

**U.S. GOVERNMENT PUBLISHING OFFICE**  
Comments on Draft Legislation to Amend Title 44, U.S.C.  
(December 11, 2017, version)

**Contracting out congressional printing** Section 303(b)(1) of the draft bill authorizes the Clerk of the House and the Secretary of the Senate to “enter into agreements with entities other than” GPO to contract out congressional printing.

There is no statutory condition that these congressional officials must meet before deciding to contract out their printing requirements, such as that found in current law, where procurement of Government printing is authorized for work that GPO is not equipped or unable to perform.

The production of congressional printing is GPO’s original mission. Before GPO, congressional work that was contracted out was costly, poorly performed, and the subject of graft and kickbacks. These problems were eliminated with the establishment of the GPO.

Contracting out congressional printing would eliminate the government-to-government trusted chain of production that currently exists between GPO and Congress.

The draft bill encourages but does not require competitive bidding for contracts for congressional work. This raises the potential for sole source contracts, under which it is difficult to control costs.

GPO is not aware of any studies by GPO, Congress, GPO’s IG, GAO, or the printing industry showing congressional work could be contracted out at a savings. No such information was provided during the 2017 CHA hearings on GPO.

GPO provided a significant amount of information on the issue of contracting out congressional printing in response to questions for the record of the hearings of May 17 and July 18, 2017. For the May hearing, these are available at <https://www.gpo.gov/docs/default-source/congressional-relations-pdf-files/testimonies/2-qfr-cha-may-2017.pdf> (see GPO’s responses to QFR’s 29 and 30, at pp 29-30 of the GPO answers). For the July hearing, these are available at <https://www.gpo.gov/docs/default-source/congressional-relations-pdf-files/testimonies/qfr-cha-july-2017.pdf> (see GPO’s response to QFR #13, found at pp. 17-20 of GPO’s responses).

During the hearings, the Clerk of the House testified that GPO is “one of our most important partners” in carrying out her job to support the legislative requirements of the House, and that “GPO is an indispensable part of the evolving effort to modernize how Congress makes legislative documents and data available online.” Currently, we are not aware that the House and Senate have the procurement infrastructure to administer printing contracts and perform related functions such as conducting inspections of commercial printing plants and press sheet inspections.

The last bill to propose contracting out congressional printing was in 1995: it only covered the actual printing (press and binding work) of congressional publications, not the prepress work, which is demanding (for overnight publication) and highly variable (the Record may be 20 pages one day and 200 pages the next). Moreover, what the printing industry wanted was a set time for print and binding production each day, not variable as GPO provides. That bill was never reported out of committee.

Other demanding overnight publications can include business calendars, bills, reports, and some hearings.

It's not known how congressional work would be contracted out under this draft bill. The draft says each House of Congress can set up its own style and format for its publications. This suggests congressional work may have to be contracted out to different vendors for each style and format.

If congressional work is broken up by type of product (the Record, bills, hearings, reports, committee prints, documents, stationery, etc.), this suggests multiple contracts would have to be managed.

The language of the draft bill means that not only would printing but prepress work be included in contracting out. Prepress work involves the development of digital files for congressional publications that GPO currently makes available for free public access on FDsys and **govinfo**, and that GPO provides to the Library of Congress for inclusion in Congress.gov and the Legislative Information System used by House and Senate offices.

If congressional publications are not posted on FDsys and **govinfo**, they would not be digitally signed, increasing the risk of tampering with files online.

In the production process, GPO has the ability to repurpose digital files for congressional publications among different publications (i.e., incorporating bill files into committee reports, incorporating committee reports into the Congressional Record, etc.). This reduces costs by eliminating duplication of effort. Without GPO's management of these files, there is the risk of significantly higher costs for the production of congressional work through wasteful duplication of effort. From a contract administration perspective, coordinating the use of these files across different contracts for different products would be difficult and costly.

In addition to repurposing of files in other congressional publications, GPO serves as the repository (hub) of electronic files for the House, Senate, and LofC. When the House needs a Senate bill file, they retrieve it from GPO, etc.

