

[DISCUSSION DRAFT]

TITLE I.—SALES PROGRAMS

SEC. 101. SALES TO THE PUBLIC.

(a) Section 1702 of title 44, United States Code, is amended to read as follows:

“§ 1702. Superintendent of Documents; sale of documents

“(a) The Director of the Government Publishing Office shall appoint a competent person to act as Superintendent of Documents who shall be under the control of the Director of the Government Publishing Office.

“(b) When an officer of the Government having in his charge documents published for sale desires to be relieved of them, he may turn them over to the Superintendent of Documents, who may receive and sell them under this section. Moneys received from the sale of documents shall be returned to the Director of the Government Publishing Office on the first day of each month and be covered into the Treasury monthly.

“(c) The Superintendent of Documents shall also report monthly to the Director of the Government Publishing Office the number of documents received by him and the disposition made of them. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the executive departments, which shall be delivered to the departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the Senate Service Department and House of Representatives Publications Distribution Service and distributed or delivered ready for distribution to Members upon their order by the superintendents of the Senate Service Department and House Publications Distribution Service, respectively.”.

(b) Section 1707 of title 44, United States Code, is amended to read as follows:

“§ 1707. Reprinting of documents required for sale

“The Superintendent of Documents may order reprinted, from time to time, public documents required for sale. The Revolving Fund shall be reimbursed for the cost of reprints from the moneys received by the Superintendent of Documents from the sale of public documents.”.

(c) Section 1708 of title 44, United States Code, is amended to read as follows:

“§ 1708. Prices for sales copies of publications; crediting of receipts; resale by dealers; sales agents

“(a) The price at which additional copies of Government publications are offered for sale to the public by the Superintendent of Documents shall be based on the cost as determined by the Director of the Government Publishing Office plus a premium to cover the costs of sale and delivery. A discount may be allowed as determined by the Superintendent of Documents.

“(b) The Superintendent of Documents may prescribe terms and conditions under which he authorizes the resale of Government publications by book dealers, and he may designate any Government officer his agent for the sale of Government publications under regulations agreed upon by the Superintendent of Documents and the head of the respective department or establishment of the Government.”.

(d) Section 1720 of title 44, United States Code, is amended to read as follows:

“§ 1720. Documents not needed by departments to be turned over to Superintendent of Documents

“Public documents accumulating in the several executive departments, bureaus, and offices, not needed for official use, shall be turned over to the Superintendent of Documents annually for distribution, sale, or disposal in accordance with requirements established by the Superintendent of Documents.”.

TITLE II.—PUBLIC INFORMATION PROGRAMS

SEC. 201. IN GENERAL.

(a) Before section 1901 of title 44, United States Code insert the following:

“§ 1900. Purpose and establishment of the Public Information Programs of the Superintendent of Documents

“(a) The purposes of this chapter are:

“(1) To ensure the public’s right to free, equitable, and convenient access to its Government’s information; and

“(2) To establish the Public Information Programs of the Superintendent of Documents in the Government Publishing Office, that together, function to identify, acquire, catalog, preserve, authenticate, disseminate, reformat, and provide no-fee permanent public access to the corpus of Federal public information for future generations, including the—

“(A) Federal Depository Library Program;

“(B) Cataloging and Access Services Program;

“(C) Online System of Access;

“(D) National Collection of U.S. Government Public Information;

“(E) Preservation Program; and

“(F) Sales to the Public.

“(b) The Superintendent of Documents shall engage in activities that enhance awareness and access to United States Government public information or provide services that support libraries in their efforts to serve their communities.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by adding at the beginning the following:

1900. Purpose and establishment of the Public Information Programs of the Superintendent of Documents.

SEC. 202. DEFINITIONS.

(a) Section 1901 of title 44, United States Code, is amended to read as follows:

“§ 1901. Definitions

“As used in this chapter—

“(1) the term ‘unreported public information’ means public information which is not cataloged or otherwise identifiable or retrievable by an end user of the catalog described in section 1917;

“(2) the term ‘government publication’ means informational matter which is published as an individual document at Government expense, or as required by law;

“(3) the term ‘information’ means any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, electronic, or audiovisual forms;

“(4) the term ‘information lifecycle management’ means the planning, budgeting, administering, processing and controlling information throughout the stages through which tangible or digital information assets pass including:

“(A) creation, identification and acquisition; organization, bibliographic control and metadata;

“(B) preservation, digitization and reformatting; authentication, access, and dissemination;

“(C) promoting;

“(D) storage of tangible information assets; and

“(E) trusted digital repository management;

