

**FY 2000 BUDGET RELEASED: DEBATE  
OVER SURPLUS BEGINS**

On February 1 the Clinton administration released its Fiscal Year (FY) 2000 budget proposal. The President said the new budget “charts a progressive but prudent path to our future; a balanced budget that makes vital investments.” Despite a predicted \$117 billion (Office of Management and Budget) or \$131 billion (Congressional Budget Office) surplus for FY 2000, the administration was constrained by still-in-place caps on discretionary spending, the President’s promise to reserve 62 percent of the surplus to “save Social Security first,” and other priorities, such as education and defense improvements, that the President laid out in his State of the Union address on January 19. The Republicans have made an across-the-board tax cut a priority and accuse the President of trying to renege on his promise that “the era of big government is over.”

The budgets of the science agencies show promise. The administration’s major initiative in the research and development area is a \$366 million increased investment in Information Technology (IT) announced by Vice President Al Gore at the American Association for the Advancement of Science meeting on January 24. Spread over six agencies, the new program builds on the earlier High Performance Computing and Communication initiative. The IT proposal includes long-term information technology research, building advanced computing machines, and research on the economic, and social implications of the Information Revolution. This last item accounts for \$15 million of the \$366 million increase and includes efforts to help train additional IT workers.

The budget proposes a \$217 million or 5.8 percent increase overall for the National Science Foundation, bringing it to a total of \$3.954 billion. Its research and related activities account increases

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**OMB ISSUES DRAFT RULES FOR DATA  
RELEASE; SEEKS COMMENTS**

In October 1998 Congress passed a provision requiring that Federal grant-making agencies “ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act (FOIA).” The Office of Management and Budget (OMB) was charged with revising Circular A-110 to interpret this provision. OMB has issued a proposed revision (*Federal Register, February 4, 1999, pp. 5684-85*) and seeks comments by April 5, 1999.

OMB proposes to change Circular A-110 to read as follows: *The Federal Government has the right to (1) obtain, reproduce, publish or otherwise use the data first produced by the award, and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. In addition, in response to a FOIA request for data relating to published research findings produced under an award that were used by the Federal Government in developing policy or rules, the Federal awarding agency shall, within a reasonable time, obtain the requested data through the procedures established under the FOIA. If the Federal awarding agency obtains the data solely in response to a FOIA request, the agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the data. This fee should reflect costs incurred by the agency, the recipient, and applicable subrecipients. This fee is in addition to any fees the agency may assess under FOIA.*

**Inside UPDATE...**

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OMB explains that "after publication of research findings used by the Federal government in developing policy or rules, the research results and underlying data would be available to the public in accordance with the FOIA." The proposed revision also requires Federal agencies, in response to a FOIA request, to obtain the requested data from the recipient of the Federal award. It is given "a reasonable time to do so." The processing of the data will be done by the agency "in accordance with the standard procedural and substantive rules that govern FOIA requests." These include the "exemptions" from the FOIA's requirement to disclose records, that include "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

Comments should be sent to F. James Charney, Policy Analyst, Office of Management and Budget, Room 625, New Executive Office Building, Washington, DC 20503. A disk copy would be appreciated. Comments may also be made by email to [fcharney@omb.eop.gov](mailto:fcharney@omb.eop.gov). Emailed comments should be in the body of the text, not as an attachment. Mr. Charney may be contacted at 202/395-3993 for further information.

Although the proposed regulations seem straightforward, they leave a number of unanswered questions. OMB seems eager to get some guidance

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The Consortium of Social Science Associations (COSSA), an advocacy organization for federal support for the social and behavioral sciences, was founded in 1981 and stands alone in Washington in representing the full range of social and behavioral sciences. *UPDATE* is published 22 times per year. Individual subscriptions are available from COSSA for \$75; institutional subscriptions, \$150, overseas mail, \$150. ISSN 0749-4394. Address all inquiries to COSSA, 1522 K Street, NW, Suite 836, Washington, D.C. 20005. Phone: 202/842-3525, FAX: 202/842-2788. <http://members.aol.com/socscience/COSSAindex.htm>

from the community to help them respond. One simple question is whether the researcher will get any part of the "reasonable fee" for his work in turning over the data to the federal government in response to the FOIA request. Does "publication" refer only printed matter in a journal (refereed?). Does posting on the Internet or giving a speech that may be transcribed or reported constitute a publication? What are "underlying data" — only those data used in the publication or would information not in the publication, but still collected under the federal grant, be subject to capture by the federal government?