The removal of congressional work from GPO would undermine the significant public investments Congress has made in GPO's congressional publishing infrastructure, including equipment, IT systems, and GPO's highly skilled staff of more than 500 men and women whose training and expertise is essential to the rapid turnaround processing of congressional work under any conditions (including inclement weather, work during shutdowns, and under Continuity of Government Operations scenarios).

Contracting out congressional work would increase the risk that congressional publications will not be captured for inclusion in the FDLP (print copies of congressional titles are a significant component of the tangible products distributed to depository libraries annually). Title 44 already requires Government entities that produce publications other than by or through GPO to provide copies of those publications for inclusion in the FDLP. Unfortunately, this obligation frequently goes unfulfilled, as previous studies by GPO's Inspectors General have shown.

GPO's response to CHA for the record of the July 18, 2017, concludes with the following statement:

In the 21st century, successive strategic plans developed by GPO have not included any plans for contracting out congressional work. In testimony on GPO's appropriations request for FY 2007, then-Public Printer Bruce James said, "...[N]o country in the world has been willing to give up the official journals of government, and in our case that would be the Congressional Record and the Federal Register. Those are inherently governmental. *No one would trust anyone other than the Government to do those'* (House Legislative Branch Appropriation hearings, FY 2007, p. 21; emphasis added). GPO's business unit that is responsible for congressional products continues to be called Official Journals of Government. Working with Congress and using digital technologies, GPO has reduced the cost of congressional printing by more than 70% in real economic terms since 1980 and the past five fiscal years GPO's appropriations for Congressional Publishing have been flat. This pattern of cooperation and modernization has been highly beneficial to Congress and the taxpayers.

**Decentralizing agency printing** The 2013 report of the National Academy of Public Administration recommended that, "To continue to realize government-wide benefits, *GPO should continue to perform executive branch printing*" (emphasis added).

However, section 303(a)(1) of the draft bill authorizes the renamed Public Printer to delegate to agencies the authority to produce or procure their own information products whose value "does not exceed the simplified purchase threshold under the Federal Acquisition Regulations."

Under the FAR, "simplified acquisition threshold" means \$150,000 (41 USC 134). In FY 2017, GPO awarded nearly \$350 million in print procurement contracts, covering 82,750 print orders. Approximately 99.8% of the orders were valued at \$150,000 or less.

The draft bill effectively authorizes the decentralization of Federal printing Government-wide. Previous studies by the Office of Technology Assessment, the Government Accountability Office, the Joint Committee on Printing, and GPO's IGs have shown the production or procurement of printing by Federal agencies risks higher costs ranging from 25% to 50% due to agency inplant inefficiencies, overlap and duplication of effort, and decreased competition in contracting. These studies were provided to the Committee for its consideration in response to questions for the record of the May 17, 2017, hearing.

Decentralization of printing also makes it more difficult to enforce Government-wide requirements for the use of environmentally friendly papers and inks.

Decentralizing agency printing would also have a major impact on GPO's longstanding partnership with the American printing industry, through which thousands of private sector companies, the vast majority of whom are small businesses, vie competitively for printing contracts.

Decentralizing agency printing would also lead to the loss of a major source of revenue to GPO and the elimination of more than 100 staff in GPO's main office and regional procurement offices around the Nation.

As previous testimony to Congress has shown, GPO maintains a registered listing of more than 10,000 companies to do business with, a universe of competition unlikely to be matched by individual agencies.

By keeping printing centralized in GPO, the Government provides a one-stop shop for print contract opportunities to the private sector, which helps lower costs. Without that option, they will be compelled to search for those opportunities among the thousands of departments, agencies, bureaus, offices, commissions, and other entities that do business with GPO, represented by some 4,000 billing address codes, which will increase their marketing costs.

If agencies don't want to do business with the private sector directly, the language of the draft bill would allow them to produce their work in their own facilities, which can be very expensive compared with GPO's print procurement costs.

