

115TH CONGRESS
2D SESSION

H. R. 5305

To amend title 44, United States Code, to ensure the availability of no-fee public access to government information, to reform the Federal Depository Library Program, to authorize the activities of the Superintendent of Documents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2018

Mr. HARPER (for himself, Mr. BRADY of Pennsylvania, Mr. RODNEY DAVIS of Illinois, Mrs. COMSTOCK, Mr. WALKER, Mr. LOUDERMILK, Ms. LOFGREN, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 44, United States Code, to ensure the availability of no-fee public access to government information, to reform the Federal Depository Library Program, to authorize the activities of the Superintendent of Documents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FDLP Modernization
5 Act of 2018”.

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

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

6 **“CHAPTER 17—NO-FEE PUBLIC ACCESS TO**
 7 **GOVERNMENT INFORMATION**

“SUBCHAPTER A—SUPERINTENDENT OF DOCUMENTS

- “1701. Findings; purpose; definitions.
- “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; definitions**

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-
11 lic access government information. These libraries
12 partner with the Government Publishing Office and
13 offices of the Federal Government to ensure that
14 members of the public throughout the United States
15 have effective, no-fee access to government informa-
16 tion.

17 “(3) The majority of government information
18 currently produced is in electronic format. As a re-
19 sult, 97 percent of new information available
20 through the Federal Depository Library Program is
21 in electronic format.

1 “(4) Government has a responsibility to dis-
2 seminate and provide permanent public access to in-
3 formation in order to ensure that members of the
4 public are fully aware of the activities of their gov-
5 ernment, to spur innovation and research, and to
6 promote good government.

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

10 “(b) PURPOSE.—It is the purpose of this chapter to
11 promote the greatest possible public access to information
12 dissemination products by authorizing the Superintendent
13 of Documents to—

14 “(1) establish a national collection of informa-
15 tion dissemination products and to provide no-fee,
16 permanent public access to such collection through
17 an online repository established and operated by the
18 Director of the Government Publishing Office under
19 subchapter C and through the Federal Depository
20 Library Program under subchapter D;

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

23 “(3) carry out a by-law distribution program
24 and an international exchange service program
25 under subchapter F; and

1 “(4) collaborate with offices of the Federal Gov-
2 ernment, Federal Depository Libraries, and library
3 associations and consortia.

4 **“§ 1702. Superintendent of Documents**

5 “(a) APPOINTMENT.—The Director of the Govern-
6 ment Publishing Office shall appoint an individual to serve
7 as the Superintendent of Documents, without regard to
8 political affiliation and solely based on professional quali-
9 fications to perform the duties and responsibilities of the
10 position, and who shall serve at the pleasure of the Direc-
11 tor of the Government Publishing Office.

12 “(b) DUTIES.—Under the general direction of the Di-
13 rector of the Government Publishing Office, the Super-
14 intendent of Documents shall administer the programs of
15 GPO which provide no-fee public access to Federal infor-
16 mation dissemination products (IDPs) under this chapter.

17 “(c) QUALIFICATIONS.—The individual appointed as
18 the Superintendent of Documents shall be an accom-
19 plished general manager and practitioner of library and
20 information sciences, including the identification, acquisi-
21 tion, authentication, cataloging, dissemination, mainte-
22 nance, and preservation of information dissemination
23 products regardless of form or format.

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

4 **“§ 1703. Employees and facilities of Superintendent**

5 “(a) APPOINTMENT OF EMPLOYEES; PROVISION OF
 6 FACILITIES.—The Director of the Government Publishing
 7 Office, upon the requisition of the Superintendent of Doc-
 8 uments, shall appoint necessary assistants, furnish blanks,
 9 and do the printing and binding required by the Super-
 10 intendent of Documents. The Director shall provide con-
 11 venient office, storage, and distributing rooms for the use
 12 of the Superintendent of Documents.

13 “(b) PAY OF EMPLOYEES FOR NIGHT, SUNDAY,
 14 HOLIDAY, AND OVERTIME WORK.—Employees of the Su-
 15 perintendent of Documents may be paid for night, Sun-
 16 day, holiday, and overtime work at rates not in excess of
 17 the rates of additional pay for this work allowed other em-
 18 ployees of the Government Publishing Office under section
 19 305 of this title.

20 **“§ 1704. Coordination and consultation with Library**
 21 **of Congress**

22 “‘In carrying out this chapter, the Superintendent of
 23 Documents shall coordinate and consult with the Librar-
 24 ian of Congress, especially with respect to the provisions
 25 of this title which affect the collections of the Library of

1 Congress and the services the Library provides to Con-
2 gress.

3 **“§ 1705. Coordination and consultation with other**
4 **legislative branch officials**

5 “In addition to the coordination and consultation re-
6 quired under section 1704, in carrying out this chapter,
7 the Superintendent of Documents shall coordinate and
8 consult with appropriate officials of the legislative branch,
9 including the Clerk of the House of Representatives, the
10 Secretary of the Senate, and the Librarian of Congress,
11 with respect to the production and dissemination of infor-
12 mation dissemination products of Congress for inclusion
13 in the legislative information retrieval system established
14 and operated under section 209 of the Legislative Branch
15 Appropriations Act, 1996 (2 U.S.C. 180).

