

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5305  
OFFERED BY M . \_\_\_\_\_**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “FDLP Modernization  
3 Act of 2018”.

**4 SEC. 2. NO-FEE PUBLIC ACCESS TO GOVERNMENT INFOR-  
5 MATION; REFORM OF FEDERAL DEPOSITORY  
6 LIBRARY PROGRAM.**

7 (a) IN GENERAL.—Chapter 17 of title 44, United  
8 States Code, is amended to read as follows:

**9 “CHAPTER 17—NO-FEE PUBLIC ACCESS TO  
10 GOVERNMENT INFORMATION**

“SUBCHAPTER A—SUPERINTENDENT OF DOCUMENTS

- “1701. Findings; purpose.
- “1702. Superintendent of Documents.
- “1703. Employees and facilities of Superintendent.
- “1704. Coordination and consultation with Library of Congress.
- “1705. Coordination and consultation with other legislative branch officials.
- “1706. Definitions.

“SUBCHAPTER B—NATIONAL COLLECTION OF INFORMATION DISSEMINATION  
PRODUCTS

- “1721. National collection of information dissemination products.
- “1722. Responsibility of offices of Government to furnish products to Superintendent of Documents.
- “1723. Requirements for agreements to produce or procure products.
- “1724. Special requirements for electronic information dissemination products.

- “1725. Cataloging and related services for information dissemination products.
- “1726. Collection development plan.
- “1727. Replacement and removal of products from national collection.

“SUBCHAPTER C—ONLINE REPOSITORY

- “1731. Establishment and operation of online repository for no-fee access to information dissemination products.
- “1732. Authentication of products.
- “1733. Privacy of users.

“SUBCHAPTER D—FEDERAL DEPOSITORY LIBRARY PROGRAM

- “1741. No-fee access to products through Federal Depository Libraries.
- “1742. Requirements for Federal Depository Libraries.
- “1743. Services available for depository libraries.
- “1744. Selective Depository Libraries.
- “1745. Regional Depository Libraries.
- “1746. Preservation Depository Libraries.
- “1747. Procedures for designation.

“SUBCHAPTER E—SALES PROGRAM

- “1751. Sales program.
- “1752. Determination of costs of products.
- “1753. Inventory.

“SUBCHAPTER F—OTHER PROGRAMS AND AUTHORITIES

- “1761. By-law distribution program.
- “1762. International Exchange Service Program.
- “1763. Acceptance of gifts.
- “1764. Authorities of Director of the Government Publishing Office.
- “1765. Source of funds used to carry out programs and activities.
- “1766. Congressional oversight.

1 “SUBCHAPTER A—SUPERINTENDENT OF  
 2 DOCUMENTS

3 **“§ 1701. Findings; purpose**

4 “(a) FINDINGS.—Congress finds the following:

5 “(1) The free flow of government information is  
 6 fundamental to a democratic society, and members  
 7 of the public have a right of access to government  
 8 information.

9 “(2) The Federal Depository Library Program  
 10 is an essential means by which members of the pub-

1       lic access government information. These libraries  
2       partner with the Government Publishing Office and  
3       offices of the Federal Government to ensure that  
4       members of the public throughout the United States  
5       have effective, no-fee access to government informa-  
6       tion.

7               “(3) The majority of government information  
8       currently produced is in electronic format. As a re-  
9       sult, 97% of new information available through the  
10      Federal Depository Library Program is in electronic  
11      format.

12              “(4) Government has a responsibility to dis-  
13      seminate and provide permanent public access to in-  
14      formation in order to ensure that members of the  
15      public are fully aware of the activities of their gov-  
16      ernment, to spur innovation and research, and to  
17      promote good government.

18              “(5) The sole focus of the Superintendent of  
19      Documents should be on implementing programs to  
20      ensure no-fee access to government information.

21              “(b) PURPOSE.—It is the purpose of this chapter to  
22      promote the greatest possible public access to information  
23      dissemination products by authorizing the Superintendent  
24      of Documents to—

1           “(1) establish a national collection of informa-  
2           tion dissemination products and to provide no-fee,  
3           permanent public access to such collection through  
4           an online repository established and operated by the  
5           Director of the Government Publishing Office under  
6           subchapter C and through the Federal Depository  
7           Library Program under subchapter D;

8           “(2) carry out a cataloging and indexing pro-  
9           gram for the products in such national collection;

10           “(3) carry out a by-law distribution program  
11           and an international exchange service program  
12           under subchapter F; and

13           “(4) collaborate with offices of the Federal gov-  
14           ernment, Federal Depository Libraries, and library  
15           associations and consortia.

16   **“§ 1702. Superintendent of Documents**

17           “(a) APPOINTMENT.—The Director of the Govern-  
18           ment Publishing Office shall appoint an individual to serve  
19           as the Superintendent of Documents, without regard to  
20           political affiliation and solely based on professional quali-  
21           fications to perform the duties and responsibilities of the  
22           position, and who shall serve at the pleasure of the Direc-  
23           tor of the Government Publishing Office.

24           “(b) DUTIES.—Under the general direction of the Di-  
25           rector of the Government Publishing Office, the Super-

1 intendent of Documents shall administer the programs of  
2 GPO which provide no-fee public access to Federal infor-  
3 mation dissemination products (IDPs) under this chapter.

4 “(c) QUALIFICATIONS.—The individual appointed as  
5 the Superintendent of Documents shall be an accom-  
6 plished general manager and practitioner of library and  
7 information sciences, including the identification, acquisi-  
8 tion, authentication, cataloging, dissemination, mainte-  
9 nance, and preservation of information dissemination  
10 products regardless of form or format.

11 “(d) COMPENSATION.—The Superintendent of Docu-  
12 ments shall be compensated at an annual rate equal to  
13 level III of the Executive Schedule.

14 **“§ 1703. Employees and facilities of Superintendent**

15 “(a) APPOINTMENT OF EMPLOYEES; PROVISION OF  
16 FACILITIES.—The Director of the Government Publishing  
17 Office, upon the requisition of the Superintendent of Doc-  
18 uments, shall appoint necessary assistants, furnish blanks,  
19 and do the printing and binding required by the Super-  
20 intendent of Documents. The Director shall provide con-  
21 venient office, storage, and distributing rooms for the use  
22 of the Superintendent of Documents.

23 “(b) PAY OF EMPLOYEES FOR NIGHT, SUNDAY,  
24 HOLIDAY, AND OVERTIME WORK.—Employees of the Su-  
25 perintendent of Documents may be paid for night, Sun-

1 day, holiday, and overtime work at rates not in excess of  
2 the rates of additional pay for this work allowed other em-  
3 ployees of the Government Publishing Office under section  
4 305 of this title.

5 **“§ 1704. Coordination and consultation with Library**  
6 **of Congress**

7 “In carrying out this chapter, the Superintendent of  
8 Documents shall coordinate and consult with the Librar-  
9 ian of Congress, especially with respect to the provisions  
10 of this title which affect the collections of the Library of  
11 Congress and the services the Library provides to Con-  
12 gress.

13 **“§ 1705. Coordination and consultation with other**  
14 **legislative branch officials**

15 “In addition to the coordination and consultation re-  
16 quired under section 1704, in carrying out this chapter,  
17 the Superintendent of Documents shall coordinate and  
18 consult with appropriate officials of the legislative branch,  
19 including the Clerk of the House of Representatives, the  
20 Secretary of the Senate, and the Librarian of Congress,  
21 with respect to the production and dissemination of infor-  
22 mation dissemination products of Congress for inclusion  
23 in the legislative information retrieval system established  
24 and operated under section 209 of the Legislative Branch  
25 Appropriations Act, 1996 (2 U.S.C. 180).

1 **“§ 1706. Definitions**

2 “(a) DEFINITION OF ‘PRINTING’.—

3 “(1) DEFINITION.—In this chapter, the term  
4 ‘printing’ includes and applies to all of the processes  
5 used to capture, process, and duplicate digital or  
6 tangible information, including—

7 “(A) any formatting, composition,  
8 digitization, platemaking, presswork, and bind-  
9 ing or other finishing, or the manufacturing of  
10 related material;

11 “(B) the equipment and software applica-  
12 tions used in such processes; and

13 “(C) the end items in any tangible or dig-  
14 ital form produced by such processes and equip-  
15 ment for use by an end user.

16 “(2) REVIEW; UPDATES.—The Director of the  
17 Government Publishing Office shall regularly review  
18 the definition under this subsection to ensure that it  
19 is consistent with international and commercial prac-  
20 tice, and not less frequently than every 5 years, shall  
21 submit recommendations to the Committee on House  
22 Administration of the House of Representatives and  
23 the Committee on Rules and Administration of the  
24 Senate for updates to the definition so that it re-  
25 flects the most current technology.

1       “(b) OTHER DEFINITIONS.—In this chapter, the fol-  
2       lowing definitions apply:

3               “(1) The term ‘dissemination’ means the gov-  
4       ernment-initiated distribution of information to a  
5       nongovernment entity, including the public. Such  
6       term does not include any distribution which is lim-  
7       ited to Federal Government employees, intra- or  
8       inter-office use or sharing of Federal information,  
9       and responses to requests for agency records under  
10      the Freedom of Information Act (section 552 of title  
11      5) or the Privacy Act (section 552a of title 5).