Title 44 already requires Government entities that produce publications elsewhere than GPO to provide copies for inclusion in the FDLP, but this requirement frequently goes unfulfilled, as previous studies by GPO's IG's have shown. Work produced other than by or through GPO is a major source of fugitive documents, which have been a problem for GPO's FDLP for many years. Decentralizing agency printing will make that problem significantly worse.

As Federal agencies have downsized and reduced the scope of their operations in recent years, GPO's print procurement program has become an increasingly important shared service to them, and GPO has worked hard to ensure its service meets agency needs. The results of GPO's efforts have been validated in periodic surveys of customer satisfaction, where GPO has been receiving high marks for reduced costs and customer service.

**Work produced in agency plants** The draft bill does not address the longstanding problem of Federal agency plants that produce conventional printing work that could be procured from the private sector by and through GPO.

GPO has long advocated that where Federal agency printing is required, utilizing its partnership with the private sector printing industry is a better way of producing it. Multiple studies have shown that it is more cost-effective for agencies and the taxpayer to contract out for printing that is deemed to be procurable (i.e., printing not immediately required for agency use or otherwise not sensitive or classified) than it is to produce in agency printing plants.

In 2013, the Government Accountability Office conducted a study at the request of the Joint Committee on Printing that identified approximately 80 Federal printing plants still in operation Government-wide.

Additional savings for taxpayers could be achieved if the work these plants are producing is transferred instead to GPO's partnership with the private sector printing and information product industry.

Comparing the dollar value of the work procured by GPO annually with the volume of work budgeted Government-wide under object class 24.00, Printing and Reproduction, shows that GPO's procurement program may be seeing as little as 40% of all printing and reproduction work carried out by the executive branch annually.

Increasing the volume of commercially procurable work by or through GPO would reduce the costs of Federal printing overall, potentially support increased employment in the private sector, and reduce the incidence of fugitive documents in the FDLP.

This problem could be addressed through a statutory requirement for the Office of Management and Budget to direct Federal agency plants to develop inventories of the work they produce and have those

inventories audited by agency Inspectors General for opportunities to contract additional work out to the private sector by or through GPO.

**Economic impact on GPO** The potential loss of congressional and agency work that this draft bill would authorize would have a serious negative impact on GPO's revenues.

It would result in hundreds of jobs lost in both revenue-generating and organizational support (personnel, finance, acquisitions, security, facilities, etc.) organizations at GPO.

GPO's sole remaining major revenue area, passports and secure documents, would then have to bear the burden of all remaining GPO overhead expenses. This would drive passport and secure document costs higher and risk pricing these services out of the market.

With the potential for the loss of that revenue area, operating the FDLP alone would not be enough to sustain the agency.

**Regulatory authority** The draft bill gives GPO, an agency of the legislative branch, regulatory powers affecting executive branch agencies.

The ability of a legislative branch officer to exercise regulatory authority over executive branch agencies raises concerns that it would run afoul of the separation of powers doctrine under the Supreme Court's opinion in *INS v. Chadha* (1983).

During the oversight hearings conducted by the Committee in 2017, the subject of what kind of regulations GPO would issue regarding Government printing and the operation of the FDLP was not discussed, so it is unclear to what purpose this authority would be put.

Title 44 already includes provisions for agencies to send printing to GPO and provide GPO with copies of publications produced elsewhere than GPO for depository libraries. It is not clear how regulations issued by the renamed Public Printer for the same purposes would produce a different result.

If ensuring Federal agency compliance with these requirements is the purpose of this proposed regulatory authority, the clearer path would appear to be a statutory requirement for the Office of Management and Budget to issue the necessary regulations concerning agency printing and cooperation with the FDLP, accompanied by a directive for agency Inspectors General to ensure compliance on an annual basis and report back to Congress.

**Government Printing Office** The draft bill proposes to change the name of the GPO, which was just recently changed by an Act of Congress and signed into law by the President.

In 2014, Congress changed the name of the Government Printing Office to the Government *Publishing* Office to more accurately reflect the information access services GPO performs in this era of rapid technological change.