16 **“§ 1706. Definitions**

17 “(a) DEFINITION OF ‘PRINTING’.—

18 “(1) DEFINITION.—In this chapter, the term
19 ‘printing’ includes and applies to the all of the proc-
20 esses used to capture, process, and duplicate digital
21 or tangible information, including—

22 “(A) any formatting, composition, digitiza-
23 tion, platemaking, presswork, and binding or
24 other finishing, or the manufacturing of related
25 material;

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

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

6 “(2) REVIEW; UPDATES.—The Director of the
7 Government Publishing Office shall regularly review
8 the definition under this subsection to ensure that it
9 is consistent with international and commercial prac-
10 tice, and not less frequently than every 5 years, shall
11 submit recommendations to the Committee on House
12 Administration of the House of Representatives and
13 the Committee on Rules and Administration of the
14 Senate for updates to the definition so that it re-
15 flects the most current technology.

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

18 “(1) The term ‘dissemination’ means the gov-
19 ernment-initiated distribution of information to a
20 nongovernment entity, including the public. Such
21 term does not include any distribution which is lim-
22 ited to Federal Government employees, intra- or
23 inter-office use or sharing of Federal information,
24 and responses to requests for agency records under

1 the Freedom of Information Act (section 552 of title
2 5) or the Privacy Act (section 552a of title 5).

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

5 “(3) The term ‘electronic information dissemi-
6 nation product’ means an information dissemination
7 product which is created for or transmitted through
8 an electronic communications system or network of
9 the office in which the product originated.

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

14 “(5) The term ‘Federal information system’
15 means an information system used or operated by an
16 office of the Federal Government or by a contractor
17 of such an office or by another organization on be-
18 half of such an office.

19 “(6) The term ‘fugitive document’ means an in-
20 formation dissemination product which is not cata-
21 loged or otherwise identifiable or retrievable by an
22 end user through the online repository under section
23 1721 of this title.

24 “(7) The term ‘Government publication’ means
25 information that is published as an individual docu-

1 ment at Government expense, or as required by law,
2 in any medium or form.

3 “(8) The term ‘graphic communication’ means
4 electronic and traditional printing, publishing, pack-
5 aging, digital imaging, computer graphics, website
6 development, digital photography, printable elec-
7 tronics, and related activities.

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

13 “(10) The term ‘information dissemination
14 product’ or ‘IDP’ means any recorded information,
15 regardless of physical form or characteristics, dis-
16 seminated by an office of the Federal Government,
17 or contractor thereof, to the public, and including
18 any recorded information incorporated by reference
19 into the Code of Federal Regulations. Notwith-
20 standing the provisions of section 106 of title 17, it
21 is not an infringement of any copyright that may
22 subsist in works within an IDP to reproduce, pre-
23 pare derivative works of, display, perform, distribute,
24 or utilize (including through text or data mining)
25 IDPs under this title.

1 “(11) The term ‘inter-office agreement’ means
2 a written agreement entered into between two or
3 more offices of the Federal Government that speci-
4 fies the goods to be furnished or tasks to be accom-
5 plished by one office (the servicing office) in support
6 of the other(s) (the requesting office), including as-
7 sisted acquisitions as described in the Memorandum
8 of the Office of Management and Budget entitled
9 ‘Improving the Management and Use of Interagency
10 Acquisitions’ and other cases described in part 17 of
11 the Federal Acquisition Regulations.

12 “(12) The term ‘national collection’ means
13 (subject to subchapter B) the collection of informa-
14 tion dissemination products produced by the Federal
15 Government, and (as described in subchapter B) is
16 a distributed collection accessible from the online re-
17 pository under subchapter C, the Federal Depository
18 Libraries under subchapter D, and through agree-
19 ments with other entities as provided by this chap-
20 ter.

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

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

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

9 “(16) The term ‘State’ means, except where
10 otherwise provided, each of the several States, the
11 District of Columbia, the Commonwealth of Puerto
12 Rico, American Samoa, Guam, the United States
13 Virgin Islands, and the Commonwealth of the North-
14 ern Mariana Islands.

15 “(17) The term ‘trustworthy information sys-
16 tem’ means an information system that is believed to
17 be capable of operating within defined levels of risk
18 despite the environmental disruptions, human errors,
19 structural failures, and purposeful attacks that are
20 expected to occur in its environment of operation.

1 “SUBCHAPTER B—NATIONAL COLLECTION OF
2 INFORMATION DISSEMINATION PRODUCTS
3 **“§ 1721. National collection of information dissemina-**
4 **tion products**

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

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

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

23 “(2) The Federal Depository Library Program
24 under subchapter D.

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

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

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

8 “(1) PRODUCTS DESCRIBED.—The Super-
9 intendent shall not provide public access to an infor-
10 mation dissemination product which is included in
11 the national collection under this subchapter if any
12 of the following apply:

13 “(A) The product is a cooperative publica-
14 tion which must necessarily be sold in order to
15 be self-sustaining, unless the applicable official
16 enters into an agreement with the Super-
17 intendent to make the product accessible to the
18 public.