12              “(2) The term ‘document’ means an informa-  
13      tion dissemination product.

14              “(3) The term ‘electronic information dissemi-  
15      nation product’ means an information dissemination  
16      product which is created for or transmitted through  
17      an electronic communications system or network of  
18      the office in which the product originated.

19              “(4) The term ‘Federal information’ means in-  
20      formation created, collected, processed, maintained,  
21      disseminated, disclosed, or disposed of by or for the  
22      Federal Government, in any medium or form.

23              “(5) The term ‘Federal information system’  
24      means an information system used or operated by an  
25      office of the Federal Government or by a contractor



1 of such an office or by another organization on be-  
2 half of such an office.

3 “(6) The term ‘fugitive document’ means an in-  
4 formation dissemination product which is not cata-  
5 logged or otherwise identifiable or retrievable by an  
6 end user through the online repository under section  
7 1721 of this title.

8 “(7) The term ‘Government publication’ means  
9 information that is published as an individual docu-  
10 ment at Government expense, or as required by law,  
11 in any medium or form.

12 “(8) The term ‘graphic communication’ means  
13 electronic and traditional printing, publishing, pack-  
14 aging, digital imaging, computer graphics, website  
15 development, digital photography, printable elec-  
16 tronics, and related activities.

17 “(9) The term ‘information’ means any commu-  
18 nication or representation of knowledge such as  
19 facts, data, or opinions in any medium or form, in-  
20 cluding textual, numerical, graphic, cartographic,  
21 narrative, electronic, or audiovisual forms.

22 “(10) The term ‘information dissemination  
23 product’ or ‘IDP’ means any recorded information,  
24 regardless of physical form or characteristics, dis-  
25 seminated by an office of the Federal Government,

1 or contractor thereof, to the public, and including  
2 any recorded information incorporated by reference  
3 into the Code of Federal Regulations. Notwith-  
4 standing the provisions of section 106 of title 17, it  
5 is not an infringement of any copyright that may  
6 subsist in works within an IDP to reproduce, pre-  
7 pare derivative works of, display, perform, distribute,  
8 or utilize (including through text or data mining)  
9 IDPs under this title.

10 “(11) The term ‘inter-office agreement’ means  
11 a written agreement entered into between two or  
12 more offices of the Federal Government that speci-  
13 fies the goods to be furnished or tasks to be accom-  
14 plished by one office (the servicing office) in support  
15 of the other(s) (the requesting office), including as-  
16 sisted acquisitions as described in the Memorandum  
17 of the Office of Management and Budget entitled  
18 ‘Improving the Management and Use of Interagency  
19 Acquisitions’ and other cases described in part 17 of  
20 the Federal Acquisition Regulations.

21 “(12) The term ‘national collection’ means  
22 (subject to subchapter B) the collection of informa-  
23 tion dissemination products produced by the Federal  
24 Government, and (as described in subchapter B) is  
25 a distributed collection accessible from the online re-

1       pository under subchapter C, the Federal Depository  
2       Libraries under subchapter D, and through agree-  
3       ments with other entities as provided by this chap-  
4       ter.

5               “(13) The term ‘personally identifiable informa-  
6       tion’ means information that can be used to distin-  
7       guish or trace an individual’s identity, either alone  
8       or when combined with other information that is  
9       linked or linkable to a specific individual.

10              “(14) The term ‘public information’ means any  
11       information, regardless of form or format, that an  
12       office of the Federal Government discloses, dissemi-  
13       nates, or makes available to the public.

14              “(15) The term ‘publication’ means informa-  
15       tional matter which is published as an individual  
16       document at Federal Government expense, or as re-  
17       quired by law.

18              “(16) The term ‘State’ means, except where  
19       otherwise provided, each of the several States, the  
20       District of Columbia, the Commonwealth of Puerto  
21       Rico, American Samoa, Guam, the United States  
22       Virgin Islands, and the Commonwealth of the North-  
23       ern Mariana Islands.

24              “(17) The term ‘trustworthy information sys-  
25       tem’ means an information system that is believed to

1 be capable of operating within defined levels of risk  
2 despite the environmental disruptions, human errors,  
3 structural failures, and purposeful attacks that are  
4 expected to occur in its environment of operation.

5 “SUBCHAPTER B—NATIONAL COLLECTION OF  
6 INFORMATION DISSEMINATION PRODUCTS

7 “§ 1721. National collection of information dissemina-  
8 tion products

9 “(a) ESTABLISHMENT OF COLLECTION.—In order to  
10 provide permanent public access to information dissemina-  
11 tion products that may be of public interest or educational  
12 value, in accordance with this subchapter, the Super-  
13 intendent of Documents shall establish a comprehensive,  
14 national collection of information dissemination products  
15 which are determined to be appropriate for inclusion in  
16 the collection, and shall include all information dissemina-  
17 tion products which have been incorporated by reference  
18 into the Code of Federal Regulations.

19 “(b) PUBLIC ACCESS TO COLLECTION.—Except as  
20 provided in subsection (c), the Superintendent shall pro-  
21 vide permanent public access to all of the information dis-  
22 semination products which are included in the national  
23 collection through each of the following means:

1           “(1) The online repository established and oper-  
2           ated by the Director of the Government Publishing  
3           Office under subchapter C.

4           “(2) The Federal Depository Library Program  
5           under subchapter D.

6           “(3) Methods established for access to products  
7           in incompatible formats, as determined under section  
8           1722(b)(2).

9           “(4) Cataloging, indexing, identification, loca-  
10          tion, availability, and format designation services  
11          under section 1725.

12          “(c) NO PUBLIC ACCESS FOR CERTAIN PRODUCTS.—

13                 “(1) PRODUCTS DESCRIBED.—The Super-  
14                 intendent shall not provide public access to an infor-  
15                 mation dissemination product which is included in  
16                 the national collection under this subchapter if any  
17                 of the following apply:

18                         “(A) The product is a cooperative publica-  
19                         tion which must necessarily be sold in order to  
20                         be self-sustaining, unless the applicable official  
21                         enters into an agreement with the Super-  
22                         intendent to make the product accessible to the  
23                         public.

1           “(B) The product contains information the  
2 disclosure of which would constitute a clearly  
3 unwarranted invasion of personal privacy.

4           “(C) Prohibiting public access to the prod-  
5 uct is necessary to comply with relevant law.

6           “(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—  
7 Paragraph (1) does not apply with respect to—

8           “(A) an information dissemination product  
9 which an office disseminates in electronic form  
10 to the public at no cost; or

11           “(B) an information dissemination product  
12 consisting of a standard which has been incor-  
13 porated by reference into the Code of Federal  
14 Regulations.

15           “(3) NOTIFICATION BY APPLICABLE OFFI-  
16 CIALS.—Each applicable official shall notify the Su-  
17 perintendent of each instance in which an informa-  
18 tion dissemination product is subject to paragraph  
19 (1).

20           “(d) HISTORICAL COLLECTION.—In maintaining the  
21 national collection under this subchapter, the Super-  
22 intendent shall oversee the maintenance of information  
23 dissemination products which were created and distributed  
24 prior to the effective date of the FDLP Modernization Act  
25 of 2018.

1       “(e) APPLICABLE OFFICIAL DEFINED.—In this sub-  
2 chapter, the ‘applicable official’ with respect to an infor-  
3 mation dissemination product is as follows:

4           “(1) In the case of an IDP originating in an of-  
5 fice of the executive branch, the head of the office  
6 in which the IDP originated.

7           “(2) In the case of an IDP originating in an of-  
8 fice of the legislative branch, the head of the office  
9 in which the IDP originated, except that—

10           “(A) if the IDP originated in an office of  
11 the House of Representatives, the ‘applicable  
12 official’ is the Clerk of the House of Represent-  
13 atives; and

14           “(B) if the IDP originated in the Senate,  
15 the ‘applicable official’ is the Secretary of the  
16 Senate.

17           “(3) In the case of an IDP originating in the  
18 judicial branch, the Director of the Administrative  
19 Office of the United States Courts or the Clerk of  
20 the United States Supreme Court (as the case may  
21 be).

22       **“§ 1722. Responsibility of offices of Government to**  
23           **furnish products to Superintendent of**  
24           **Documents**

25       “(a) REQUIREMENT TO FURNISH PRODUCTS.—

1           “(1) IN GENERAL.—If an office of the Federal  
2 government produces or procures an information dis-  
3 semination product, regardless of form or format,  
4 the applicable official shall furnish the product to  
5 the Superintendent of Documents for inclusion in  
6 the national collection established and maintained  
7 under this subchapter at the applicable price de-  
8 scribed in paragraph (2), not later than the date on  
9 which the product is made available to the public.

10           “(2) APPLICABLE PRICE DESCRIBED.—In para-  
11 graph (1), the ‘applicable price’ with respect to an  
12 information dissemination product is—

13           “(A) in the case of a product in electronic  
14 form which the office involved disseminates to  
15 the public at no cost, \$0; or

16           “(B) in the case of any other product, such  
17 price as may be appropriate, but not to exceed  
18 the actual cost to the office involved of pro-  
19 ducing an additional copy of the product.