The draft bill would restore the old name for the agency, even though it no longer accurately conveys the range or scope of services GPO provides and has been using for the past quarter century to make Government information known and available to the public (and not, as some have claimed, to style the agency as a "traditional publishing house," which the record shows was never the intention of the redesignation).

GPO began digital information operations nearly a quarter century ago, in 1994, by putting the Congressional Record, the Federal Register, and a multitude of Government publications online for the public. Today, GPO's website FDsys and its successor **govinfo** features more than 2.2 million Government titles and are accessed more than 45 million times per month by public and other users, and GPO's work over the past several years has involved extensive investments in digital products and services. So pervasive is GPO's use of digital information technologies that today the public and other Government information users interact with GPO more regularly using digital than print technologies. These are the indicators of a Government publishing operation that has gone substantially beyond printing to embrace the development, production, and dissemination of Government information products and services in digital format.

The National Academy of Public Administration commented on this situation in its 2013 report to Congress on GPO:

Over the past two decades, GPO has experienced a greater magnitude of transformational changes than in all of its previous history. In fact, the agency has changed so much that some have suggested that "Government Printing Office" no longer adequately describes the agency's mission. Instead, the Acting Public Printer has said that it should be called the "Government Publishing Office."

These proposed changes run counter to the spirit of modernization that Congress has advocated for GPO in recent years and would undermine the agency's efforts and significant investments designed to carry out the Government's information access requirements in the 21<sup>st</sup> century.

As the Government Accountability Office argued several years ago when its name was changed, an agency's name should reflect what it is and does. Ironically, however, the draft legislation's name change proposes to rebrand GPO as an organization devoted primarily to printing while other sections of the draft legislation promote policies that would lead to a dramatic reduction of GPO's printing operations. Still other provisions to modernize GPO by dealing with information in digital as well as print formats, appear to be undercut by this name change.

**Public Printer** The draft bill would restore the anachronistic title of "Public Printer" for the head of the agency in place of the current title of Director.

Reverting the agency head's title to "Public Printer" and its "graphic arts" qualifications appears to be a significant risk for the present and future of GPO. It may limit the ability to attract a qualified CEO who can strategically run this agency in the digital age..

A 10-year appointment, with the possibility of another 10 years after it, may not be the best match for keeping up with the pace of changing technologies in the digital information environment.

In the past, the longest Public Printer term of service was 12 years, coinciding with FDR's term.

The draft bill does not address the provision in the U.S. Code requiring divestiture of any holdings related to printing and paper, whose interpretation has grown to include mutual funds. GPO's divestiture requirement is unusual among Federal political appointments and in the past has created difficulties in recruiting for the position. GPO's recommendation would be to supplant it with the more modern rules covering other appointments.

**State and local government printing** The draft bill would authorize GPO to perform government printing “and related manufacturing,” including secure credentials, for state and local governments. GPO has not sought this authority nor has there been any analysis of its potential impacts.

In its 2013 report on GPO, the National Academy of Public Administration said: “To generate additional revenue...Congress should consider whether to allow GPO to respond to state and local government requests for *smart cards*” (emphasis added).

GPO did not follow that recommendation because of the continuing presence of smart card options at the Federal level as well as other obligations related to Federal printing and related publishing work (see **Work produced in agency plants**, above).

**Joint Committee on Printing** The draft bill abolishes the Joint Committee on Printing while setting up a system of operational oversight by dual House and Senate committees, each of which would be authorized by the bill to set their own form and format requirements for their publications.

GPO’s view is that a single point of oversight is more effective than multiple points of oversight.

GPO is concerned that the JCP’s current consensus-driven decision-making process, which requires GPO to secure a single authoritative approval to undertake congressional work, would be replaced by one that requires multiple, sequential committee approvals. This potential scenario could lead to delays in securing necessary approvals for GPO to provide services to Congress in a timely and efficient manner. Such delays could lead to increased costs and waste, which largely avoidable under the current GPO operating procedures.

GPO’s longstanding recommendation in this matter is that the JCP should be preserved for operational oversight of GPO with respect to the production and dissemination of congressional publications in digital and print formats. The Committee could be renamed the Joint Committee on Congressional Publishing. Providing it with a professional staff would provide for continuity of policy oversight.