19 “(B) The product contains information the
20 disclosure of which would constitute a clearly
21 unwarranted invasion of personal privacy.

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

24 “(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

25 Paragraph (1) does not apply with respect to—

1 “(A) an information dissemination product
2 which an office disseminates in electronic form
3 to the public at no cost; or

4 “(B) an information dissemination product
5 consisting of a standard which has been incor-
6 porated by reference into the Code of Federal
7 Regulations.

8 “(3) NOTIFICATION BY APPLICABLE OFFI-
9 CIALS.—Each applicable official shall notify the Su-
10 perintendent of each instance in which an informa-
11 tion dissemination product is subject to paragraph
12 (1).

13 “(d) HISTORICAL COLLECTION.—In maintaining the
14 national collection under this subchapter, the Super-
15 intendent shall oversee the maintenance of information
16 dissemination products which were created and distributed
17 prior to the effective date of the FDLP Modernization Act
18 of 2018.

19 “(e) APPLICABLE OFFICIAL DEFINED.—In this sub-
20 chapter, the term ‘applicable official’ with respect to an
21 information dissemination product is as follows:

22 “(1) In the case of an IDP originating in an of-
23 fice of the executive branch, the head of the office
24 in which the IDP originated.

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

4 “(A) if the IDP originated in an office of
5 the House of Representatives, the term ‘appli-
6 cable official’ is the Clerk of the House of Rep-
7 resentatives; and

8 “(B) if the IDP originated in the Senate,
9 the term ‘applicable official’ is the Secretary of
10 the Senate.

11 “(3) In the case of an IDP originating in the
12 judicial branch, the Director of the Administrative
13 Office of the United States Courts or the Clerk of
14 the United States Supreme Court (as the case may
15 be).

16 **“§ 1722. Responsibility of offices of Government to**
17 **furnish products to Superintendent of**
18 **Documents**

19 “(a) REQUIREMENT TO FURNISH PRODUCTS.—

20 “(1) IN GENERAL.—If an office of the Federal
21 Government produces or procures an information
22 dissemination product, regardless of form or format,
23 the applicable official shall furnish the product to
24 the Superintendent of Documents for inclusion in
25 the national collection established and maintained

1 under this subchapter at the applicable price de-
2 scribed in paragraph (2), not later than the date on
3 which the product is made available to the public.

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

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

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

14 “(b) FORM AND FORMAT.—

15 “(1) IN GENERAL.—In furnishing an informa-
16 tion dissemination product to the Superintendent of
17 Documents under this subchapter, the applicable of-
18 ficial shall deposit with and notify the Super-
19 intendent of digital or tangible (as applicable)
20 versions of such IDP, regardless of the form or for-
21 mat of the product, in such manner as will enable
22 the Superintendent to perform cataloging, indexing,
23 identification, location, availability, and format des-
24 ignation services with respect to the IDP under sec-

1 tion 1725 and authentication with respect to the
2 IDP under section 1722.

3 “(2) SPECIAL RULE FOR INCOMPATIBLE FOR-
4 MATS.—

5 “(A) PROVIDING LOCATION AND ACCESS.—

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

17 “(B) CATALOGING, PUBLIC ACCESS, AND
18 PRESERVATION.—The Superintendent, in con-
19 sultation with the applicable official, shall deter-
20 mine the best method to catalog, provide public
21 access to (including through the Federal Depos-
22 itory Library Program under subchapter D),
23 and preserve an IDP which is subject to sub-
24 paragraph (A).

1 “(c) NOTIFICATIONS REGARDING CHANGES IN PRO-
2 DUCTION OR PROCUREMENT OF PRODUCTS.—

3 “(1) IN GENERAL.—The applicable official shall
4 immediately notify the Superintendent of the intent
5 of an office to produce or procure, substantially
6 modify, or terminate the production of an informa-
7 tion dissemination product, regardless of form or
8 format, in order to enable the Superintendent to
9 continue to provide public access to the product
10 under this chapter, including access through the
11 Federal Depository Library Program under sub-
12 chapter D at the applicable price described in sub-
13 section (a)(2). Nothing in this paragraph shall be
14 construed to affect the application of section 3506 of
15 this title to any office or applicable official.

16 “(2) PUBLIC NOTICE.—The Superintendent of
17 Documents shall publish in the Federal Register,
18 and provide timely notice to the public and the Fed-
19 eral Depository Libraries under subchapter D, of no-
20 tifications received under paragraph (1). In the case
21 of notifications that an office intends to terminate
22 the production of an information dissemination
23 product, eliminate the production or availability in
24 tangible form of an information dissemination prod-
25 uct, or otherwise limit the provision of public access

1 to an information dissemination product to only elec-
2 tronic means, the Superintendent of Documents
3 shall provide such notice not later than 10 days
4 after receiving the notification.