20           “(b) FORM AND FORMAT.—

21           “(1) IN GENERAL.—In furnishing an informa-  
22 tion dissemination product to the Superintendent of  
23 Documents under this subchapter, the applicable of-  
24 ficial shall deposit with and notify the Super-  
25 intendent of digital or tangible (as applicable)



1 versions of such IDP, regardless of the form or for-  
2 mat of the product, in such manner as will enable  
3 the Superintendent to perform cataloging, indexing,  
4 identification, location, availability, and format des-  
5 ignation services with respect to the IDP under sec-  
6 tion 1725 and authentication with respect to the  
7 IDP under section 1722.

8 “(2) SPECIAL RULE FOR INCOMPATIBLE FOR-  
9 MATS.—

10 “(A) PROVIDING LOCATION AND ACCESS.—

11 If the form or format of an IDP is not compat-  
12 ible with the electronic systems of the Govern-  
13 ment Publishing Office, and it is not practicable  
14 to make the form or format of the IDP compat-  
15 ible with such systems, the applicable official  
16 shall meet the requirements of this section by  
17 providing the Superintendent with information  
18 on where the content of the IDP is held and  
19 how the Superintendent may access the content,  
20 and by providing access to and preserving the  
21 content of the IDP.

22 “(B) CATALOGING, PUBLIC ACCESS, AND  
23 PRESERVATION.—The Superintendent, in con-  
24 sultation with the applicable official, shall deter-  
25 mine the best method to catalog, provide public

1 access to (including through the Federal Depos-  
2 itory Library Program under subchapter D),  
3 and preserve an IDP which is subject to sub-  
4 paragraph (A).

5 “(c) NOTIFICATIONS REGARDING CHANGES IN PRO-  
6 Duction or Procurement of Products.—

7 “(1) CHANGE IN PUBLIC ACCESS DESCRIBED.—

8 For purposes of this subsection, a change in public  
9 access to an information dissemination product  
10 means any of the following:

11 “(A) Terminating production.

12 “(B) Eliminating production or availability  
13 in tangible form.

14 “(C) Otherwise limiting the provision of  
15 public access to only electronic means.

16 “(2) NOTIFICATION.—The applicable official  
17 shall immediately notify the Superintendent of the  
18 intent of an office to produce or procure, substan-  
19 tially modify, or make a change in public access to  
20 an information dissemination product included in the  
21 national collection under subchapter B, regardless of  
22 form or format, in order to enable the Super-  
23 intendent to continue to provide public access to the  
24 product under this chapter, including access through  
25 the Federal Depository Library Program under sub-

1 chapter D. Nothing in this paragraph shall be con-  
2 strued to affect the application of section 3506 of  
3 this title to any office or applicable official.

4 “(3) PUBLIC NOTICE.—The Superintendent of  
5 Documents shall publish in the Federal Register,  
6 and provide timely notice to the public and the Fed-  
7 eral Depository Libraries under subchapter D, of no-  
8 tifications received under paragraph (2). In the case  
9 of notifications of a change in public access, the Su-  
10 perintendent of Documents shall provide such notice  
11 not later than 10 days after receiving the notifica-  
12 tion.

13 “(4) RESTRICTIONS ON AUTHORITY TO MAKE  
14 CHANGES IN PUBLIC ACCESS.—An office may not  
15 make a change in public access to an information  
16 dissemination product until the expiration of the 70-  
17 day period which begins on the date the head of the  
18 office notifies the Superintendent of Documents of  
19 the intent to make the change.

20 “(d) FAILURE TO FURNISH PRODUCT.—If an appli-  
21 cable official fails to furnish an IDP to the Superintendent  
22 of Documents under this section—

23 “(1) the Superintendent is authorized to obtain  
24 the IDP; and

1           “(2) the office of the applicable official shall re-  
2           imburse the Superintendent for the costs incurred in  
3           obtaining and disseminating the IDP.

4           “(e) ADDITIONAL METHODS OF OBTAINING PROD-  
5           UCTS.—

6           “(1) IN GENERAL.—In addition to the proce-  
7           dures in this section, the Superintendent of Docu-  
8           ments may use any other means not prohibited by  
9           law to obtain an information dissemination product  
10          for inclusion in the national collection under this  
11          subchapter.

12          “(2) COLLECTION OF PRODUCTS IN COLLEC-  
13          TION OF FEDERAL DEPOSITORY LIBRARIES.—The  
14          Superintendent may enter into arrangements with a  
15          Federal Depository Library under subchapter D to  
16          obtain from such Library any IDPs in the Library’s  
17          own collection of documents and materials and the  
18          metadata associated with any such IDPs.

19          “(f) ROLE OF DIRECTOR OF THE GOVERNMENT PUB-  
20          LISHING OFFICE.—

21          “(1) SUPERVISION AND OVERSIGHT.—The Su-  
22          perintendent of Documents shall carry out this sec-  
23          tion under the supervision of the Director of the  
24          Government Publishing Office, who shall be respon-

1       sible for ensuring the compliance of offices of the  
2       Federal government with this section.

3           “(2) AVAILABILITY OF GPO PRODUCTS.—The  
4       Director of the Government Publishing Office shall  
5       provide the Superintendent with adequate metadata  
6       and copies, in digital and tangible form (if available)  
7       of all information dissemination products produced  
8       or procured by the Government Publishing Office.

9           “(g) STEPS TO ENSURE COMPLIANCE BY APPLICA-  
10      BLE OFFICIALS.—

11           “(1) REGULATIONS.—Each applicable official  
12       shall establish guidelines and procedures to ensure  
13       that the appropriate personnel of the applicable offi-  
14       cial’s office meet the requirements of this section. To  
15       the extent that the applicable official has the author-  
16       ity under law to promulgate regulations, the official  
17       shall establish such guidelines and procedures by  
18       regulation.

19           “(2) REPORTS TO DIRECTOR OF THE GOVERN-  
20       MENT PUBLISHING OFFICE.—Not later than 180  
21       days after the date of the enactment of the FDLP  
22       Modernization Act of 2018 and every 3 years there-  
23       after, each applicable official shall submit a report  
24       to the Director of the Government Publishing Office  
25       setting forth a plan to ensure the official’s compli-

1           ance with the requirements of this section, including  
2           steps to sanction employees of the official's office for  
3           failure to comply with such requirements.

4           “(h) EFFECTIVE DATE; TRANSITION RULE FOR  
5 ELECTRONIC PRODUCTS FURNISHED TO DEPOSITORY LI-  
6 BRARIES.—

7           “(1) IN GENERAL.—This section shall apply  
8           with respect to any information dissemination prod-  
9           uct produced or procured on or after the effective  
10          date of the FDLP Modernization Act of 2018.

11          “(2) FURNISHING ELECTRONIC PRODUCTS TO  
12 FEDERAL DEPOSITORY LIBRARIES DURING TRANSI-  
13 TION.—

14          “(A) INVENTORY OF PRODUCTS.—Not  
15          later than 2 years after the date of the enact-  
16          ment of the FDLP Modernization Act of 2018,  
17          the applicable official of each office shall pro-  
18          vide the Superintendent of Documents with an  
19          inventory of, and access to, all electronic infor-  
20          mation dissemination products (as defined in  
21          section 1724) which originated in the office  
22          prior to the effective date of such Act.

23          “(B) FURNISHING OF PRODUCTS TO LI-  
24 BRARIES.—If, in the same manner applicable to  
25 information dissemination products under sec-

1           tion 1721, the Superintendent determines that  
2           a product in the inventory provided under sub-  
3           paragraph (A) would be appropriate for inclu-  
4           sion in the national collection under this sub-  
5           chapter (if the product were procured or pro-  
6           duced after the effective date of the FDLP  
7           Modernization Act of 2018), the applicable offi-  
8           cial shall furnish the product to the Super-  
9           intendent for distribution to Federal Depository  
10          Libraries under subchapter D, as determined by  
11          the Superintendent.

12                   “(C) COSTS.—The cost of furnishing an  
13          IDP to a Federal Depository Library under this  
14          paragraph shall be paid by the Superintendent  
15          of Documents.

16          **“§ 1723. Requirements for agreements to produce or**  
17                   **procure products**

18                   “(a) NOTIFICATION TO SUPERINTENDENT OF DOCU-  
19          MENTS.—An office of the Federal government may not  
20          enter into a contract for the procurement of production  
21          of an information dissemination product by any entity  
22          other than the Director of the Government Publishing Of-  
23          fice, regardless of form or format, unless each of the fol-  
24          lowing requirements is met:

1           “(1) Prior to entering into the contract, the ap-  
2           plicable official notifies the Superintendent of Docu-  
3           ments.

4           “(2) The contract includes a requirement that  
5           the office shall ensure that the product will be fur-  
6           nished to the Superintendent in accordance with the  
7           requirements of this chapter, including any require-  
8           ment regarding the number, type, and format of  
9           copies of the product.

10          “(3) The contract includes a requirement that  
11          the office shall meet such conditions as the Super-  
12          intendent may require to ensure no-fee public access  
13          to the product in accordance with this chapter.

14          “(b) PRIOR CERTIFICATION OF NOTICE TO SUPER-  
15          INTENDENT.—No production or procurement of an IDP  
16          may take place under a contract described in subsection  
17          (a) until the applicable official verifies that notice of the  
18          contract was provided to the Superintendent of Docu-  
19          ments.