The JCP oversees the development of a wide range of publications for both chambers of Congress, from the *Congressional Record* to the *Congressional Directory* to *Our Flag* and the pocket *Constitution*. Dispersing these responsibilities, as proposed by the bill, risks jeopardizing the continuation of these publications.

The draft bill terminates existing authorities of the JCP as provided by resolution, waiver, letter, regulation, etc. If enacted this language would terminate the authority for key GPO operations, including the conduct of passport and secure credentials in Stennis, MS, the disposal of certain publications by regional depository libraries, the implementation of multi-year wage contracts with GPO employees represented by bargaining units, a wide range of ongoing GPO equipment and technology procurements, GPO’s lease of available space to other primarily legislative branch entities, and other measures, all of which were established over the years by JCP letters of approval.

**Elimination of duplicating from statutory definition of printing** The draft bill eliminates “duplicating” from the proposed statutory definition of printing. GPO believes this is a mistake.

In 1994 Congress enacted and the President signed into law the definition of “printing” found in the note to 44 U.S.C. 501. This achievement was the result of cooperation between GPO and representatives of the Printing Industries of America, Inc.

This provision had previously been enacted annually as part of the appropriations process in response to attempts by the executive branch to revise the Federal Acquisition Regulation (FAR) to permit executive branch agencies to produce or procure their own printing, which through decentralization would incur significant costs and impair public access to Government information. The definition pertains to the procurement of printing for executive branch agencies that is related to the “production of Government publications (including printed forms).”

The definition includes “duplicating,” rather than distinguishing it from “printing,” and there is no language distinguishing “copying” from “duplicating” based on volumes. Because duplicating in this definition must be related to the production of publications and forms, simple office copying and duplicating unrelated to those purposes are excluded from the definition.

While there are circumstances under which this note does not apply (orders costing less than \$1,000.00 if the work is not of a continuing or repetitive nature, work produced by certain national security agencies, and work statutorily authorized to be produced elsewhere), executive branch printing (including duplicating) that is related to the production of Government publications (including printed forms) is expected to be accomplished by or through the GPO.

The omission of duplicating from the definition of printing in the draft bill, if enacted, would leave a significant class of publications unregulated (including the production of most congressional bills).

GPO operates specific programs of contracting for duplicating used in the production of publications, most notably GPO Express.

**Increased discretionary expenditures** There are a couple of provisions related to expanded discretionary spending authorities granted to the renamed Public Printer in the draft legislation that we could expose GPO to future criticism.

One provision appears to override an existing limitation in appropriations law and authorize GPO leadership position to access an unlimited amount of GPO funds for receptions, entertainment, and associated costs.

Another would authorize the renamed Public Printer to use Government-supplied transportation to and from work. There appears to be no geographic limitation on this service.

While the bill does not require the renamed Public Printer to make such expenditures, the inclusion of provisions that authorize them seems unnecessary and poses an unintended invitation for future abuse.

They would also impose additional costs on GPO operations with no apparent increase in public benefit.

**Other provisions** The draft bill includes a number of other provisions that concern GPO, including the absence of authority to continue leasing space in GPO’s buildings to other Federal entities and the elimination of *the Congressional Record Index*. GPO is prepared to provide additional comments on these matters if the Committee should so request.

**FDLP Improvements** There are a number of items in the draft bill that are positive and that bring depository libraries into line with how libraries have evolved since the Depository Library Act of 1962, the last major revision of the FDLP statutory authority. The draft:

Reaffirms the public's right to no-fee access to their Government's information;

Updates the Code to recognize GPO practice regarding formats beyond print and microfacsimile as information dissemination products "regardless of form or format" (as already stated in appropriations language);

Recognizes a National Collection of Government information and the lifecycle responsibilities necessary in managing such a collection: acquiring content and collection planning; authenticating digital content; creating cataloging and metadata records; disseminating and making freely accessible; preserving; and digitizing (reformatting for preservation);

Obligates agencies to furnish the Superintendent of Documents with both tangible and digital information dissemination products, i.e., legal deposit of content;