“(5) the term ‘permanent public access’, means making public information resources discoverable and available to, and accessible by, the public on an indefinite, continuing basis, without charge;

“(6) the term ‘preservation’ means strategic initiatives, programs, and processes designed to maintain useful access to information assets, serving the information needs of both present and future generations;

“(7) the term ‘access services’ means those functions or services which enable or enhance discovery, awareness, and use of public information in the National Collection of U.S. Government Public Information, and Federal documents collections held by Federal depository libraries; and

“(8) the term ‘public information’ means Federal Government publications or information resources, regardless of physical form or medium, compiled by Government employees, or at Government expense, or as required by law, and disseminated to the public by an agency or a contractor thereof or of educational value, including such publications or information resources which have been declassified.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by adding the following:

1901. Definitions.

SEC. 203. AVAILABILITY OF GOVERNMENT PUBLICATIONS.

(a) Section 1902 of title 44, United States Code, is amended to read as follows:

**“§ 1902. Availability of Government publications through
Superintendent of Documents; notification of publications not
ordered from Government Publishing Office**

“(a) The Superintendent of Documents shall make Government public information available to depository libraries through the Superintendent of Documents Public Information Programs.

“(b) Each component of the Government shall—

“(1) notify the Superintendent of Documents of tangible Government public information content it has issued that is not also available digitally;

“(2) notify the Superintendent of Documents of digital Government public information content it has issued;

“(3) collaborate with the Superintendent of Documents to ensure any such digital Government public information remains permanently accessible; and

“(4) furnish to the Superintendent of Documents any tangible public information it has issued that was obtained from sources other than the Government Publishing Office, unless other arrangements have been made with the Superintendent of Documents to ensure the public information is accessible to depository libraries.

“(c) The requirements of subsection (b) do not apply to Government public information that is confidential in character or classified for reasons of national security.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by amending the entry for section 1902 as follows:

1902. Availability of Government publications through Superintendent of Documents; notification of publications not ordered from Government Publishing Office.

SEC. 204. SELECTIONS AVAILABLE TO DEPOSITORY LIBRARIES.

(a) Section 1904 of title 44, United States Code, is amended to read as follows:

“§ 1904. Selections available to depository libraries

“The Superintendent of Documents shall notify depository libraries of those government information products, regardless of format, that are available for selection for inclusion in their depository collections.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by amending the entry for section 1904 as follows:

1904. Selections available to depository libraries.

SEC. 205. DISTRIBUTION TO DEPOSITORIES.

Section 1905 of title 44, United States Code, is amended to read as follows:

“§ 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations

“(a) Government public information available from the Superintendent of Documents, and when requested from the Superintendent of Documents, shall be distributed or made accessible to depository libraries specifically designated by law and to libraries designated pursuant to this section.

“(b) libraries within areas served by Members of the House, Delegates, or the Resident Commissioner from the Commonwealth of Puerto Rico may be designated by them to receive Government public information to the extent that the total number of libraries designated by them does not exceed two within each area.

“(c) Not more than two additional libraries within a State may be designated by each Senator from the State.

“(d) The Mayor of the District of Columbia may designate two depository libraries in the District of Columbia.

“(e) The Governor of the Commonwealth of Puerto Rico, the Governor of Guam, the Governor of American Samoa and the Governor of the Commonwealth of the Northern Mariana Islands may each designate one depository library in the Commonwealth of Puerto Rico, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands respectively. The Governor of the Virgin Islands may designate one depository library on the island of Saint Thomas and one on the island of Saint Croix.

“(f) The Superintendent of Documents may designate libraries to be digital-only depository libraries for government public information if they are located in an area with no congressional vacancies and they are not eligible to be designated under existing by-law library provisions of this section. Digital-only depository libraries must be freely accessible to and provide services for the general public and otherwise meet the requirements of this title.

“(g) Before a library is designated as a depository for Government public information, the Superintendent of Documents shall assess the potential depository library to determine its sustainability for housing a depository collection and for

providing access services, including providing access to digital content. The head of that library shall furnish justification of the necessity for the additional designation to the library's Senator, Member of the House, Delegate, the Resident Commissioner from the Commonwealth of Puerto Rico, Mayor of the District of Columbia or Governor, as the case may be. The justification shall also include the assessment of the Superintendent of Documents. The justification for depository library designations shall be transmitted to the Superintendent of Documents by the Senator, Member of the House, Delegate, the Resident Commissioner from the Commonwealth of Puerto Rico, the Mayor of the District of Columbia or Governor, as the case may be.”.

SEC. 206. LIBRARIES OF EXECUTIVE DEPARTMENTS.