As this process proceeds, there may be an attempt at a legislative, rather than a regulatory solution to this problem. Representative George Brown (D-CA) has introduced a bill (H.R. 88) to repeal the provision in the Omnibus bill that created the need for these regulations. Although Brown's bill has support from some key Republicans that deal with science issues, it is unclear that it can be enacted. Senators who inserted the provision believe that studies supported by federal funds should not be allowed to shield data that lead to conclusions that affect public policy. Strong advocacy groups such as the National Rifle Association and the People for the Ethical Treatment for Animals support access to these data. Scientists need to express their views, but should be aware that a self-righteousness about the sanctity of their research will not get them very far in this political thicket.

#### NSF SEEKS NEW HEAD OF SBE DIRECTORATE

The National Science Foundation (NSF) has announced a national search for an Assistant Director for the Social, Behavioral and Economic Science Directorate to replace Bennett Bertenthal, who is expected to leave NSF at the end of 1999.

William Julius Wilson, Professor at the John F. Kennedy School of Government at Harvard and former President of COSSA and the American Sociological Association, has been selected to head the Screening Committee.

The Directorate consists of four divisions: Social and Economic Sciences and Behavioral and Cognitive Sciences are the two research divisions (see below). The Science Resource Studies division collects, analyzes, and disseminates data about science and technology in the U.S. and across the world. It publishes the biannual *Science Indicators*. The International Programs Division makes awards to U.S. scientists and engineers for collaborative research with overseas colleagues. It also manages bilateral research partnerships between the U.S. and other nations.

Nominations with supporting information can be sent to the AD/SBE screening committee via email: [sberch@nsf.gov](mailto:sberch@nsf.gov) or by regular mail to: National Science Foundation, Office of the Director, Suite 1205, 4201 Wilson Boulevard, Arlington, VA 22230. NSF would appreciate receiving them by April 15, 1999.

### **SBE Research Division Split in Two**

After almost a year of discussion and negotiation the split of SBE's Social, Behavioral and Economic Research Division (SBER) into two has finally become official. The Social and Economic Sciences division will include the programs in: Economics; Decision, Risk and Management Science; Law and Social Science; Political Science; Sociology; Ethics and Human Values; Science and Technology Studies; Methods, Measurement and Statistics; Innovation and Organizational Changes; and Cross-Disciplinary Activities. Current SBER Division Director Bill Butz will lead this division.

The Behavioral and Cognitive Sciences Division will include the programs in: Human Cognition and Perception; Linguistics; Social Psychology; Child Learning and Development; Cultural Anthropology; Archaeology; Physical Anthropology; and Geography and Regional Sciences. Former SBER Division Deputy Director, Hilleary Everist, will head this division.

### **Bordogna Nominated for NSF Deputy Director**

On February 3, President Clinton announced his intention to nominate Joseph Bordogna, as Deputy

Director. Bordogna has served as Acting Deputy Director since 1996. Before becoming NSF's Acting number two, Bordogna served for four years as the Assistant Director for the Engineering Directorate. Bordogna's nomination must be approved by the Senate.

### **HIGH COURT RULES ON CENSUS; CONGRESS IN-FIGHTING HEATS UP**

On January 25, the Supreme Court ruled 5-4 against the Census Bureau's planned use of statistical sampling in the 2000 census for apportionment purposes. Justice Sandra Day O'Connor, writing for the majority, stated that the use of sampling to determine population for this purpose violates the Census Act of 1976. The court did not address whether the use of sampling violates the Constitution. In fact, in the majority decision O'Connor wrote that the Census Act "require[s] the use of sampling for [purposes other than apportionment] if 'feasible'" (emphasis in original text). The narrow decision has opened a new round of political squabbling and has led to the introduction of several new bills dealing with the upcoming census.

Since the decision, legislators from both sides of the aisle have offered differing interpretations of the ruling and whether it allows, and indeed calls for, a two-number census — one for apportionment that does not use sampling and an adjusted number using sampling for redistricting and distributing federal aid. Democrats believe the decision allows sampling for the distribution of nearly \$200 billion in federal funds, as well as for drawing the lines for federal, state, and local districts (also known as redistricting). Republicans, on the other hand, believe that the ruling not only prohibits the use of sampling for congressional reapportionment (determining each state's share of seats in Congress), but also for the purposes of redistricting.