Provides for depository libraries to receive digital content from GPO, i.e., digital deposit of content, or to opt out of receiving tangible IDPs if digital is available in the online repository;

Authorizes GPO to catalog and index the corpus of the National Collection;

Includes a program to identify and bring fugitive documents under bibliographic control in the Catalog of Government Publications;

Allows regionals to share collections across state boundaries;

Provides for flexibility in the number of regionals by establishing a floor and a ceiling;

Provides for authority for making grants to depository libraries and accepting gifts on behalf of the FDLP;

Supports the importance of training and education provided by GPO to depository libraries by including a program for training and continuing education; and

Protects privacy protection for users of the online repository.

However, GPO has several major concerns with the draft chapter 5, as follows:

In general, the language is overly prescriptive. It focuses too much on "how" to do things, which makes it vulnerable to being overcome by processes and technology that are rapidly changing. The statutory language should instead describe and focus on what is to be done, or describe the desired outcome - i.e., increased access to Government information - and let GPO as the administrator of the program determine the best way to achieve program outcomes.

The bill needs to strengthen the requirement that Federal agencies notify the Superintendent of Documents when initiating, substantially modifying, or terminating information dissemination products. One way to do this would be by amending 44 U.S.C. 3506 to require the Office of

Management and Budget to ensure such notification to be provided specifically to the Superintendent of Documents.

The regulatory process prescribed in the draft bill is too cumbersome and time consuming, in addition to being of dubious constitutionality. GPO has always been, and will continue to be, open and transparent with the depository library community – particularly when developing guidance and policy. We recommend that current processes, including use of **FDLP.gov**, continue as a means of keeping the depository library community informed.

More specifically:

Collection development decisions should be made by the Superintendent of Documents, not the agencies. [§ 502(b)(1), (3), p. 72, lines 6-11 and 17-20]. Libraries and library users are most often the secondary users of content disseminated through the FDLP. Agencies primarily develop dissemination products for other reasons, e.g., results of research, plans, or policies. We recommend that [§ 502(b)(1) be revised to exclude “or the appropriate official.”

Too much operational responsibility is placed on the agencies in a program for which they should only contribute content. Our sense is that §503(c) and §503(g)(2)(A) are unlikely to be workable [§503(c) – pp.76-78] [§503(g)(2)(A) – p. 79, lines 13-21]. There is a need for GPO to regularly communicate with agencies, which would be helped if statutory language were devised to require agencies to designate a point of contact to work with the Superintendent of Documents. Concerning the language of §503(b)(2)(B) – p.76, lines 6-13, how something is cataloged, accessible, and preserved should be the responsibility of the Superintendent of Documents, not the agencies. Additionally, GPO has world class catalogers.

There is no provision for selective depository libraries to be digital-only, i.e., providing access to and services for digital Government content rather than housing and maintaining a tangible collection. [§543(a)(1) – p. 93, lines 21-25 “provides access to selected information dissemination products in tangible form”]. Currently there are selective depository libraries that are digital-only. This can be remedied by adding language to §542 that stipulates “only a library able to provide custody, access, and services for depository materials, or a library able to provide access and services for a digital collection of depository materials, is eligible for depository designation.”

Clarification is needed for the Preservation Depository designation. Is this for tangible content? §545(a) reads as if it is, but §545(b) mentions regardless of format. Is it for a library’s entire collection? Is this comparable to what GPO currently has with Preservation Steward agreements? If so, does there have to be a designation for this? [§545(a)-(b) – pp.97-98]. This designation precludes non-depository libraries from participating in the preservation of Government IDPs (tangible or digital). There are some libraries that have historical Government content but are not members of the FDLP – former depository libraries, for example. Does free access apply to Preservation Depositories, or are these supposed to be some variety of archives with limited if any public access, a so-called “dark archive”?