5 “(3) RESTRICTIONS ON AUTHORITY TO ELIMI-
6 NATE PRINTED COPIES OF PRODUCTS.—An office
7 may not terminate the production of an information
8 dissemination product, eliminate the production or
9 availability in tangible form of an information dis-
10 semination product, or otherwise limit the provision
11 of public access to such product to only electronic
12 means, until the expiration of the 70-day period
13 which begins on the date the head of the office noti-
14 fies the Superintendent of Documents of the intent
15 to terminate such production, eliminate such produc-
16 tion or availability in tangible form, or limit such ac-
17 cess to electronic means (as the case may be).

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

21 “(1) the Superintendent is authorized to obtain
22 the IDP; and

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

1 “(e) ADDITIONAL METHODS OF OBTAINING PROD-
2 UCTS.—

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

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

16 “(f) ROLE OF DIRECTOR OF THE GOVERNMENT PUB-
17 LISHING OFFICE.—

18 “(1) SUPERVISION AND OVERSIGHT.—The Su-
19 perintendent of Documents shall carry out this sec-
20 tion under the supervision of the Director of the
21 Government Publishing Office, who shall be respon-
22 sible for ensuring the compliance of offices of the
23 Federal Government with this section.

24 “(2) AVAILABILITY OF GPO PRODUCTS.—The
25 Director of the Government Publishing Office shall

1 provide the Superintendent with adequate metadata
2 and copies, in digital and tangible form (if available)
3 of all information dissemination products produced
4 or procured by the Government Publishing Office.

5 “(g) STEPS TO ENSURE COMPLIANCE BY APPLICA-
6 BLE OFFICIALS.—

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

15 “(2) REPORTS TO DIRECTOR OF THE GOVERN-
16 MENT PUBLISHING OFFICE.—Not later than 180
17 days after the date of the enactment of the FDLP
18 Modernization Act of 2018 and every 3 years there-
19 after, each applicable official shall submit a report
20 to the Director of the Government Publishing Office
21 setting forth a plan to ensure the official’s compli-
22 ance with the requirements of this section, including
23 steps to sanction employees of the official’s office for
24 failure to comply with such requirements.

1 “(h) EFFECTIVE DATE; TRANSITION RULE FOR
2 ELECTRONIC PRODUCTS FURNISHED TO DEPOSITORY LI-
3 BRARIES.—

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

8 “(2) FURNISHING ELECTRONIC PRODUCTS TO
9 FEDERAL DEPOSITORY LIBRARIES DURING TRANSI-
10 TION.—

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

20 “(B) FURNISHING OF PRODUCTS TO LI-
21 BRARIES.—If, in the same manner applicable to
22 information dissemination products under sec-
23 tion 1721, the Superintendent determines that
24 a product in the inventory provided under sub-
25 paragraph (A) would be appropriate for inclu-

1 sion in the national collection under this sub-
2 chapter (if the product were procured or pro-
3 duced after the effective date of the FDLP
4 Modernization Act of 2018), the applicable offi-
5 cial shall furnish the product to the Super-
6 intendent for distribution to Federal Depository
7 Libraries under subchapter D, as determined by
8 the Superintendent.

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

13 **“§ 1723. Requirements for agreements to produce or**
14 **procure products**

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

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

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

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

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

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

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

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

21 **“§ 1725. Cataloging and related services for informa-**
22 **tion dissemination products**

23 “(a) CATALOGING, INDEXING, IDENTIFICATION, LO-
24 CATION, AVAILABILITY, AND FORMAT DESIGNATION
25 SERVICES.—

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

3 “(A) perform cataloging, indexing, identi-
4 fication, location, availability, and format des-
5 ignation services with respect to the information
6 dissemination products included in the national
7 collection under this subchapter;

8 “(B) perform cataloging, indexing, identi-
9 fication, location, availability, and format des-
10 ignation services with respect to any informa-
11 tion dissemination products which are included
12 in the historical collection under section
13 1721(d); and

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

20 “(2) ENSURING INCORPORATION OF CURRENT
21 METHODOLOGIES AND PRACTICES.—The Super-
22 intendent shall periodically review and revise the
23 methods by which the Superintendent performs the
24 services required under paragraph (1) to ensure that
25 such methods incorporate contemporary library and

1 information management methodologies and prac-
2 tices.

3 “(b) CATALOG OF GOVERNMENT PRODUCTS.—

4 “(1) ESTABLISHMENT OF CATALOG.—The Su-
5 perintendent of Documents shall establish and main-
6 tain a Catalog of Government Products consisting of
7 a comprehensive set of metadata, including the dig-
8 ital object identifier, associated with information dis-
9 semination products, including existing products
10 which are not yet catalogued, and may make the
11 records of such Catalog available in other biblio-
12 graphic utilities that support widely available record
13 sharing.

14 “(2) NATIONAL BIBLIOGRAPHIC RECORDS IN-
15 VENTORY.—The Superintendent shall carry out a
16 program to bring fugitive documents under biblio-
17 graphic control and to make records associated with
18 such documents available through the Catalog estab-
19 lished and maintained under paragraph (1) and
20 other appropriate bibliographic utilities.