20          “(c) ROLE OF DIRECTOR OF THE GOVERNMENT  
21          PUBLISHING OFFICE.—The Superintendent of Documents  
22          shall carry out this section under the supervision of the  
23          Director of the Government Publishing Office, who shall  
24          be responsible for ensuring the compliance of offices of  
25          the Federal government with this section.



1 **“§ 1724. Special requirements for electronic informa-**  
2 **tion dissemination products**

3 “(a) TYPES OF MATERIAL REQUIRED TO BE FUR-  
4 NISHED TO SUPERINTENDENT OF DOCUMENTS.—For  
5 purposes of section 1722, upon request of the Super-  
6 intendent of Documents, the applicable official shall  
7 promptly provide the Superintendent with copies of, or ac-  
8 cess to, electronic files and metadata or other digital de-  
9 scriptive material associated with an electronic informa-  
10 tion dissemination product (including any relevant mate-  
11 rial necessary for the Superintendent to comply with sec-  
12 tion 1725) which will enable the Superintendent to provide  
13 permanent public access to the IDP through the online  
14 repository under subchapter C and through the Federal  
15 Depository Library Program under subchapter D.

16 “(b) SPECIAL RULES FOR PRODUCTS MADE AVAIL-  
17 ABLE ON WEBSITES OF ORIGINATING OFFICES.—

18 “(1) SHARING OF METADATA WITH DIRECTOR  
19 OF THE GOVERNMENT PUBLISHING OFFICE.—If an  
20 office of the Government makes an electronic infor-  
21 mation dissemination product of the office available  
22 to the public through the office’s website, the head  
23 of the office shall ensure that the Director of the  
24 Government Publishing Office (acting through the  
25 Superintendent of Documents) has the appropriate  
26 metadata associated with the product to enable the

1 Director of the Government Publishing Office to  
2 provide a link to the product through the online re-  
3 pository under subchapter C and to otherwise pro-  
4 vide permanent public access to the product for pur-  
5 poses of this chapter.

6 “(2) TREATMENT OF ONLINE FEE-FOR-SERVICE  
7 PROGRAMS.—If an office of the Government makes  
8 IDPs available to the public online under a fee-for-  
9 service program, the office shall ensure that the Su-  
10 perintendent of Documents has access to such serv-  
11 ices, at a cost no greater than the applicable price  
12 described in section 1722(a)(2), so that the Super-  
13 intendent may make such services available to Fed-  
14 eral Depository Libraries under subchapter D.

15 “(c) ONLINE PUBLIC ACCESS DURING TRANSITION  
16 TO ONLINE REPOSITORY.—If, at any time after the effec-  
17 tive date of the FDLP Modernization Act of 2018, the  
18 online repository under subchapter C is not in operation,  
19 each office in which an electronic information dissemina-  
20 tion product originates shall provide permanent public ac-  
21 cess to the IDP through an electronic communications sys-  
22 tem or network.

1 **“§ 1725. Cataloging and related services for informa-**  
2 **tion dissemination products**

3 “(a) CATALOGING, INDEXING, IDENTIFICATION, LO-  
4 CATION, AVAILABILITY, AND FORMAT DESIGNATION  
5 SERVICES.—

6 “(1) SERVICES DESCRIBED.—The Super-  
7 intendent of Documents shall—

8 “(A) perform cataloging, indexing, identi-  
9 fication, location, availability, and format des-  
10 ignation services with respect to the information  
11 dissemination products included in the national  
12 collection under this subchapter;

13 “(B) perform cataloging, indexing, identi-  
14 fication, location, availability, and format des-  
15 ignation services with respect to any informa-  
16 tion dissemination products which are included  
17 in the historical collection under section  
18 1721(d); and

19 “(C) make the resulting cataloging, index-  
20 ing, identification, location, availability, and for-  
21 mat designation information available for no-fee  
22 public access under the program described in  
23 subsection (b), and as part of the national col-  
24 lection under this subchapter.

25 “(2) ENSURING INCORPORATION OF CURRENT  
26 METHODOLOGIES AND PRACTICES.—The Super-

1       intendent shall periodically review and revise the  
2       methods by which the Superintendent performs the  
3       services required under paragraph (1) to ensure that  
4       such methods incorporate contemporary library and  
5       information management methodologies and prac-  
6       tices.

7               “(3) RULE OF CONSTRUCTION RELATING TO  
8       PRODUCTS NOT SUBJECT TO PUBLIC ACCESS.—  
9       Nothing in this subchapter may be construed to  
10      waive the requirement that the Superintendent per-  
11      form services under subparagraph (A) of paragraph  
12      (1) with respect to an information dissemination  
13      product which is included in the national collection  
14      under this subchapter but for which the Super-  
15      intendent does not provide public access to the prod-  
16      uct under section 1721(c).

17              “(b) CATALOG OF GOVERNMENT PRODUCTS.—

18               “(1) ESTABLISHMENT OF CATALOG.—The Su-  
19      perintendent of Documents shall establish and main-  
20      tain a Catalog of Government Products consisting of  
21      a comprehensive set of metadata, including the dig-  
22      ital object identifier, associated with information dis-  
23      semination products, including existing products  
24      which are not yet catalogued, and may make the  
25      records of such Catalog available in other biblio-

1 graphic utilities that support widely available record  
2 sharing.

3 “(2) NATIONAL BIBLIOGRAPHIC RECORDS IN-  
4 VENTORY.—The Superintendent shall carry out a  
5 program to bring fugitive documents under biblio-  
6 graphic control and to make records associated with  
7 such documents available through the Catalog estab-  
8 lished and maintained under paragraph (1) and  
9 other appropriate bibliographic utilities.

10 “(c) DIGITIZATION.—

11 “(1) IN GENERAL.—The Superintendent of  
12 Documents is authorized to digitize, to the greatest  
13 extent practicable, all information dissemination  
14 products created at any time, and to include such  
15 products in digitized form in the national collection  
16 under this subchapter.

17 “(2) AUTHENTICATION.—To the greatest extent  
18 practicable, the Superintendent shall identify the  
19 chain of custody or other provenance of IDPs in the  
20 national collection under this subchapter which are  
21 in digitized form, and shall verify that such IDPs  
22 are complete and unaltered.

23 “(d) AUTHORIZING ACTIVITIES TO BE CARRIED OUT  
24 BY OTHER ENTITIES.—

1           “(1) AUTHORIZATION.—The Superintendent of  
2 Documents may enter into an agreement with an-  
3 other entity (including a Federal Depository Library  
4 under subchapter D) to carry out any of the activi-  
5 ties authorized under this section, in accordance  
6 with regulations promulgated under this subchapter.

7           “(2) TREATMENT OF WORK PRODUCT AS WORK  
8 OF UNITED STATES GOVERNMENT FOR PURPOSES OF  
9 COPYRIGHT.—For purposes of section 105 of title  
10 17, any work product produced under an agreement  
11 entered into under paragraph (1) shall be considered  
12 a work of the United States Government.

13          “(e) COORDINATION WITH OTHER LEGISLATIVE  
14 BRANCH OFFICIALS.—In carrying out this section, the  
15 Superintendent shall coordinate and consult with appro-  
16 priate officials of the legislative branch, including the  
17 Clerk of the House of Representatives, the Secretary of  
18 the Senate, and the Librarian of Congress, with respect  
19 to the dissemination of information dissemination prod-  
20 ucts under this subchapter for inclusion in the legislative  
21 information retrieval system established and operated  
22 under section 209 of the Legislative Branch Appropria-  
23 tions Act, 1996 (2 U.S.C. 180).

1 **“§ 1726. Collection development plan**

2 “(a) PLAN.—The Superintendent of Documents shall  
3 establish a collection development plan for the national  
4 collection of information dissemination products under  
5 this subchapter, taking into consideration the require-  
6 ments of the online repository under subchapter C and the  
7 needs of the Federal Depository Library Program under  
8 subchapter D.

9 “(b) REGULATIONS.—The collection development  
10 plan under this section shall be carried out in accordance  
11 with regulations promulgated under this subchapter.

12 **“§ 1727. Replacement and removal of products from**  
13 **national collection**

14 “(a) LIMITATION ON REPLACEMENT AND RE-  
15 MOVAL.—An information dissemination product may not  
16 be replaced or removed from the national collection under  
17 this subchapter except as provided under the policies de-  
18 scribed in subsection (b).

19 “(b) POLICIES.—

20 “(1) IN GENERAL.—The Superintendent of  
21 Documents shall carry out each of the following poli-  
22 cies with respect to the information dissemination  
23 products, regardless of form or format, which are in-  
24 cluded in the national collection under this sub-  
25 chapter:

1           “(A) A policy for the replacement of an  
2           IDP in case of error.

3           “(B) A policy for the removal of an IDP  
4           when required to comply with relevant law.

5           “(2) REQUIREMENTS.—The policies described  
6           in paragraph (1) shall provide for—

7           “(A) notification of the replacement or re-  
8           moval to the public and the Federal Depository  
9           Libraries; and

10           “(B) compliance with relevant law, includ-  
11           ing the need for the preservation of materials  
12           for archival purposes with the National Ar-  
13           chives and Records Administration.