Although there are portions of the draft bill that bring digital content into the Public Information Programs of the Superintendent of Documents, library functions are largely represented with

processes for tangible collections [§543(a)(2)-(3) – p.94, lines 1-8]. Libraries function very differently in the digital age. There is much collaboration and sharing of resources [as will happen when the FDLP has fewer regional depositories as permitted in §544(d)(3) – p.97, lines 14-17]. The bill should stipulate that GPO collaborate with and coordinate efforts among depository libraries, national libraries, Federal agencies, and library organizations or consortia, toward the development of an information network and a preserved and freely accessible distributed national collection of the corpus of Federal public information. The coordination is a critical component and it will reduce redundancy and employ efficient stewardship of taxpayer dollars.

The draft bill makes preservation for permanent public access a responsibility for GPO [§501(b)(1) – p.71, lines 5-11][§521(c) – p.88, lines 16-20][Preservation Depositories §545 – p.97][§564 – p.105, lines 6-13]. However, the bill also mentions NARA and the agencies having a role in preservation, causing confusion [§508(b)(1) – p.87, lines 5-10][§505(c) – p. 83, lines 8-15]. This confusion places a focus on needed coordination. The bill should stipulate that GPO is responsible for the coordination and lifecycle management of Government IDPs, which includes preservation. We suggest a revision to §508(b)(1) on p. 87:

“(1) A policy for the recall of IDPs, regardless of form or format, in order to ensure compliance with relevant law, which takes into consideration the need of preserving materials for archival purposes with the National Archives and Records Administration.

Concerning NARA, its new draft strategic plan for fiscal years 2018-2022, on which the comment period has closed, includes this objective and commentary: **“By December 31, 2022, NARA will, to the fullest extent possible, no longer accept transfers of permanent or temporary records in analog formats and will accept records only in electronic format and with appropriate metadata.** We added the phrase ‘to the fullest extent possible’ based on extensive feedback from both staff and external commenters. We modified the language of this objective to recognize that NARA may need to accept a limited number of analog records after the December 31, 2022 deadline.”

There are certain titles that many libraries still require in tangible format; the *Statutes at Large* is one example. The draft bill limits dissemination of tangible copies of the Statutes and depositories are not permitted to receive them [§325(f)(1) – p. 58, lines 12-16]. This is problematic, particularly for law libraries. Language should be added that is used in other areas of the draft bill to incorporate depository copies: “In accordance with this subchapter and subject to the requirements of this chapter, chapter 1, and chapter 5 of this title ...”

Production of the *Congressional Record Index* is still a critical activity. Keyword searching of the *Congressional Record* database is not a replacement; it is needed for the tangible copies of the *Congressional Record* as well [Title II, §203(a)-(b)].

Use of the phrase “Locator Services” is obsolete [Chapter 5, p.69 §506][§503(b)(1) – p.75, line 17][§506 – p.83, line 16][§542(a)(1) – p.91, line 15]. A better phrase would be “Discovery Services”.

Policies for recall and withdrawal of products from the National Collection: There are no operational definitions to differentiate between recalls, withdrawals, disposals, and deaccessioning [§508(b)(1)-(4) – p.87, lines 5-17].

Privacy of users – the language [§523 – p.89, lines 8-19] applies to users of the online repository, what about privacy protections for users in libraries or using library computers?

Language concerning the National Collection needs to be clarified. In some places it reads as though it is content accessible from the online repository and sometimes it reads as if it's tangible content. In §502(a) the National Collection is of IDPs, which by definition is regardless of form or format, but then reference is made to e-IDPs [§110(b)(2) – p.14, lines 1-5] [§505(c) – p. 83, lines 12-13]. This is confusing. One solution would be to add National Collection to the definitions in §110(b): "National Collection" means the corpus of information dissemination products produced by the Federal Government. It is a distributed collection that is accessible from Federal depository libraries, the online repository, and from official partner websites."

§502(a) stipulates that the National Collection will be accessible from the online repository and through Federal Depository Libraries. The Catalog of U.S. Government Publications contains links to online and harvested content and the bill specifies that the catalog records will contain a digital object identifier [§506(b)(1) – p.84, lines 11-21], thus making the National Collection accessible from the Catalog. This catalog has long been established with its predecessor the Monthly Catalog dating from 1895 – it doesn't need to be established [§506(b)(1) – p.84, line 12]. Additionally, there are instances for which content will be accessible from official partner sites, e.g., the CyberCemetery website at the University of North Texas, or health information from the National Library of Medicine's PubMed website.