21 “(c) DIGITIZATION.—

22 “(1) IN GENERAL.—The Superintendent of
23 Documents is authorized to digitize, to the greatest
24 extent practicable, all information dissemination
25 products created at any time, and to include such

1 products in digitized form in the national collection
2 under this subchapter.

3 “(2) AUTHENTICATION.—To the greatest extent
4 practicable, the Superintendent shall identify the
5 chain of custody or other provenance of IDPs in the
6 national collection under this subchapter which are
7 in digitized form, and shall verify that such IDPs
8 are complete and unaltered.

9 “(d) AUTHORIZING ACTIVITIES TO BE CARRIED OUT
10 BY OTHER ENTITIES.—

11 “(1) AUTHORIZATION.—The Superintendent of
12 Documents may enter into an agreement with an-
13 other entity (including a Federal Depository Library
14 under subchapter D) to carry out any of the activi-
15 ties authorized under this section, in accordance
16 with regulations promulgated under this subchapter.

17 “(2) TREATMENT OF WORK PRODUCT AS WORK
18 OF UNITED STATES GOVERNMENT FOR PURPOSES OF
19 COPYRIGHT.—For purposes of section 105 of title
20 17, any work product produced under an agreement
21 entered into under paragraph (1) shall be considered
22 a work of the United States Government.

23 “(e) COORDINATION WITH OTHER LEGISLATIVE
24 BRANCH OFFICIALS.—In carrying out this section, the
25 Superintendent shall coordinate and consult with appro-

1 priate officials of the legislative branch, including the
2 Clerk of the House of Representatives, the Secretary of
3 the Senate, and the Librarian of Congress, with respect
4 to the dissemination of information dissemination prod-
5 ucts under this subchapter for inclusion in the legislative
6 information retrieval system established and operated
7 under section 209 of the Legislative Branch Appropria-
8 tions Act, 1996 (2 U.S.C. 180).

9 **“§ 1726. Collection development plan**

10 “(a) PLAN.—The Superintendent of Documents shall
11 establish a collection development plan for the national
12 collection of information dissemination products under
13 this subchapter, taking into consideration the require-
14 ments of the online repository under subchapter C and the
15 needs of the Federal Depository Library Program under
16 subchapter D.

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

20 **“§ 1727. Replacement and removal of products from**
21 **national collection**

22 “(a) LIMITATION ON REPLACEMENT AND RE-
23 MOVAL.—An information dissemination product may not
24 be replaced or removed from the national collection under

1 this subchapter except as provided under the policies de-
2 scribed in subsection (b).

3 “(b) POLICIES.—

4 “(1) IN GENERAL.—The Superintendent of
5 Documents shall carry out each of the following poli-
6 cies with respect to the information dissemination
7 products, regardless of form or format, which are in-
8 cluded in the national collection under this sub-
9 chapter:

10 “(A) A policy for the replacement of an
11 IDP in case of error.

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

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

16 “(A) notification of the replacement or re-
17 moval to the public and the Federal Depository
18 Libraries; and

19 “(B) compliance with relevant law, includ-
20 ing the need for the preservation of materials
21 for archival purposes with the National Ar-
22 chives and Records Administration.

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

1 “SUBCHAPTER C—ONLINE REPOSITORY

2 **“§ 1731. Establishment and operation of online repos-**
3 **itory for no-fee access to information dis-**
4 **semination products**

5 “(a) ONLINE REPOSITORY.—The Director of the
6 Government Publishing Office shall establish and operate
7 a trustworthy information system and online repository
8 through which members of the public may obtain, at no
9 charge, information dissemination products which are in-
10 cluded in the national collection established and main-
11 tained under subchapter B.

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

17 “(c) PRESERVATION OF PRODUCTS.—The Director of
18 the Government Publishing Office shall ensure the preser-
19 vation for permanent public access of information dissemi-
20 nation products included in the online repository, includ-
21 ing through a program providing for the permanent reten-
22 tion of digital materials.

23 **“§ 1732. Authentication of products**

24 “(a) REQUIRING AUTHENTICATION.—To the greatest
25 extent practicable, the Director of the Government Pub-

1 lishing Office shall ensure that each information dissemi-
2 nation product made available on the online repository
3 under this subchapter is authenticated, identify the prod-
4 uct’s chain of custody or other provenance, and verify that
5 the product is complete and unaltered.

6 “(b) IDENTIFICATION OF NON-AUTHENTICATED
7 PRODUCTS.—The Director of the Government Publishing
8 Office shall ensure that if any IDP in the online repository
9 is not authenticated, the lack of authentication shall be
10 noted within the IDP.

11 **“§ 1733. Privacy of users**

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

23 “(b) REGULATIONS.—This section shall be carried
24 out in accordance with regulations promulgated under this
25 subchapter.

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

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

6 “(b) SPECIAL RULE FOR COPIES OF CONGRESSIONAL
7 DOCUMENTS.—

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

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

19 “(B) FORMAT; BINDING.—The Director
20 shall provide the Superintendent of Documents
21 with the copies required under this paragraph
22 in unbound form as soon as practicable after
23 printing is completed, except that any report or
24 other document of sufficient size on any one
25 subject (as established by the Superintendent)

1 shall be bound separately and receive the title
2 suggested by the subject of the volume. The Di-
3 rector shall provide that the bound sets of such
4 reports or other documents are arranged in vol-
5 umes and bound in a practical and economical
6 manner as established by the Superintendent.

