3 billion for the 2000 census and does not contain the \$1.7 billion additional funds that the Clinton Administration and the Census Bureau requested and deemed necessary to conduct the decennial census.

Prewitt told Chairman Gregg that the request for the \$1.7 billion supplement is almost entirely the result of the Supreme Court decision that barred the use of scientific statistical sampling for the purpose of congressional apportionment. Ninety-five percent of the \$1.7 billion is attributable to the Supreme Court decision, said Prewitt. In the face of that decision, the Census Bureau was forced to redesign its operations and hire hundreds of thousands temporary workers to conduct the census. The American public, said Prewitt, is also partly to blame for the increased costs to conduct the 2000 census. More specifically, Prewitt noted that a large portion of the public does not cooperate with the Census Bureau and fails to return

census questionnaires. Participation rates for the last several censuses have fallen. The Census Bureau expects the participation rate for the upcoming census to be around 61 percent. Thus, Prewitt explained that the Bureau has undertaken an aggressive advertising campaign in hopes of increasing the participation rate (another reason for the increased price tag of the 2000 census).

Nevertheless, Prewitt noted the Bureau "is in very good shape with respect to things they need to have done at this point to conduct a successful census." He further noted the Bureau is still completing the Master Address File and working with local officials to address possible conflicts. The Bureau, however, has awarded 35 printing contracts and already printed 180 million census forms, opened 130 Local Census Offices, opened all 12 Regional Census Centers, and established approximately 22,000 partnerships to address public awareness of and participation in the next census.

He admonished Gregg, though, and said that the census is not something that you can stop and start. Prewitt noted that the "census train has left the station" and is proceeding well, but the Bureau needs adequate funds to keep the process moving. "We cannot park this train on October 1 [start of Fiscal Year 2000], even for a few days, without severe consequences to the schedule and accuracy of the census." Gregg asked Prewitt how much money the Bureau would need to have at the beginning of October to ensure that preparations continue unabated. Gregg may be positioning to provide the Census Bureau with a portion of the funds for the 2000 census operations in the upcoming FY 2000 spending bill and provide the rest through other legislation next year. This could be one method to free up funds for other programs funded through the CJS funding measure without exceeding the budget caps established through the 1997 Balanced Budget Act. Gregg indicated that he would not follow the House and designate Census Bureau funding as "emergency spending" to avoid the budget caps. He said an emergency is something unexpected and the decennial census is not one because the U.S. Constitution clearly mandates that it be conducted every 10 years.

#### House Approves CJS Funding Bill

The House of Representatives on August 5 approved the appropriations bill that funds the operations of the Census Bureau and the activities of

the 2000 census. The bill provides the Census Bureau with \$4.5 billion, including the additional \$1.7 billion the Clinton Administration requested as a result of the Supreme Court decision barring the use of scientific statistical sampling for the purposes of reapportionment. The House provided the Census Bureau with full-funding by designating the \$4.5 billion as "emergency" spending. This means that the amount will not count against the budget caps established in the 1997 Balanced Budget Act. The Democrats and some Republicans, including Representative Tom Coburn (OK), opposed the "emergency" designation and railed against the Republican leadership when the bill was debated on the floor, to no avail.

The Senate and House bills must now be reconciled in a conference committee. What happens with the funding for the census is anybody's guess. However, there will certainly be a veto threat if the conferees do not provide the full \$4.5 billion the Bureau deems necessary to conduct the census.

#### Funding for NIJ and BJS

The funding bill that funds the Census Bureau also funds the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). The House approved a base funding for the NIJ of \$42.4 million, roughly \$1 million less than the Clinton Administration request and \$3.7 million below the FY 1999 level. Like the NIJ, the BJS received a base amount which is lower than the current year's funding and the president's budget request. The House approved \$22.1 million for BJS, \$2.9 million below the FY 1999 level and \$10.5 million below the administration's request. Meanwhile, the Senate provided the NIJ with base funding of \$50.9 million, a \$4.8 million increase. The increase is slated for the Arrestee Drug Abuse Monitoring (ADAM) system. The BJS received a \$3.9 million increase over the FY 1999 level, to \$28.9 million.

#### COSSA SEMINAR: AMERICAN'S TRUST (OR LACK OF) IN GOVERNMENT INSTITUTIONS *DH*

COSSA held its final congressional briefing of the year on July 16. The briefing, *Do Americans Care About and Trust Their Government?*, was moderated by Representative David Price (D-NC) and featured three social scientists who discussed Americans'

attitudes about politics and government institutions. Overall, the presenters offered disturbingly pessimistic views about Americans' feelings about and participation in the nation's political system.

Price, who also holds a Ph.D. in Political Science and is the author of several books about Congress, joked that he was the "poster child for public discontent" because his six-terms as a Representative have not been consecutive. He was voted out of office in the 1994 election, but was re-elected in 1996 and 1998.

John Hibbing, professor of political science at the University of Nebraska-Lincoln and co-author of the 1995 book *Congress as Public Enemy: Public Attitudes Toward Political Institutions*, discussed the public's perceptions about and confidence in public institutions, particularly Congress. Hibbing referred to data which depict confidence in political institutions from 1966 through 1999, revealing that the public has lost confidence in the three institutions of federal government — the Congress, the President, the Supreme Court — over the past 30 years. He noted that of the three, Congress consistently received the least confidence, while the Supreme Court earned the most confidence. He therefore asked, what leads to the difference in confidence between the Supreme Court and Congress. Based on information from survey groups, Hibbing noted that the public does not approve of congressional processes.