Section 1907 of title 44, United States Code, is amended by—

(1) in the first sentence, striking “publications” and inserting “public information”; and

(2) in the last sentence, striking “Library of Congress and the Archivist of the United States” and inserting “Superintendent of Documents”.

SEC. 207. REQUIREMENTS FOR DEPOSITORY LIBRARIES.

(a) Section 1909 of title 44, United States Code, is amended to read as follows:

“§ 1909. Requirements of depository libraries; reports on conditions; consultations and training; termination; replacement

“(a) Only a library able to provide access to, custody of, and services for deposited materials or access to and services for online digital content and located in an area where it can best serve the public need may be designated as a depository library. The designated depository libraries shall report to the Superintendent of Documents at least every two years concerning their condition.

“(b) The Superintendent of Documents shall regularly assess conditions in depository libraries. The Superintendent of Documents shall provide needed training and support by making visits to depository libraries or by other means and include the results of consultations in the Superintendent of Documents' annual report. When the Superintendent of Documents ascertains that the designated depository has ceased to be maintained so as to be accessible to the public, or that

the Government publications which have been furnished the library have not been properly maintained, the Superintendent of Documents shall remove the library from the directory of depository libraries if the library fails to correct the unsatisfactory conditions within an agreed upon time frame. A library may be designated, pursuant to section 1905 of this chapter, to replace a library deleted by the Superintendent of Documents, provided that the designation may not be in excess of the number of depository libraries authorized by law.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by striking the entry for section 1909 and inserting:

1909. Requirements of depository libraries; reports on conditions; consultations and training; termination; replacement.

SEC. 208. FREE USE OF GOVERNMENT INFORMATION IN DEPOSITORIES.

(a) Section 1911 of title 44, United States Code, is amended to read as follows:

**“§ 1911. Free use of Government public information in depositories;
disposal of unwanted public information**

“Depository libraries shall make Government public information available for the free use of the general public. They may substitute digital information for tangible publications in accordance with Superintendent of Documents policy and guidance. Depository libraries may dispose of tangible publications which are Government property after retention for five years under section 1912 of this title, if the depository library is served by a regional depository library. Depository libraries not served by a regional depository library, or that are regional depository libraries themselves, may dispose of unwanted public information in accordance with Superintendent of Documents policy and guidance. Superseded publications or those issued later in bound form may be discarded as authorized by policy and guidance issued by the Superintendent of Documents.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by striking the entry for section 1911 and inserting:

1911. Free use of Government public information in depositories; disposal of unwanted public information.

SEC. 209. REGIONAL DEPOSITORIES.

(a) Section 1912 of title 44, United States Code, is amended to read as follows:

“§ 1912. Regional depositories; designation; functions; shared responsibilities, disposal of publications

“(a) Not more than two depository libraries in each State and the Commonwealth of Puerto Rico may be designated as regional depositories and shall receive from the Superintendent of Documents copies of or access to all new and revised Government publications authorized for dissemination to depository libraries. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them. Prior to the designation the Superintendent of Documents shall consult with the head of the potential regional depository library and ascertain that the library will fulfill the requirements for depository libraries. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.

“(b) Regional depository libraries shall retain at least one copy of all Government publications received, except those authorized to be discarded by the Superintendent of Documents policy and guidance or covered by collaborative agreements approved by the Superintendent of Documents, or make accessible digital versions (in accordance with Superintendent of Documents policy) and, within the area served, will provide leadership and coordination for the provision of program-related activities for depository libraries.

“(c) Regional depository libraries from different states may share responsibilities by entering into agreements in accordance with Superintendent of Documents guidance and upon approval of a Senator from each of the States.

“(d) The Superintendent of Documents shall establish not fewer than four multistate collection service areas to support collaborative collection and service coordination among depository libraries within such area.

“(e) Publications distributed by the Superintendent of Documents to depository libraries are holdings of the National Collection of U.S. Government Public Information and remain the property of the United States Government. Libraries designated as regional depositories will coordinate with the Superintendent of Documents on the disposition of Government Publications from depository libraries, within the areas served by them, which the depository library has retained for five years or when the depository library is relinquishing its depository

designation. The Superintendent of Documents shall manage the National Collection of U.S. Government Public Information to maximize the access to, use of, and preservation of government information in the depository library program.”.

(b) The table of sections for chapter 19 of title 44, United States Code, is amended by striking the entry for section 1912 and inserting:

1912. Regional depositories; designation; functions; shared responsibilities, disposal of publications.

SEC. 210. CATALOG AND INDEXING PROGRAM.