14           “(c) REGULATIONS.—Each of the policies under this  
15           section shall be carried out in accordance with regulations  
16           promulgated under this subchapter.

17           “SUBCHAPTER C—ONLINE REPOSITORY

18           “§ 1731. **Establishment and operation of online repos-**  
19                           **itory for no-fee access to information dis-**  
20                           **semination products**

21           “(a) ONLINE REPOSITORY.—The Director of the  
22           Government Publishing Office shall establish and operate  
23           a trustworthy information system and online repository  
24           through which members of the public may obtain, at no  
25           charge, information dissemination products which are in-



1 cluded in the national collection established and main-  
2 tained under subchapter B.

3 “(b) OPEN AND BULK FORMATS.—To the greatest  
4 extent practicable, the online repository shall provide users  
5 with access to IDPs in open, machine-readable, and non-  
6 proprietary formats, and be available for bulk download  
7 with the relevant metadata incorporated.

8 “(c) PRESERVATION OF PRODUCTS.—The Director of  
9 the Government Publishing Office shall ensure the preser-  
10 vation for permanent public access of information dissemi-  
11 nation products included in the online repository, includ-  
12 ing through a program providing for the permanent reten-  
13 tion of digital materials.

14 **“§ 1732. Authentication of products**

15 “(a) REQUIRING AUTHENTICATION.—To the greatest  
16 extent practicable, the Director of the Government Pub-  
17 lishing Office shall ensure that each information dissemi-  
18 nation product made available on the online repository  
19 under this subchapter is authenticated, identify the prod-  
20 uct’s chain of custody or other provenance, and verify that  
21 the product is complete and unaltered.

22 “(b) IDENTIFICATION OF NON-AUTHENTICATED  
23 PRODUCTS.—The Director of the Government Publishing  
24 Office shall ensure that if any IDP in the online repository

1 is not authenticated, the lack of authentication shall be  
2 noted within the IDP.

3 **“§ 1733. Privacy of users**

4 “(a) PROTECTING USER PRIVACY.—Not later than  
5 180 days after the date of the enactment of the FDLP  
6 Modernization Act of 2018, the Superintendent of Docu-  
7 ments shall implement measures to protect the privacy of  
8 individuals using the online repository under this sub-  
9 chapter, and shall ensure that such measures provide  
10 users with at least the same level of privacy as provided  
11 under section 552a of title 5 (commonly known as the Pri-  
12 vacy Act of 1974) and section 208 of the E–Government  
13 Act of 2002 (Public Law 107–347; set out as a note under  
14 section 3501 of this title).

15 “(b) REGULATIONS.—This section shall be carried  
16 out in accordance with regulations promulgated under this  
17 subchapter.

18 “SUBCHAPTER D—FEDERAL DEPOSITORY

19 LIBRARY PROGRAM

20 **“§ 1741. No-fee access to products through Federal**  
21 **Depository Libraries**

22 “(a) FEDERAL DEPOSITORY LIBRARY PROGRAM.—  
23 The Director of the Government Publishing Office, acting  
24 through the Superintendent of Documents, shall operate

1 a program under which, in accordance with this sub-  
2 chapter—

3 “(1) the Superintendent of Documents shall  
4 designate libraries as Federal Depository Libraries,  
5 including Selective Depository Libraries, Regional  
6 Depository Libraries, and Preservation Depository  
7 Libraries;

8 “(2) the Superintendent shall furnish, at no  
9 cost, to each library designated as a Federal Deposi-  
10 tory Library under this subchapter access to the na-  
11 tional collection of information dissemination prod-  
12 ucts under subchapter B, including—

13 “(A) complete access to cataloging, index-  
14 ing, identification, location, availability, and for-  
15 mat designation services under section 1725;

16 “(B) complete access to the online reposi-  
17 tory under subchapter C; and

18 “(C) such information dissemination prod-  
19 ucts as are provided for in this subchapter; and

20 “(3) each such Federal Depository Library  
21 shall provide no-fee access to the collection to mem-  
22 bers of the public.

23 “(b) SPECIAL RULE FOR COPIES OF CONGRESSIONAL  
24 DOCUMENTS.—

1           “(1) REPORTS OR OTHER DOCUMENTS OF CON-  
2           GRESS.—

3           “(A) IN GENERAL.—Notwithstanding sec-  
4           tion 701 of this title, the Director of the Gov-  
5           ernment Publishing Office shall print and pro-  
6           vide such number of copies of each report or  
7           other document of Congress as the Super-  
8           intendent of Documents may establish for pur-  
9           poses of furnishing such reports and documents  
10          for the Federal Depository Library Program  
11          under this subchapter.

12          “(B) FORMAT; BINDING.—The Director  
13          shall provide the Superintendent of Documents  
14          with the copies required under this paragraph  
15          in unbound form as soon as practicable after  
16          printing is completed, except that any report or  
17          other document of sufficient size on any one  
18          subject (as established by the Superintendent)  
19          shall be bound separately and receive the title  
20          suggested by the subject of the volume. The Di-  
21          rector shall provide that the bound sets of such  
22          reports or other documents are arranged in vol-  
23          umes and bound in a practical and economical  
24          manner as established by the Superintendent.

1           “(2) CONGRESSIONAL RECORD.—Notwith-  
2 standing section 906 of this title, the Director of the  
3 Government Publishing Office shall print and pro-  
4 vide such number of copies of the Congressional  
5 Record as the Superintendent of Documents may es-  
6 tablish for purposes of furnishing the Congressional  
7 Record for the Federal Depository Library Program  
8 under this subchapter.

9 **“§ 1742. Requirements for Federal Depository Librar-**  
10 **ies**

11           “(a) MINIMUM REQUIREMENTS DESCRIBED.—Each  
12 library designated as a Federal Depository Library under  
13 this subchapter shall meet the following requirements:

14           “(1) The library shall provide members of the  
15 public with no-fee access to all of the information  
16 dissemination products furnished to the library by  
17 the Superintendent of Documents under this chap-  
18 ter—

19           “(A) in electronic format by providing  
20 internet access to the online repository under  
21 subchapter C and to cataloging, indexing, iden-  
22 tification, location, availability, and format des-  
23 ignation services under section 1725; and

24           “(B) in any format deposited under this  
25 subchapter.

1           “(2) The library shall ensure that a member of  
2           the library’s staff who is knowledgeable about the  
3           services described in paragraph (1) is reasonably  
4           available to assist patrons with the provision of such  
5           services.

6           “(3) The library shall meet such other addi-  
7           tional requirements as the Superintendent may es-  
8           tablish by regulations promulgated under this sub-  
9           chapter.

10          “(b) MAINTENANCE AND REMOVAL OF DEPOSITED  
11 IDPs.—In addition to the requirements described in sub-  
12 section (a), each library designated as a Federal Deposi-  
13 tory Library under this subchapter shall maintain the in-  
14 formation dissemination products furnished to the library  
15 by the Superintendent under this chapter (regardless of  
16 form or format) in accordance with such policies as the  
17 Superintendent may establish, and may remove any such  
18 products only in accordance with such policies as the Su-  
19 perintendent may establish (consistent with the require-  
20 ments of section 1744 in the case of Selective Depository  
21 Libraries and the requirements of section 1745 in the case  
22 of Regional Depository Libraries).

23          “(c) MANAGEMENT OF IDPS IN TANGIBLE FORM.—  
24 Any information dissemination product which is deposited  
25 with a Federal Depository Library under this subchapter

1 in tangible form remains the property of the United States  
2 Government unless the IDP is donated to the Library  
3 under section 1743(b).

4 “(d) REGULATIONS.—The Superintendent shall es-  
5 tablish the requirements of this section in accordance with  
6 regulations promulgated under this subchapter. Such reg-  
7 ulations shall encourage participation by a broad and di-  
8 verse group of libraries, and may not establish a limit on  
9 the number of libraries which may be designated under  
10 this section.

11 **“§ 1743. Services available for depository libraries**

12 “(a) OPTIONAL DIGITAL DEPOSIT.—

13 “(1) IN GENERAL.—At the option of the Li-  
14 brary, a Federal Depository Library may receive di-  
15 rectly from the Superintendent of Documents depos-  
16 its in electronic format of information dissemination  
17 products included in the national collection, unless  
18 impracticable, in accordance with regulations pro-  
19 mulgated under this subchapter.

20 “(2) PROTECTING PRIVACY OF USERS.—If the  
21 Library permits individuals to seek access to IDPs  
22 which are hosted on its own server in accordance  
23 with this subsection, the Library shall comply to the  
24 extent practicable with the same measures imple-  
25 mented by the Superintendent of Documents to pro-

1        tect the privacy of individuals who seek access to  
2        IDPs through the use of online repository under  
3        subchapter C.

4        “(b) DONATION OF IDPs.—If an information dis-  
5        semination product deposited with a Federal Depository  
6        Library is no longer needed for purposes of this sub-  
7        chapter, the Superintendent may donate the product to  
8        the Library, in accordance with regulations promulgated  
9        under this subchapter.