There is a concern with the possibility of congressional publications changing styles with each Congress [§322(a)-(c) – pp.46-47]. This could be detrimental to potential programming for automated metadata extraction, or location of the authentication symbol on publications ingested into the online repository. Additionally, the current size of congressional publications makes it easier for libraries to plan. The consistent smaller sized publications can fit more on shelving units than varying sizes. The size of the current congressional hearings can fit 8 shelves in a section, where publications of varying sizes can fit only 6 shelves per section.

We are pleased to see that the importance of GPO's educational programs for depository libraries is recognized by having training included in the bill [§542(d) – p.93]. However, education should include the public at large as well since they are also direct users of digital content in **govinfo** and Ben's Guide. In addition to education and training opportunities there are other support services that GPO provides depository libraries, such as marketing and promotional support, consultations, and the creation of discovery tools like LibGuides (<https://libguides.fdlp.gov/>). Other support services are likely as we coordinate the lifecycle of the National Collection.

We suggest renaming §542(d) – p.93 as Availability of Training and Library Support Services and including (1) To increase government information literacy the Superintendent of Documents shall provide educational and professional development opportunities for depository library staff and the public at large; and (2) The Superintendent of Documents shall provide services

that enhance access to public information or provide services that support Federal depository libraries in their efforts to serve their communities.

The draft bill actually places more collection responsibilities on selective depository libraries, by stating they work with regionals to house the state's collection [§543(a)(3) – p.94, lines 5-8]. Most selectives are unlikely to support this, unless they serve as a preservation steward (or center of excellence) for specified content.

§544(d)(3) relates to the number of regionals. Two regionals per census region is too limiting. Suggest changing this to “two regionals per ‘Standard Federal Region’”, which would be 20 regionals, not 8.

Additionally, the draft requires selectives to retain tangible materials for 5 years, with no provision for substitution (unless this can be regulated through the process).

The draft bill voids the ability for regionals to discard tangible content by invalidating the previous approval of the Joint Committee for this process [Title II, §201 – p.110, lines 16-20]. Although they can elect to not receive tangible if content is in the online repository, that doesn't provide relief from the large tangible collections that regionals currently hold. More flexibility is required here, optimally through Superintendent of Documents guidance.

GPO will need additional staff, with professional skills, to carry out the new responsibilities placed on the FDLP, Cataloging and Indexing, and other programs, as well at managing the regulatory responsibilities assigned by the bill.

GPO should be given the right of first refusal for Government IDPs held by libraries in agencies that cease to exist.

Regarding grants, §547(b) stipulates their use to carry out the functions under subchapter A (which is about GPO) and §506 which is **Cataloging, indexing, locator services, and digitization of information dissemination products**. This narrows the scope of grants to libraries. The grants section would be much improved with general language such as:

The Superintendent of Documents shall make mandatory and discretionary grants available to depository libraries for the purpose of funding activities that support depository library operations, that improve access to public information, or that advance the use of innovative technologies to address challenges facing depository libraries.

The draft bill, in several locations, refers to various types of notices for agencies to send to the Superintendent of Documents:

- Of the intent to produce or procure, substantially modify, or terminate the production of an information dissemination product, regardless of form or format §503(c)(1)
- Before entering into a contract for publishing, §504(a)

A recommended revision for the draft bill would be to add notification to the Superintendent of Documents when there are PII issues, errors, revisions, or change of format. These could possibly be included in “substantially modify” in §503(c)(1).

§521(b) — A revision of the subsection heading is recommended and we suggest, “Open Standards and Easily Downloadable Formats”. Open standards encompasses open licenses, open access, and open formats by definition.

In §503(e) the Superintendent may enter into agreements with FDLs to obtain materials and metadata from the library. Suggest revising to include ability to obtain materials and metadata from agencies a well.

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