Representative Carolyn Maloney (D-NY), ranking member on the Census Subcommittee, noted that the court left in place the requirement to produce accurate, adjusted numbers for distributing federal funds and redistricting. She also noted that the Court found that federal statutes require the use of a

traditional head count only for Congressional apportionment. Dan Miller (R-FL), chair of the Census Subcommittee, lauded the Court's decision and said: "The argument over the use of the administration's illegal sampling plan in the 2000 Census is now over . . . The Census Bureau must now concentrate on an 'actual enumeration.'" Miller further denounced the use of sampling and a two number census. He said: "We have enough cynicism and doubts in this country, and we need to have trust in our government. We do not need to create the confusion of two sets of numbers . . . [W]e can only have one set of numbers. It is what is required by law and that is what the Supreme Court has ruled." Senator Judd Gregg (R-NH), chair of the Senate appropriations subcommittee that allocates funds to the Census Bureau, echoed Miller's sentiments and recently stated that his funding panel would not provide funds for a census that includes sampling.

In response to the Court ruling, Miller announced a new initiative, America Counts Today (ACT), "to increase local community involvement and count everyone in the next census." ACT includes several proposals: reinstating the Post Census Local Review (PCLR) used in the 1990 census to check the count's accuracy and correct undercounts or overcounts, hiring at least 100,000 additional census enumerators, adding \$300 million to the \$100 million already allocated for paid advertising, and asking Americorps participants to assist the Census Bureau to conduct the count. In its FY 2000 budget request the Clinton administration requested a total of \$2.8 billion for the decennial census, a \$1.8 billion increase over the current year's appropriation.

To further his ACT initiative, Miller introduced on February 2 "The Local Census Quality Control Act" (H.R. 472). The act would give local government officials the opportunity to review "household counts, jurisdictional boundaries, and such other data as the Secretary [of Commerce] considers appropriate for the purpose of identifying discrepancies of other potential problems before the tabulation of total population by States . . . is completed." If problems are discovered, local officials have the right to contest the numbers. In turn, Maloney recently introduced H.R. 548 to allow sampling to be used for all purposes if the Secretary of Commerce deems it feasible. In effect, Maloney's

bill would amend Section 195 of the Census Act of 1976 — the Act which the Court ruled barred the use of sampling for the purposes of apportionment.

Maloney, and other Democrats, are skeptical of the usefulness and efficacy of reinstating the PCLR and believe that statistical sampling is the only viable method to ensure a fair and accurate count. Gil Casellas, presidentially appointed member of the Census Monitoring Board, charged with overseeing preparations for the 2000 Census, noted that the postcensus local review "hasn't worked in the past and won't work for the 2000 Census." Casellas said that the in 1990 PCLR "was not cost effective and it did not add a significant number to the count."

### Monitoring Board Issues Two Reports

In accordance with its congressional mandate, the Census Monitoring Board issued its first report on February 1. But, instead of issuing one report, the four presidentially-appointed members and four congressionally-appointed members of the Census Monitoring Board issued separate reports. Not surprisingly, the two sides came to wholly divergent views on how the census should be conducted to address the persistent undercount.

The presidentially-appointed members noted that the "1990 census was a disaster." They concluded that "in a nation of 271 million or so people, 16 percent of whom change their residence each year, it simply is impossible to produce an accurate or complete count using traditional methods of census enumeration" (emphasis in original). The four presidential-members stated that they support proposals to hire more enumerators and increase funding for paid advertisements, but believe that "a traditional census will inevitably result in a huge undercount of the most vulnerable members of our society no matter how much money Congress appropriates for the task." Additionally, the presidential members said that the issue to produce two census numbers was not within its purview, but noted that an adjusted number is necessary to avoid "a massive undercount of minorities and children." Finally, they urged Congress and the Clinton administration to resolve the row over the use of sampling in the upcoming census, since the Omnibus Appropriations bill signed last October cuts off

funding on June 15, 1999 for the Census Bureau and the Departments of Commerce, Justice, State and the Judiciary unless a decision is made on how to conduct the census.

The congressional members noted in its report that it strongly disagreed with the use of statistical sampling to adjust the census. They stated that they support the use of the PCLR to improve the final count. The congressional appointees also showed support for the reinstatement of a 1990 program to use administrative records to locate individuals on parole or probation.

### **NIH ADDRESSES CONSUMER REPRESENTATION ON PEER REVIEW PANELS**

At its January 5 meeting the National Institutes of Health's (NIH) Peer Review Oversight Group (PROG) Working Group on Consumer Representation in Peer Review discussed a draft document, *Inclusion of Public Representatives/Participants in Scientific Review*, designed to address the recent trend of the NIH Institutes to include public participants in the scientific review process. Currently, the National Institute of Allergy and Infectious Diseases and the National Cancer Institute use public representatives in a limited capacity in the peer review process.