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

15 **“§ 1742. Requirements for Federal Depository Librar-**
16 **ies**

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

20 “(1) The library shall provide members of the
21 public with no-fee access to all of the information
22 dissemination products furnished to the library by
23 the Superintendent of Documents under this chap-
24 ter—

1 “(A) in electronic format by providing
2 internet access to the online repository under
3 subchapter C and to cataloging, indexing, iden-
4 tification, location, availability, and format des-
5 ignation services under section 1725; and

6 “(B) in any tangible format held under
7 this subchapter.

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

13 “(3) The library shall meet such other addi-
14 tional requirements as the Superintendent may es-
15 tablish by regulations promulgated under this sub-
16 chapter.

17 “(b) MAINTENANCE AND REMOVAL OF DEPOSITED
18 IDPs.—In addition to the requirements described in sub-
19 section (a), each library designated as a Federal Deposi-
20 tory Library under this subchapter shall maintain the in-
21 formation dissemination products furnished to the library
22 by the Superintendent under this chapter (regardless of
23 form or format) in accordance with such policies as the
24 Superintendent may establish, and may remove any such
25 products only in accordance with such policies as the Su-

1 perintendent may establish (consistent with the require-
2 ments of section 1744 in the case of Selective Depository
3 Libraries and the requirements of section 1745 in the case
4 of Regional Depository Libraries).

5 “(c) MANAGEMENT OF IDPS IN TANGIBLE FORM.—
6 Any information dissemination product which is deposited
7 with a Federal Depository Library under this subchapter
8 in tangible form remains the property of the United States
9 Government unless the IDP is donated to the Library
10 under section 1743(b).

11 “(d) REGULATIONS.—The Superintendent shall es-
12 tablish the requirements of this section in accordance with
13 regulations promulgated under this subchapter. Such reg-
14 ulations shall encourage participation by a broad and di-
15 verse group of libraries, and may not establish a limit on
16 the number of libraries which may be designated under
17 this section.

18 **“§ 1743. Services available for depository libraries**

19 “(a) OPTIONAL DIGITAL DEPOSIT.—

20 “(1) IN GENERAL.—At the option of the Li-
21 brary, a Federal Depository Library may receive di-
22 rectly from the Superintendent of Documents depos-
23 its in electronic format of information dissemination
24 products included in the national collection, unless

1 impracticable, in accordance with regulations pro-
2 mulgated under this subchapter.

3 “(2) PROTECTING PRIVACY OF USERS.—If the
4 Library permits individuals to seek access to IDPs
5 which are hosted on its own server in accordance
6 with this subsection, the Library shall comply to the
7 extent practicable with the same measures imple-
8 mented by the Superintendent of Documents to pro-
9 tect the privacy of individuals who seek access to
10 IDPs through the use of online repository under
11 subchapter C.

12 “(b) DONATION OF IDPS.—If an information dis-
13 semination product deposited with a Federal Depository
14 Library is no longer needed for purposes of this sub-
15 chapter, the Superintendent may donate the product to
16 the Library, in accordance with regulations promulgated
17 under this subchapter.

18 “(c) AVAILABILITY OF TRAINING PROGRAM FOR USE
19 OF LIBRARIES.—

20 “(1) DEVELOPMENT OF PROGRAM.—The Su-
21 perintendent shall develop a training and continuing
22 education program which may be used by Federal
23 Depository Libraries to promote the ability of the
24 Libraries to understand the operation of the pro-
25 gram under this subchapter and the content of the

1 materials furnished to the Libraries under the pro-
2 gram.

3 “(2) OPTIONAL USE OF PROGRAM.—The use by
4 any Federal Depository Library of the program de-
5 veloped under paragraph (1) shall be optional for
6 the Library.

7 “(3) AVAILABILITY TO PUBLIC.—Nothing in
8 this subsection may be construed to prohibit the Su-
9 perintendent from making the program developed
10 under paragraph (1) or any materials developed as
11 part of such program available to the public, as the
12 Superintendent considers appropriate.

13 **“§ 1744. Selective Depository Libraries**

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

19 “(1) The Library provides access to selected in-
20 formation dissemination products in tangible form
21 as provided by the Superintendent of Documents,
22 under regulations promulgated under this sub-
23 chapter.

24 “(2) The Library agrees to maintain its collec-
25 tion of such IDPs in tangible form for a minimum

1 of 5 years after receipt, unless the Superintendent
2 authorizes earlier withdrawal.

3 “(3) The Library collaborates with a Regional
4 Depository Library (as designated under section
5 1745) on the maintenance of a regional collection of
6 such IDPs in tangible form.

7 “(4) A Member of Congress makes a rec-
8 ommendation to the Superintendent that the Library
9 should be designated as a Selective Depository Li-
10 brary.