10       “(c) AVAILABILITY OF TRAINING PROGRAM FOR USE  
11       OF LIBRARIES.—

12            “(1) DEVELOPMENT OF PROGRAM.—The Su-  
13        perintendent shall develop a training and continuing  
14        education program which may be used by Federal  
15        Depository Libraries to promote the ability of the  
16        Libraries to understand the operation of the pro-  
17        gram under this subchapter and the content of the  
18        materials furnished to the Libraries under the pro-  
19        gram.

20            “(2) OPTIONAL USE OF PROGRAM.—The use by  
21        any Federal Depository Library of the program de-  
22        veloped under paragraph (1) shall be optional for  
23        the Library.

24            “(3) AVAILABILITY TO PUBLIC.—Nothing in  
25        this subsection may be construed to prohibit the Su-



1 perintendent from making the program developed  
2 under paragraph (1) or any materials developed as  
3 part of such program available to the public, as the  
4 Superintendent considers appropriate.

5 **“§ 1744. Selective Depository Libraries**

6 “(a) SELECTIVE DEPOSITORY LIBRARIES DE-  
7 SCRIBED.—A library which is designated as a Federal De-  
8 pository Library may, at its request, be designated as a  
9 Selective Depository Library if the Library meets the fol-  
10 lowing requirements:

11 “(1) The Library provides access to selected in-  
12 formation dissemination products in tangible form  
13 as provided by the Superintendent of Documents,  
14 under regulations promulgated under this sub-  
15 chapter.

16 “(2) The Library agrees to maintain its collec-  
17 tion of such IDPs in tangible form for a minimum  
18 of 5 years after receipt, unless the Superintendent  
19 authorizes earlier withdrawal.

20 “(3) The Library collaborates with a Regional  
21 Depository Library (as designated under section  
22 1745) on the maintenance of a regional collection of  
23 such IDPs in tangible form.

24 “(4) A Member of Congress makes a rec-  
25 ommendation to the Superintendent that the Library

1 should be designated as a Selective Depository Li-  
2 brary.

3 “(b) REGULATIONS; LIMITATION ON NUMBER.—The  
4 Superintendent shall carry out this section in accordance  
5 with regulations promulgated under this subchapter. Such  
6 regulations shall provide for an adequate number and dis-  
7 tribution of Selective Depository Libraries in order to  
8 meet the information needs of the public, and shall not  
9 prevent the designation of at least one Selective Deposi-  
10 tory Library in each congressional district.

11 **“§ 1745. Regional Depository Libraries**

12 “(a) REGIONAL DEPOSITORY LIBRARIES DE-  
13 SCRIBED.—A library which is designated as a Federal De-  
14 pository Library may, at its request, be designated as a  
15 Regional Depository Library if the Library meets the fol-  
16 lowing requirements:

17 “(1) The Library agrees to receive its informa-  
18 tion dissemination products from the Superintendent  
19 of Documents for purposes of this subchapter in  
20 tangible form, except that the Library may decline  
21 to receive an IDP in tangible form if the authenti-  
22 cated IDP is available through the online repository  
23 under subchapter C.

24 “(2) The Library provides access to all IDPs  
25 under this subchapter regardless of form or format.

1           “(3) The Library coordinates and collaborates  
2           with Selective Depository Libraries to maintain ac-  
3           cess to the collection of IDPs available within the re-  
4           gion, including IDPs deposited prior to the library’s  
5           designation as a Federal Depository Library under  
6           this subchapter, and may do so by housing some of  
7           its collection at one or more Selective Depository Li-  
8           braries pursuant to an agreement with such Selec-  
9           tive Depository Library.

10           “(4) The Library agrees to provide services  
11           under this subchapter to Selective Depository Li-  
12           braries under agreements facilitated by the Super-  
13           intendent of Documents, in accordance with regula-  
14           tions promulgated under this subchapter.

15           “(5) A Senator (or, in the case of a Library in  
16           the District of Columbia, the Commonwealth of  
17           Puerto Rico, American Samoa, Guam, the United  
18           States Virgin Islands, or the Commonwealth of the  
19           Northern Mariana Islands, a Delegate or Resident  
20           Commissioner to the Congress) makes a rec-  
21           ommendation to the Superintendent that the Library  
22           should be designated as a Regional Depository Li-  
23           brary.

1       “(b) WITHDRAWAL OF COLLECTION OF TANGIBLE  
2 IDPs.—A Regional Depository Library may withdraw  
3 from its collection an IDP which is in tangible form if—

4               “(1) the authenticated IDP is available through  
5 the online repository under subchapter C; and

6               “(2) the Superintendent has identified for pres-  
7 ervation an appropriate number of copies of the IDP  
8 in tangible form in a sufficient number of Federal  
9 Depository Libraries.

10       “(c) RELOCATION OF COLLECTION OF TANGIBLE  
11 IDPs.—If a collection of information dissemination prod-  
12 ucts in tangible form is relocated from a Regional Deposi-  
13 tory Library to another Federal Depository Library under  
14 this subchapter (including relocation resulting from the se-  
15 lective discarding of such products and the acceptance of  
16 such discarded products by another Federal Depository  
17 Library), the Director of the Government Publishing Of-  
18 fice may pay the costs of the relocation, including related  
19 cataloging and transportation costs.

20       “(d) REGULATIONS; CONTENTS.—

21               “(1) IN GENERAL.—The Superintendent shall  
22 carry out this section in accordance with regulations  
23 promulgated under this subchapter. Such regulations  
24 shall—

1           “(A) in establishing criteria for agreements  
2           between Regional Depository Libraries and Se-  
3           lective Depository Libraries (as described in  
4           paragraph (4) of subsection (a)), give pref-  
5           erence to any consortia and similar collabo-  
6           rative efforts in effect between such Libraries,  
7           without regard to geographic restrictions;

8           “(B) limit the number of Regional Deposi-  
9           tory Libraries located in any State to 2; and

10           “(C) unless impracticable, provide for the  
11           designation of at least 2 Regional Depository  
12           Libraries in each census region.

13           “(2) CONSULTATION.—In establishing regula-  
14           tions under paragraph (1), the Superintendent shall  
15           consult with Selective Depository Libraries and Re-  
16           gional Depository Libraries.

17   **“§ 1746. Preservation Depository Libraries**

18           “(a) PRESERVATION DEPOSITORY LIBRARIES DE-  
19           SCRIBED.—A library which is designated as a Federal De-  
20           pository Library may, at its request, be designated as a  
21           Preservation Depository Library if the Library enters into  
22           an agreement with the Superintendent of Documents to  
23           assist the Superintendent with the preservation of infor-  
24           mation dissemination products in the national collection  
25           under subchapter B.

1           “(b) LOCATION OF PRODUCTS.—Under an agreement  
2 under this section, a Preservation Depository Library may  
3 preserve IDPs (regardless of form or format) by housing  
4 them at its own location or by coordinating and managing  
5 all or part of collections of IDPs which are housed at other  
6 Federal Depository Libraries.

7           “(c) PRESERVATION AGREEMENTS WITH OTHER  
8 ENTITIES.—In addition to designating Preservation De-  
9 pository Libraries under this section, the Superintendent  
10 may enter in agreements with other entities to assist the  
11 Superintendent with the preservation of information dis-  
12 semination products in the national collection under sub-  
13 chapter B.

14           “(d) REGULATIONS.—The Superintendent shall carry  
15 out this section in accordance with regulations promul-  
16 gated under this subchapter. Under such regulations, the  
17 Superintendent shall seek to designate Preservation De-  
18 pository Libraries in a manner which promotes geographic  
19 diversity.

20 **“§ 1747. Procedures for designation**

21           “(a) IN GENERAL.—The Superintendent of Docu-  
22 ments may designate a library as a Federal Depository  
23 Library under this subchapter if the Library provides the  
24 Superintendent (at such time and in such form as the Su-  
25 perintendent may require) such information and assur-

1 ances as the Superintendent may require to determine  
2 that the library will meet the applicable requirements of  
3 this subchapter, in accordance with regulations promul-  
4 gated under this subchapter.

5 “(b) TERMINATION OF DESIGNATION.—

6 “(1) TERMINATION.—The designation of a li-  
7 brary as a Federal Depository Library, Selective De-  
8 pository Library, Regional Depository Library, or  
9 Preservation Depository Library under this sub-  
10 chapter may be terminated by the Superintendent  
11 only—

12 “(A) if the Superintendent determines that  
13 the library does not meet the applicable require-  
14 ments for designation under this subchapter; or

15 “(B) at the request of the library.

16 “(2) CRITERIA FOR DETERMINATION.—The de-  
17 termination by the Superintendent under subpara-  
18 graph (A) of paragraph (1) shall be made in accord-  
19 ance with regulations promulgated under this sub-  
20 chapter which shall provide for a reasonable oppor-  
21 tunity for remediation.

22 “SUBCHAPTER E—SALES PROGRAM

23 “§ 1751. Sales program

24 “(a) AUTHORIZATION OF SALES PROGRAM.—

1           “(1) IN GENERAL.—The Director of the Gov-  
2           ernment Publishing Office may operate a program  
3           for the sale of information dissemination products to  
4           the public.

5           “(2) FORMAT OF PRODUCTS OFFERED.—The  
6           Director may offer products for sale under the pro-  
7           gram in any form or format (including tangible and  
8           electronic), except that if the Director makes alter-  
9           ations to the product by reformatting or otherwise  
10          manipulating the original form or format of the con-  
11          tent of the product to prepare it for sale, the Direc-  
12          tor must disclose such alterations on the product.