More recently, the National Institute of Mental Health (NIMH) put out a call for nominations for individuals who have a personal experience with mental disorders to participate in the review of the Institute's treatment and services research.

PROG's chair, Wendy Baldwin, Deputy Director of the NIH Office of Extramural Research, noted during the discussion that several other institutes have also indicated an interest in the use of public representatives on study sections. According to Baldwin, the purpose of the document is to provide those Institutes interested in adding public participants to their study sections "general guidelines." The guidelines note that "the role of the consumer reviewers is to offer a different perspective to the review process," as well as offering their

expertise as it applies to the research under consideration.

According to PROG, it is appropriate for the Institutes to use consumer reviewers "when their specific expertise, knowledge or experience will augment the consideration of merit." PROG members underscored the point that these individuals would not "replace or reduce" the number of scientific reviewers on a study section, "but are added, to augment the review." Initially, consumer participants would be temporary members, as is the practice for scientific reviewers. The PROG document notes that an ongoing evaluation should be performed by the Institutes. Likewise, the topic should be an annual agenda item for PROG.

Baldwin said the draft document will be sent to Institute Directors for comment and posted on the NIH's website for internal review.

### **Department of Defense**

The Department of Defense (DOD) has used consumer reviewers in its peer review process since 1993. Congress mandated this based on recommendations from an Institute of Medicine report that the DOD should include public participants in its Breast Cancer Research Program. Colonel Irene M. Rich, presenting the DOD's program to PROG members noted that the DOD has struggled over the last four and a half years with the mandate to include the public. However, as the use of consumer representatives has evolved, DOD has come to appreciate the contributions of consumer reviewers. National Institute of Drug Abuse Director Alan Leshner recently related at the Institute's February 3 National Advisory Council meeting that he found the DOD's process "tremendously impressive" and that it would be an agenda item at a future council meeting.

### **McCarty Urges NIMH to Reconsider the Use of Consumer Participants**

While the National Association for the Mentally Ill (NAMI) sees this as "an important and unprecedented opportunity to help shape the research priorities at the NIMH," American Psychological Association's Richard McCarty urged the council to

take a second look. Speaking at the National Institute of Mental Health National Advisory Mental Health Council (NAMHC) on February 5, he emphasized that there have already been a number of changes to the peer review process. McCarty told the council that adding consumers to the process is essentially changing the purpose and the dynamics of study sections. He stressed that "peer review grant proposal process is one of the great success stories of the scientific community in this country."

Following a presentation by James McNulty, President of the Manic-Depressive and Depressive Association of Rhode Island in support of the move to include consumer participants and John J. McGowan, Director of the Division of Extramural Activities of the National Institute of Allergy and Infectious Diseases regarding that Institute's use of consumer participants for the last 10 years, the NAMHC voted to reaffirm their previous vote to include consumer participants on its services and treatment study sections.

#### **HOUSE SCIENCE COMMITTEE ORGANIZES; SMITH OF MICHIGAN TO LEAD BASIC RESEARCH PANEL**

Meeting on February 4 in its new high tech environment, the House Science Committee organized for the 106<sup>th</sup> Congress. As Committee Chairman James Sensenbrenner (R-WI) noted, the Science Committee needed to take the lead in moving the House Committee process into the technological age. The Science Committee room, 2318 Rayburn House Office Building, has been transformed. Part of the room has been set aside for computer operators with access to the Internet. There are flat panel television screens on each side of the room and a retractable screen so committee members can view supporting material during presentations and debates. Cameras strategically placed around the room will be videotaping the Committee's deliberations and witness presentations. The ability to have witnesses appear via teleconference will also be possible. The Committee has also contracted with an Internet Broadcast service to experiment with simultaneous presentations of its proceedings through the World Wide Web.

All of this caused some consternation by Committee members. Representative Bart Gordon (D-TN) evoked concern that unscrupulous congressional candidates could download snippets of the Committee's proceedings and use them in negative campaign commercials. He cited the Chairman's remarks earlier in the meeting that he "felt like a schizophrenic." Sensenbrenner was reacting to Ranking Democrat Representative George Brown's (D-CA) praise of the Chairman's bipartisan operation of the Committee. Sensenbrenner quipped that he was bipartisan in the morning and something quite different in the afternoon, when he moved over to the Senate as one of the 13 House managers prosecuting the President's impeachment. Thus, the schizophrenia remark. The Chairman responded to Gordon's concern by suggesting the staff would come up with procedures that would protect the integrity of the committee from the new technology.