11 “(b) REGULATIONS; LIMITATION ON NUMBER.—The
12 Superintendent shall carry out this section in accordance
13 with regulations promulgated under this subchapter. Such
14 regulations shall provide for an adequate number and dis-
15 tribution of Selective Depository Libraries in order to
16 meet the information needs of the public, and shall not
17 prevent the designation of at least one Selective Deposi-
18 tory Library in each congressional district.

19 **“§ 1745. Regional Depository Libraries**

20 “(a) REGIONAL DEPOSITORY LIBRARIES DE-
21 SCRIBED.—A library which is designated as a Federal De-
22 pository Library may, at its request, be designated as a
23 Regional Depository Library if the Library meets the fol-
24 lowing requirements:

1 “(1) The Library agrees to receive its informa-
2 tion dissemination products from the Superintendent
3 of Documents for purposes of this subchapter in
4 tangible form, except that the Library may decline
5 to receive an IDP in tangible form if the authenti-
6 cated IDP is available through the online repository
7 under subchapter C.

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

10 “(3) The Library coordinates and collaborates
11 with Selective Depository Libraries to maintain ac-
12 cess to the collection of IDPs available within the re-
13 gion, including IDPs deposited prior to the library’s
14 designation as a Federal Depository Library under
15 this subchapter, and may do so by housing some of
16 its collection at one or more Selective Depository Li-
17 braries pursuant to an agreement with such Selec-
18 tive Depository Library.

19 “(4) The Library agrees to provide services
20 under this subchapter to Selective Depository Li-
21 braries under agreements facilitated by the Super-
22 intendent of Documents, in accordance with regula-
23 tions promulgated under this subchapter.

1 “(5) A Senator makes a recommendation to the
2 Superintendent that the Library should be des-
3 ignated as a Regional Depository Library.

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

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

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

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

23 “(d) REGULATIONS; CONTENTS.—

24 “(1) IN GENERAL.—The Superintendent shall
25 carry out this section in accordance with regulations

1 promulgated under this subchapter. Such regulations
2 shall—

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

10 “(B) limit the number of Regional Deposi-
11 tory Libraries located in any State to two; and

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

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

19 **“§ 1746. Preservation Depository Libraries**

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

1 mation dissemination products in the national collection
2 under subchapter B.

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

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

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

22 **“§ 1747. Procedures for designation**

23 “(a) IN GENERAL.—The Superintendent of Docu-
24 ments may designate a library as a Federal Depository
25 Library under this subchapter if the Library provides the

1 Superintendent (at such time and in such form as the Su-
2 perintendent may require) such information and assur-
3 ances as the Superintendent may require to determine
4 that the library will meet the applicable requirements of
5 this subchapter, in accordance with regulations promul-
6 gated under this subchapter.

7 “(b) TERMINATION OF DESIGNATION.—

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

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

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

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

1 “SUBCHAPTER E—SALES PROGRAM

2 **“§ 1751. Sales program**

3 “(a) AUTHORIZATION OF SALES PROGRAM.—

4 “(1) IN GENERAL.—The Director of the Gov-
5 ernment Publishing Office may operate a program
6 for the sale of information dissemination products to
7 the public.8 “(2) FORMAT OF PRODUCTS OFFERED.—The
9 Director may offer products for sale under the pro-
10 gram in any form or format (including tangible and
11 electronic), except that if the Director makes alter-
12 ations to the product by reformatting or otherwise
13 manipulating the original form or format of the con-
14 tent of the product to prepare it for sale, the Direc-
15 tor must disclose such alterations on the product.16 “(3) EXCLUSION OF CONFIDENTIAL MATE-
17 RIALS.—The Director may not offer any product for
18 sale under the program if the product is confidential
19 in nature.

20 “(b) ACQUISITION OF PRODUCTS.—

21 “(1) AUTHORIZATION OF ADDITIONAL PRODUC-
22 TION OR PROCUREMENT.—The Director of the Gov-
23 ernment Publishing Office may produce or procure
24 additional copies of IDPs for the use of the sales
25 program, so long as such production or procurement

1 does not interfere with the prompt execution of IDP
2 production or procurement for the Government.

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

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

12 “(c) RESALE BY COMMERCIAL VENDORS.—

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

19 “(2) NO EFFECT ON PUBLIC ACCESS.—Nothing
20 in paragraph (1) may be construed to remove any
21 IDP which is subject to resale under such paragraph
22 (including the original text and the underlying data)
23 from the public domain, or to waive any requirement
24 that the IDP be available for no-fee public access
25 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 Superinten-
9 dent may disseminate an information dissemination
10 product to a foreign legation to the United States
11 only upon request of the Secretary of State, and
12 only in such number as the Secretary provides in the
13 request. The Superintendent may disseminate an
14 IDP to a foreign legation to the United States with-
15 out cost only if the government of such legation fur-
16 nishes copies of its printed and legislative documents
17 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
4 ACCESS 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.—Three years after
2 the promulgation of any regulation pursuant to this
3 subsection 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) PERMANENT RETENTION; PUBLIC ACCES-
8 SIBILITY.—The Director shall ensure that any regu-
9 lation promulgated pursuant to this subsection is re-
10 tained permanently in the records of the Govern-
11 ment Publishing Office and is fully accessible to the
12 public.