13          “(3) EXCLUSION OF CONFIDENTIAL MATE-  
14          RIALS.—The Director may not offer any product for  
15          sale under the program if the product is confidential  
16          in nature.

17          “(b) ACQUISITION OF PRODUCTS.—

18                 “(1) AUTHORIZATION OF ADDITIONAL PRODUC-  
19                 TION OR PROCUREMENT.—The Director of the Gov-  
20                 ernment Publishing Office may produce or procure  
21                 additional copies of IDPs for the use of the sales  
22                 program, so long as such production or procurement  
23                 does not interfere with the prompt execution of IDP  
24                 production or procurement for the Government.



1           “(2) REPRINTING OF DOCUMENTS.—In the case  
2 of an IDP which consists of a document, the Direc-  
3 tor may from time to time reprint additional copies  
4 of the document for sale under the program, so long  
5 as the Director notifies the office which created the  
6 IDP.

7           “(3) BLANK FORMS.—The Director may print  
8 additional copies of approved Government forms for  
9 sale to the public under the sales program.

10          “(c) RESALE BY COMMERCIAL VENDORS.—

11           “(1) AUTHORIZATION OF RESALE.—As part of  
12 the sales program, the Director of the Government  
13 Publishing Office may authorize the resale of IDPs  
14 by book dealers and other commercial vendors,  
15 under such terms and conditions as the Director  
16 may establish.

17           “(2) NO EFFECT ON PUBLIC ACCESS.—Nothing  
18 in paragraph (1) may be construed to remove any  
19 IDP which is subject to resale under such paragraph  
20 (including the original text and the underlying data)  
21 from the public domain, or to waive any requirement  
22 that the IDP be available for no-fee public access  
23 under any other subchapter of this chapter.

1 **“§ 1752. Determination of costs of products**

2       “(a) OPERATION OF PROGRAM ON SELF-SUSTAINING  
3 BASIS.—To the greatest extent feasible, the Director of  
4 the Government Publishing Office shall operate the sales  
5 program under this subchapter on a self-sustaining basis,  
6 so that the prices of the information dissemination prod-  
7 ucts sold will cover the cost of procurement or production,  
8 dissemination, and other appropriate costs associated with  
9 the program as determined by the Director, including the  
10 offering of sales discounts.

11       “(b) SPECIAL RULE FOR FEDERAL DEPOSITORY LI-  
12 BRARY PROGRAM.—The Director of the Government Pub-  
13 lishing Office shall ensure that any IDP (regardless of  
14 form or format) which is made available for sale under  
15 the sales program is offered to the Superintendent of Doc-  
16 uments for purposes of this chapter at no greater than  
17 the applicable price described in subsection (a)(2) of sec-  
18 tion 1722.

19 **“§ 1753. Inventory**

20       “(a) ANNUAL INVENTORY.—The Director of the Gov-  
21 ernment Publishing Office shall conduct an inventory of  
22 the sales program under this subchapter each fiscal year  
23 and use the results of the inventory to determine stock  
24 levels necessary for the next year.

25       “(b) DESTRUCTION OR REMAINDERING OF INVEN-  
26 TORY.—Prior to destroying or remaindering any inventory

1 of IDPs, the Director of the Government Publishing Office  
2 shall first offer the inventory at no cost to—

3 “(1) the Superintendent of Documents for pur-  
4 poses of the other subchapters of this chapter; and

5 “(2) if the Superintendent rejects the offer, the  
6 office which created the IDPs.

7 “SUBCHAPTER F—OTHER PROGRAMS AND  
8 AUTHORITIES

9 “§ 1761. **By-law distribution program**

10 “(a) HOUSE OF REPRESENTATIVES AND SENATE.—  
11 For each fiscal year, the Superintendent shall deliver in-  
12 formation dissemination products to the Clerk of the  
13 House of Representatives for use in the libraries of the  
14 House and to the Secretary of the Senate for use in the  
15 libraries of the Senate.

16 “(b) NATIONAL ARCHIVES AND RECORDS ADMINIS-  
17 TRATION.—For each fiscal year, the Superintendent shall  
18 deliver information dissemination products to the National  
19 Archives and Records Administration for use by the Archi-  
20 vist of the United States, including use by the Presidential  
21 Library established for the President during whose term  
22 the IDPs were produced, based on a determination made  
23 by the Archivist and the Superintendent jointly of the  
24 number of IDPs necessary for the use of the Archivist.

25 “(c) FOREIGN DISSEMINATION.—

1           “(1) UNITED STATES LEGATIONS AND CON-  
2           SULATES.—The Superintendent may disseminate an  
3           information dissemination product to a legation or  
4           consulate of the United States only if the Secretary  
5           of State, by an order to be recorded in the State De-  
6           partment, determines that the dissemination is suit-  
7           able for and required by the legation and consulate.

8           “(2) FOREIGN LEGATIONS.—The Super-  
9           intendent may disseminate an information dissemi-  
10          nation product to a foreign legation to the United  
11          States only upon request of the Secretary of State,  
12          and only in such number as the Secretary provides  
13          in the request. The Superintendent may disseminate  
14          an IDP to a foreign legation to the United States  
15          without cost only if the government of such legation  
16          furnishes copies of its printed and legislative docu-  
17          ments to legations of the United States.

18          “(d) LIBRARY OF CONGRESS AND CONGRESSIONAL  
19          RESEARCH SERVICE.—

20                 “(1) LIBRARY OF CONGRESS.—For each fiscal  
21                 year, the Superintendent shall furnish to the Library  
22                 of Congress a number of full and partial sets of in-  
23                 formation dissemination products in a timely man-  
24                 ner, based on a determination made by the Librar-  
25                 ian of Congress and transmitted to the Super-

1       intendent of the number of sets necessary for the Li-  
2       brary to provide services to Congress and to main-  
3       tain its collections for such fiscal year.

4               “(2) CONGRESSIONAL RESEARCH SERVICE.—  
5       For each fiscal year, the Superintendent shall fur-  
6       nish to the Congressional Research Service a num-  
7       ber of full and partial sets of information dissemina-  
8       tion products in a timely manner, based on a deter-  
9       mination made by the Director of the Congressional  
10      Research Service and transmitted to the Super-  
11      intendent of the number of sets necessary to provide  
12      services to Congress for such fiscal year. The Direc-  
13      tor shall make a payment for the costs incurred by  
14      the Superintendent in furnishing IDPs under this  
15      paragraph, and for the related costs of carrying out  
16      this paragraph, based on the incremental costs of  
17      printing, using funds appropriated to the Director  
18      for such purpose.

19   **“§ 1762. International Exchange Service Program**

20               “(a) DISSEMINATION THROUGH LIBRARIAN OF CON-  
21      GRESS.—For each fiscal year, the Superintendent shall  
22      furnish a number of full and partial sets of information  
23      dissemination products in a timely manner to the Library  
24      of Congress to enable the Librarian of Congress to meet  
25      the requirements of international exchange service pro-

1 grams for such fiscal year, based on a determination made  
2 by the Librarian of Congress and transmitted to the Su-  
3 perintendent of the number of sets necessary for such pur-  
4 pose. The costs of carrying out this subsection shall be  
5 charged to appropriations provided for the Superintendent  
6 for purposes of this subsection.

7 “(b) INTERNATIONAL EXCHANGE SERVICE PRO-  
8 GRAMS DESCRIBED.—In this section, an ‘international ex-  
9 change service program’ is any program to fully carry into  
10 effect the convention concluded at Brussels on March 15,  
11 1886, and proclaimed by the President of the United  
12 States on January 15, 1889, and all subsequent bilateral  
13 and multilateral treaties and agreements under which cop-  
14 ies of Government publications are provided for distribu-  
15 tion to foreign governments which agree, as indicated by  
16 the Librarian of Congress, to send to the United States  
17 similar publications of their governments for delivery to  
18 the Library of Congress.

19 **“§ 1763. Acceptance of gifts**

20 “The Director of the Government Publishing Office  
21 may accept and use gifts and bequests of property (both  
22 real and personal) and services in support of the Super-  
23 intendent’s responsibilities under this chapter.

1 **“§ 1764. Authorities of Director of the Government**  
2 **Publishing Office**

3 “(a) PLENARY AUTHORITY TO PROMOTE PUBLIC AC-  
4 CESS TO PRODUCTS.—Consistent with this chapter and  
5 other applicable laws, the Director of the Government  
6 Publishing Office may take such measures as the Director  
7 considers necessary to ensure the timely dissemination of  
8 information dissemination products to the public and to  
9 expand and improve the maintenance of permanent public  
10 access to such products.

11 “(b) REGULATIONS.—

12 “(1) IN GENERAL.—The Director of the Gov-  
13 ernment Publishing Office may promulgate such reg-  
14 ulations as the Director considers necessary to carry  
15 out any subchapter of this chapter on behalf of the  
16 Superintendent of Documents, in accordance with  
17 the requirements of this section.

18 “(2) APPLICATION OF ADMINISTRATIVE PROCE-  
19 DURES.—The promulgation of regulations by the Di-  
20 rector pursuant to this subsection shall be subject to  
21 the following laws:

22 “(A) Section 553 of title 5 (relating to no-  
23 tice and comment requirements for agency rule  
24 making).