The Committee's only major change in its leadership was the appointment of Representative Nick Smith (R-MI) as the new head of the Basic Research Subcommittee. Smith replaces Representative Chip Pickering (R-MS), who left the Science Committee after serving as Acting Chair of the panel after the untimely death of Representative Steve Schiff (R-NM). Smith has just returned to the Science Committee after serving six years (the maximum allowable term without a special waiver) on the House Budget Committee.

Smith represents the 7<sup>th</sup> district of Michigan, a mostly agricultural and small town area in the South Central part of the State. The major city is Battle Creek, home to the Kellogg Cereal Company and the Kellogg Foundation. The district also includes the industrial small city of Jackson. Smith is a fiscal and social conservative. He is a dairy farmer with a B.A. from Michigan State University and an M.S. from the University of Delaware in Agricultural Economics. Representative Eddie Bernice Johnson (D-TX) will remain as the ranking Democrat on the Subcommittee. She is from Dallas.

Sensenbrenner did not lay out any agenda for the Committee during the session, although he continues to be critical, via press release of the Russian role in the International Space Station and the Kyoto Climate Treaty.

## FIPSE WILL RUN COMPETITION AFTER CONGRESS COMPLAINS ABOUT CANCELLATION

After Members of Congress and their staffs complained, the Fund for the Improvement of Secondary Education (FIPSE), announced that it was backing off its decision to cancel its FY 1999 competitive grants competition (see *UPDATE*, January 25, 1999). The Members and aides were furious that they were receiving the blame for the cancellation.

The comprehensive program, for which some 1700 applications had already been received, will be replaced by a new competition that will be announced on March 19. The new competition, according to FIPSE Director Charles Karelis, will correspond closely to the Congressional report language that accompanied the 1999 appropriation bill.

## FY 2000 BUDGET RELEASED (from p. 1.)

by \$195 million or 6.9 percent to a total of \$3.004 billion. It receives \$146 million of the IT funds, of which \$10 million is for implications' research. Another \$50 million of the increase would go towards an initiative on Biocomplexity that includes "Environment and the Human Dimension," (urban communities research is a part of this), and Global Environmental Change (the impact of human activities on natural processes is under this rubric). The Social, Behavioral, and Economic Sciences Directorate's (SBE) budget would increase by almost \$6 million or 4.2 percent to a total of \$143 million.

Following the large 15 percent increase for the **National Institutes of Health (NIH)** in its FY 1999 appropriation, the administration has asked for only a \$320 million or 2 percent increase to put the proposed NIH FY 2000 budget at \$15.9 billion. With many in Congress still supporting a "doubling in five years" notion, the administration may have conceded that they could lowball NIH, knowing its supporters in Congress would rescue it. Senate Budget Committee Chairman Pete Domenici (R-NM) and a small group of other members are questioning NIH's ability to absorb continued large increases and

are calling for accountability measures for NIH. The FY 2000 request for NIH's Office of Behavioral and Social Science Research is \$13.2 million, up \$347,000.

The President's budget requests \$3.1 billion for the **Centers for Disease Control and Prevention**, a \$201 million or 7 percent boost over FY 1999. The **Agency for Health Care Policy and Research** received a program level of \$201 million, up \$35 million or 21 percent.

At the **Department of Education**, the OERI research institutes are up \$45 million to \$108.8 million. The budget requests a \$9.5 million increase for the **National Center for Education Statistics (NCES)** to \$77.5 million. The administration, unlike previous years, has requested new funding for the **Javits Fellowship Program** to support graduate students in the arts, humanities, and social sciences. **International education** is up slightly from \$67.5 million to \$69 million.

The administration requests \$200 million, a huge \$81 million or 68 percent increase for the **Agriculture Department's National Research Initiative Competitive Grants Program**. It also seeks restoration of the **Fund for Rural America** and funding for the newly authorized, but not appropriated, **Initiative for Future Agriculture and Food Systems**.

The **Office of Justice Programs**, which includes the **National Institute of Justice** and the **Bureau of Justice Statistics**, receives an overall increase to \$5 billion from \$2.9 billion.

The **Bureau of the Census**, housed within the **Department of Commerce**, receives a large boost in the President's budget — largely to gear up for the 2000 Census. For more details, see **Census story** on page 4.

For more information on these agencies and many others, the next issue of **COSSA Washington UPDATE** will be the annual analysis of the President's budget. It should appear around March 5.

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American Statistical Association  
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