The public, he said, is generally not concerned about policy, but is upset with the process. The public sees conflict as unnecessary, and compromise as selling out, said Hibbing. Specifically, the public sees Congress dominated by institutions, by a professional political class, by self-interested Members of Congress, and special interests (which people consider the "heart of all political evil"). This belief, however, does not necessarily mean there should be comprehensive political reform to move the people closer to governing (a move toward direct democracy). People, he said, do not want that because they generally are not comfortable with any type of conflict.

According to Hibbing, a lot of people believe that political conflict is unnecessary. The public, he said, believes there is a societal consensus available and that Congress cannot reach the consensus because of a managerial problem. Additionally, Hibbing noted that the public also believes that compromise is selling out. Thus, Hibbing said that the real problem is people's

misconception about how governing works. This problem and the public misconception about governing, he said, may be a result of how government is taught in the schools. Students get a very antiseptic notion of government, he said. He joked that students should be taught "barbarics" along with civics.

Hibbing concluded by noting that the public is indeed disengaged with politics and the political system, but, based on his focus groups, he is not sure that people want to be involved. What the public really wants, according to Hibbing, is for politicians to be in touch with the voters and to understand their concerns.

### Mass Media and the Public

Pippa Norris, from the John F. Kennedy School of Government at Harvard University, spoke about the media's role in the public's attitudes toward government institutions. She suggested that public distrust of government institutions is a result of structural problems reported by the media, and not the media itself.

Today, she said, there are many books and articles being written blaming the media for the public's attitudes about political institutions. She pointed out that the public concern with the mass media is nothing new. This concern, she said, is cyclical. She noted that the 1960s and 1970s — periods of great concern with government institutions, marked by civic disengagement and lack of public participation — were marked by complaints about media coverage.

There are many more outlets and sources of information today than existed in the 1960s and 1970s. The content of these sources has, however, gotten more negative. She noted that there is evidence to suggest that content coverage "has become more negative and a more adversarial culture has developed between the media and government officials."

She addressed the issue of the media's affect on public attitudes toward government institutions. Norris gave little credence to the notion of "videomalaise," a term to describe the "link between reliance upon American television journalism and feelings of political cynicism, social mistrust, and lack of political efficacy." Looking at National Election Surveys (NES), Norris noted that the data suggest that the mass media has not increased public apathy or increased negative public attitudes about government

institutions. Additionally, she dismissed the idea that the media "demobilizes the electorate."

### Public Dissatisfaction: A Real Problem

Wendy Rahn, Associate Professor of Political Science at the University of Minnesota, based her discussion on a generational framework. She surmised that there are generational factors which have led the younger generations, principally the so-called "Generation X," to become increasingly disengaged and disenchanted with the nation's political system. In other words, she noted that the younger generations are expressing unhappiness and dissatisfaction with the political system because of actual events, and "not just because they are young." She said that there is a real problem in the nation regarding unhappiness and public apathy toward politics.

Rahn disagreed with Norris about the role of the news media in shaping the public's general dissatisfaction with political institutions. Rahn suggested that the increasingly negative campaigns of recent years are partly to blame for the younger generation's unhappiness. She said, "I do think that changes in campaign discourse and the tone of media coverage of politics are in part responsible for the kinds of alienation we see among America's young people."

Youth, she said, are increasingly straying from participating in the political system. Rahn depicted this trend with a graph from *Monitoring the Future*, a survey conducted by the National Institutes of Health's National Institute of Drug Abuse (NIDA). The graph showed a decline in the number of young people who have or intended to participate in politics — writing their public officials or volunteering for political campaigns. Young people, though, according to Rahn, are participating in other community affairs. This involvement, she said, may be a result of the introduction of service learning requirements in many high schools. Rahn said, "I do think that the larger political environment is working to create in young people not only a distrust in incumbent political officials but also a fundamental unhappiness, or at least an ambivalence or indifference, about the American political system."

Some, she said, have recognized the problem the nation is experiencing and are trying to reinvigorate the field of civic education. Rahn noted that politicians and public officials bear some of the

responsibility to address the lack of attachment and unhappiness with politics and the nation's political system.

Representative Rush Holt, a first-term Democrat from New Jersey, ended the briefing by making a few remarks. Holt said that he has wrestled for many years with the issue of the erosion of public trust in government. He suggested that campaign finance reform could help restore confidence and trust in the political system. Not only is trust important, Holt said that trust in government programs is also a matter of national importance. Echoing the remarks of the speakers, he concluded that we must find a way to increase students' understanding and appreciation of the political process.

### CONGRESS RECESSES (cont. from page 1)

Without some sort of rescue, such as "breaking the caps," "emergency spending," or some other gimmick, one projection is for reductions of more than 30 percent across-the-board for FY 2000.

### White House Decries House Action on R&D

In the meantime, the White House Office of Science and Technology Policy (OSTP) has issued a statement decrying the reductions already taken in the Research and Development budget. Citing the rhetoric of doubling the R&D budget, exemplified by the July 26 Senate passage of the Federal Research Investment Act (S. 296) and the bill recently introduced by House Science Committee Chairman James Sensenbrenner (H.R. 2086) to increase funding for Information Technology, OSTP head Neal Lane notes that the "reality" of the House actions on the budget, so far, have reduced by \$1.8 billion the President's civilian R&D request. The White House is most upset with a more than 70 percent cut in the proposed Information Technology initiative, the "centerpiece" of the President's R&D program for FY 2000. The statement calls on America's research community "to make its strong voice heard" in order to turn the situation around.

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### EDITOR'S NOTE

Since Congress is on recess and will not return until September 8, *UPDATE* will next be published on September 13. Enjoy the August recess!

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