13 **“§ 1765. Source of funds used to carry out programs**
14 **and activities**

15 “The costs of carrying out any programs and activi-
16 ties under this chapter shall be paid solely from a separate
17 appropriation made for the activities of the Super-
18 intendent of Documents (or from gifts and bequests ac-
19 cepted under section 1763.

20 **“§ 1766. Congressional oversight**

21 “(a) REPORTS.—Not later than 45 days after the
22 first 6 months of each fiscal year, and not later than 45
23 days after the next 6 months of each fiscal year, the Direc-
24 tor of the Government Publishing Office shall submit to
25 the Joint Committee on Printing a report on the activities

1 of the Superintendent of Documents during the previous
2 6 months, and shall include in the report the following
3 information:

4 “(1) Gifts accepted by the Director under sec-
5 tion 1763, including the donor, the amount, and the
6 disposition.

7 “(2) Actions taken to ensure the protection of
8 the privacy of users of information dissemination
9 products.

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

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

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

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

19 “(b) POSTING FOR NO-FEE PUBLIC ACCESS.—At the
20 time of submitting a report under subsection (a) to the
21 Joint Committee on Printing, the Director of the Govern-
22 ment Publishing Office shall post an electronic version of
23 the report on the Government Publishing Office’s official
24 website for no-fee public access.”.

1 (b) CONFORMING AMENDMENTS TO TITLE 44,
2 UNITED STATES CODE.—

3 (1) DISTRIBUTION OF CONGRESSIONAL DOCU-
4 MENTS FOR LIBRARY OF CONGRESS AND INTER-
5 NATIONAL EXCHANGE SERVICE PROGRAMS.—Section
6 701 of title 44, United States Code, is amended—

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

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

17 (C) in subsection (c), by striking “as pro-
18 vided by sections 1718 and 1719 of this title”
19 and inserting “as determined in accordance
20 with sections 1761(d) and 1762 of this title”.

21 (2) DISTRIBUTION OF CONGRESSIONAL RECORD
22 FOR LIBRARY OF CONGRESS AND INTERNATIONAL
23 EXCHANGE PROGRAMS.—Section 906 of such title is
24 amended by striking “as provided by sections 1718
25 and 1719 of this title, not to exceed one hundred

1 and forty-five copies of the daily, five semimonthly
2 copies, and one hundred and fifty bound copies” and
3 inserting “the number of copies determined in ac-
4 cordance with sections 1761(d) and 1762 of this
5 title”.

6 (3) PREPARATION OF FEDERAL REGISTER AND
7 CODE OF FEDERAL REGULATIONS.—The last sen-
8 tence of section 1504 of such title is amended by
9 striking “by sections 1705 and 1708 of this title”
10 and inserting “by subchapter E of chapter 17 of this
11 title”.

12 (4) OTHER CONFORMING AMENDMENTS.—Title
13 44, United States Code, is further amended by strik-
14 ing chapters 19 and 41.

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

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

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

19 and

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

22 **SEC. 3. TRANSITION.**

23 (a) TREATMENT OF INDIVIDUAL CURRENTLY HOLD-
24 ING POSITION OF SUPERINTENDENT OF DOCUMENTS.—

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

17 (2) SPECIAL RULE ON COMPENSATION.—If an
18 individual described in paragraph (1) serves as Su-
19 perintendent of Documents pursuant to the author-
20 ity of such paragraph after the effective date of this
21 Act, the individual shall receive compensation for
22 such service after such date at the same annual rate
23 of compensation the individual received as of the ef-
24 fective date of this Act. If the Director of the Gov-
25 ernment Publishing Office appoints the individual to

1 serve as Superintendent of Documents under section
2 1702 of title 44, United States Code, as amended by
3 this Act, the individual shall be compensated in ac-
4 cordance with such section.

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

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

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

21 (3) each institution which, as of the effective
22 date of this Act, is serving a regional depository li-
23 brary under chapter 19 of such title (as in effect
24 prior to such date) shall be deemed to have been
25 designated as a Regional Depository Library under

1 chapter 17 of such title on the effective date of this
2 Act.

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

6 (a) STUDY.—The Comptroller General of the United
7 States shall conduct a study on the implementation of
8 chapter 17 of title 44, as amended by this Act. Such study
9 shall include an analysis of—

10 (1) the status of the implementation of such
11 chapter;

12 (2) the extent of compliance by offices of the
13 Federal Government with the requirements of such
14 chapter;

15 (3) the effectiveness of such chapter at meeting
16 the needs of the public and Federal Depository Li-
17 braries in providing public access to government in-
18 formation; and

19 (4) other related issues determined appropriate
20 by the Comptroller General.

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

1 **SEC. 5. EFFECTIVE DATE.**

2 Except as otherwise provided, this Act and the
3 amendments made by this Act shall apply with respect to
4 the first fiscal year which begins after the date of the en-
5 actment of this Act and each succeeding fiscal year.

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