(a) Chapter 17 of title 44, United States Code, is amended by repealing sections 1710 and 1711.

(b) (1) Chapter 19 of title 44, United States Code, is amended by adding the following new section:

“§ 1917. Cataloging and Access Services.

“(a) CATALOGING DESCRIBED.—The Superintendent of Documents shall provide descriptive cataloging records for the corpus of government public information. The cataloging records shall be created using library or information industry standards and best practices and shall include metadata elements in accordance with Superintendent of Documents policy

“(b) ACCESS AND AWARENESS SERVICES.—The Superintendent of Documents may engage in activities that enhance access to and awareness of government public information or provide services that support libraries or library support organizations in their efforts to serve their communities’ government information needs.

“(c) SPECIFIC ACCESS SERVICES.—

“(1) The Superintendent of Documents shall maintain an online comprehensive catalog of historical and current, tangible and digital government public information cataloged under subsection (a), and such catalog shall show where the public information may be obtained or accessed. The catalog shall be machine or device-independent and available for free use by the public.

“(2) The Superintendent of Documents shall carry out a program to bring unreported government public information under bibliographic control and to make records associated with such information available through the catalog established by this subsection and such other methods as may be appropriate.

“(3) The Superintendent of Documents may make the records of such catalog available to Federal depository libraries, bibliographic utilities that support widely available record sharing, or other entities that make available government public information.

“(4) The Superintendent of Documents may accept records for inclusion in such catalog from libraries and agencies of the Federal government, Federal depository libraries, bibliographic utilities that support widely available record sharing, or other entities that make available government public information.

“(5) The Superintendent of Documents may acquire digital Federal government public information for inclusion in the Cataloging and Access Services Program, Federal Depository Library Program, and GPO’s System of Online Access through automated and manual harvesting of public websites. Such content will be cataloged, made accessible through the catalog established under this subsection, and preserved.”.

(2) The table of sections for chapter 19 of title 44, United States Code, is amended by adding the following at the end:

1917. Cataloging and Access Services.

SEC. 211. NATIONAL COLLECTION OF UNITED STATES PUBLIC INFORMATION.

(a) Chapter 41 of title 44, United States Code, is hereby repealed.

(b) Chapter 19 of title 44, United States Code, is amended by adding the following at the end:

“§ 1918. National Collection of United States Public Information.

“(a) ESTABLISHMENT AND PURPOSE.—

“(1) There is hereby established a National Collection of United States Government Public Information (referred to in this chapter as the “National Collection”).

“(2) The Federal Government’s publications and information are national assets and resources. Their availability and accessibility ensures an informed citizenry and an improved quality of life for them while spurring innovation. The National Collection is established to ensure the public’s right to free, equitable, and convenient access to the Government’s public information.

“(b) SCOPE OF THE NATIONAL COLLECTION.—The content included in the National Collection is the corpus of Federal Government public information, tangible or digital, regardless of format or medium, produced by Federal employees of the three branches of Government or paid for with Federal funds or as required by law, or of educational value and is disseminated to the public by an agency or a contractor thereof.

“(c) RESPONSIBILITIES OF THE SUPERINTENDENT OF DOCUMENTS.—The Superintendent of Documents shall administer the National Collection and shall—

“(1) guarantee free permanent public access to the geographically distributed National Collection;

“(2) apply information lifecycle management best practices to the National Collection;

“(3) acquire and bring under bibliographic control public government information products, regardless of format, in scope of the National Collection;

“(4) ensure a minimum of four tangible copies of distributed publications exist in the depository library program distributed geographically in four National Collection service areas; and

“(5) collaborate with stakeholders including national the Library of Congress, libraries of the United States, Federal agencies, Congress, the Judiciary, and Federal Depository Library Program member libraries in as much is practicable, to ensure preservation, comprehensiveness, and accessibility of the National Collection.

“(d) RESPONSIBILITIES OF THE DIRECTOR OF THE GOVERNMENT PUBLISHING OFFICE.—The Director, acting through the Superintendent of Documents, shall—

“(1) operate a digital repository system that functions as the Government Publishing Office’s online system of access through which members of the public may obtain, at no charge, information that is included in the National Collection;

“(2) develop and enhance such system as needed;

“(3) digitize, authenticate, manage, preserve, and provide a permanent means of accessing information;

“(4) provide access to information in an open format to the extent practicable;

“(5) provide funding for system development, operational support, and infrastructure; and

“(6) have the ability to provide services to Federal agencies for the purpose of carrying out this title.”.

(c) The table of sections for chapter 19 of title 44, United States Code, is amended by adding the following at the end:

1918. National Collection of United States Public Information.