25 “(B) Chapter 7 of title 5 (relating to judi-  
26 cial review of agency actions).

1           “(3) MANDATORY REVIEW.—3 years after the  
2 promulgation of any regulation pursuant to this sub-  
3 section and every 3 years thereafter, the Director  
4 shall conduct a review of the regulation to determine  
5 whether or not the regulation should be updated or  
6 repealed.

7           “(4) CONSULTATION WITH LIBRARIES.—The  
8 Director shall carry out paragraphs (1) and (3) in  
9 consultation with the Federal Depository Libraries  
10 and other appropriate parties.

11           “(5) PERMANENT RETENTION; PUBLIC ACCES-  
12 SIBILITY.—The Director shall ensure that any regu-  
13 lation promulgated pursuant to this subsection is re-  
14 tained permanently in the records of the Govern-  
15 ment Publishing Office and is fully accessible to the  
16 public.

17 **“§ 1765. Source of funds used to carry out programs**  
18 **and activities**

19           ““The costs of carrying out any programs and activi-  
20 ties under this chapter shall be paid solely from a separate  
21 appropriation made for the activities of the Super-  
22 intendent of Documents or from gifts and bequests accept-  
23 ed under section 1763.



1 **“§ 1766. Congressional oversight**

2 “(a) REPORTS.—Not later than 45 days after the  
3 first 6 months of each fiscal year, and not later than 45  
4 days after the next 6 months of each fiscal year, the Direc-  
5 tor of the Government Publishing Office shall submit to  
6 the Joint Committee on Printing a report on the activities  
7 of the Superintendent of Documents during the previous  
8 6 months, and shall include in the report the following  
9 information:

10 “(1) Gifts accepted by the Director under sec-  
11 tion 1763, including the donor, the amount, and the  
12 disposition.

13 “(2) Actions taken to ensure the protection of  
14 the privacy of users of information dissemination  
15 products.

16 “(3) The status of the Depository Library Pro-  
17 gram under subchapter D.

18 “(4) The status of any pending rules or regula-  
19 tions proposed under this chapter.

20 “(5) Notifications received by the Super-  
21 intendent of Documents under section 1723(a).

22 “(6) Any information dissemination products  
23 replaced or recalled under section 1727 from the na-  
24 tional collection established under subchapter B.

25 “(b) POSTING FOR NO-FEE PUBLIC ACCESS.—At the  
26 time of submitting a report under subsection (a) to the

1 Joint Committee on Printing, the Director of the Govern-  
2 ment Publishing Office shall post an electronic version of  
3 the report on the Government Publishing Office’s official  
4 website for no-fee public access.”.

5 (b) CONFORMING AMENDMENTS TO TITLE 44,  
6 UNITED STATES CODE.—

7 (1) DISTRIBUTION OF CONGRESSIONAL DOCU-  
8 MENTS FOR LIBRARY OF CONGRESS AND INTER-  
9 NATIONAL EXCHANGE SERVICE PROGRAMS.—Section  
10 701 of title 44, United States Code, is amended—

11 (A) in subsection (b), by striking “ten cop-  
12 ies, as provided by section 1718 of this title”  
13 each place it appears and inserting “the num-  
14 ber of copies determined in accordance with sec-  
15 tion 1761(d) of this title”; and

16 (B) in subsection (c), by striking “not to  
17 exceed one hundred and fifty copies, as pro-  
18 vided by section 1718 of this title” and insert-  
19 ing “the number of copies determined in ac-  
20 cordance with section 1761(d) of this title”; and

21 (C) in subsection (c), by striking “as pro-  
22 vided by sections 1718 and 1719 of this title”  
23 and inserting “as determined in accordance  
24 with sections 1761(d) and 1762 of this title”.

1           (2) DISTRIBUTION OF CONGRESSIONAL RECORD  
2           FOR LIBRARY OF CONGRESS AND INTERNATIONAL  
3           EXCHANGE PROGRAMS.—Section 906 of such title is  
4           amended by striking “as provided by sections 1718  
5           and 1719 of this title, not to exceed one hundred  
6           and forty-five copies of the daily, five semimonthly  
7           copies, and one hundred and fifty bound copies” and  
8           inserting “the number of copies determined in ac-  
9           cordance with sections 1761(d) and 1762 of this  
10          title”.

11          (3) PREPARATION OF FEDERAL REGISTER AND  
12          CODE OF FEDERAL REGULATIONS.—The last sen-  
13          tence of section 1504 of such title is amended by  
14          striking “by sections 1705 and 1708 of this title”  
15          and inserting “by subchapter E of chapter 17 of this  
16          title”.

17          (4) OTHER CONFORMING AMENDMENTS.—Title  
18          44, United States Code, is further amended by strik-  
19          ing chapters 19 and 41.

20          (c) CLERICAL AMENDMENTS.—The table of chapters  
21          for title 44, United States Code, is amended—

22                  (1) by striking the item relating to chapter 17  
23                  and inserting the following:

“CHAPTER 17—NO-FEE PUBLIC ACCESS TO GOVERNMENT INFORMATION”;  
AND

1           (2) by striking the items relating to chapters 19  
2           and 41.

3 **SEC. 3. TRANSITION.**

4           (a) TREATMENT OF INDIVIDUAL CURRENTLY HOLD-  
5           ING POSITION OF SUPERINTENDENT OF DOCUMENTS.—

6           (1) PERMITTING INDIVIDUAL TO SERVE ON IN-  
7           TERIM BASIS.—For purposes of title 44, United  
8           States Code, as amended by this Act, any individual  
9           who holds the position of Superintendent of Docu-  
10          ments as of the effective date of this Act shall be  
11          deemed to meet the qualifications for such position  
12          under such title, and shall be permitted to remain in  
13          that position after the effective date of this Act until  
14          the Director of the Government Publishing Office  
15          appoints an individual to serve as the Super-  
16          intendent of Documents under section 1702 of such  
17          title, as amended by this Act. Nothing in this para-  
18          graph shall be construed to prohibit the Director  
19          from appointing such an individual as the Super-  
20          intendent of Documents under section 1702 of such  
21          title, as amended by this Act.

22          (2) SPECIAL RULE ON COMPENSATION.—If an  
23          individual described in paragraph (1) serves as Su-  
24          perintendent of Documents pursuant to the author-  
25          ity of such paragraph after the effective date of this

1 Act, the individual shall receive compensation for  
2 such service after such date at the same annual rate  
3 of compensation the individual received as of the ef-  
4 fective date of this Act. If the Director of the Gov-  
5 ernment Publishing Office appoints the individual to  
6 serve as Superintendent of Documents under section  
7 1702 of title 44, United States Code, as amended by  
8 this Act, the individual shall be compensated in ac-  
9 cordance with such section.

10 (b) TRANSITION FOR EXISTING DEPOSITORY LI-  
11 BRARIES.—For purposes of chapter 17 of title 44, United  
12 States Code, as amended by this Act—

13 (1) each institution which, as of the effective  
14 date of this Act, is designated as a depository library  
15 under chapter 19 of such title (as in effect prior to  
16 such date) shall be deemed to have been designated  
17 as a Federal Depository Library under chapter 17  
18 of such title on the effective date of this Act;

19 (2) each institution which, as of the effective of  
20 this Act, is designated as a selective depository li-  
21 brary under chapter 19 of such title (as in effect  
22 prior to such date) shall be deemed to have been  
23 designated as a Selective Depository Library under  
24 chapter 17 of such title on the effective date of this  
25 Act; and

1           (3) each institution which, as of the effective  
2           date of this Act, is serving a regional depository li-  
3           brary under chapter 19 of such title (as in effect  
4           prior to such date) shall be deemed to have been  
5           designated as a Regional Depository Library under  
6           chapter 17 of such title on the effective date of this  
7           Act.

8   **SEC. 4. GAO STUDY AND REVIEW OF IMPLEMENTATION OF**  
9                           **CHANGES TO RULES GOVERNING PUBLIC AC-**  
10                           **CESS TO GOVERNMENT PUBLICATIONS.**

11           (a) **STUDY.**—The Comptroller General of the United  
12           States shall conduct a study on the implementation of  
13           chapter 17 of title 44, as amended by this Act. Such study  
14           shall include an analysis of—

15           (1) the status of the implementation of such  
16           chapter;

17           (2) the extent of compliance by offices of the  
18           Federal government with the requirements of such  
19           chapter;

20           (3) the effectiveness of such chapter at meeting  
21           the needs of the public and Federal Depository Li-  
22           braries in providing public access to government in-  
23           formation; and

24           (4) other related issues determined appropriate  
25           by the Comptroller General.

1 (b) REPORT.—Not later than 3 years after the date  
2 of the enactment of this Act, the Comptroller General of  
3 the United States shall submit to the Joint Committee on  
4 Printing a report on the study conducted under subsection  
5 (a).

6 **SEC. 5. EFFECTIVE DATE.**

7 Except as otherwise provided, this Act and the  
8 amendments made by this Act shall apply with respect to  
9 the first fiscal year which begins after the date of the en-  
10 actment of this Act and each succeeding fiscal year.

