

A BILL

To amend chapter 19 of title 44, United States Code.

*Be it enacted by the Senate and House of Representatives of the United States of America
in Congress assembled,*

1 **SEC. 1. SHORT TITLE.**

2 This Act may be cited as the "Federal Information Access Act of 1997".

3 **SEC. 2. REVISION OF TITLE 44.**

4 (a) Chapter 19 of title 44, United States Code, is repealed and the following is
5 substituted in lieu thereof--

6 **CHAPTER 19 -- FEDERAL INFORMATION ACCESS PROGRAM**

7
8 Sec.

9 "1901. Purposes.

10 "1902. Definitions.

11 "1903. Superintendent of Documents.

12 "1904. Access to Government information through the Superintendent of Documents.

13 "1905. Dissemination of government information products to Federal information
14 access libraries.

15 "1906. Requirement to ensure availability of Government information products to
16 Federal information access libraries.

17 "1907. Cataloging, locating, and listing of Government information products.

18 "1908. Permanent public access to Government information.

19 "1909. Designation of Federal information access libraries.

20 "1910. Requirements of Federal information access libraries.

21 "1911. Use and disposal of government information products in Federal information
22 access libraries.

23 "1912. Regional Federal information access libraries.
24

1 **"§ 1901. Purposes**

2 "The purposes of this chapter are to --

3 "(1) broaden, strengthen, and enhance public access to all forms of Government
4 information through the Federal Information Access Program; and

5 "(2) provide permanent public access to and ensure authenticity of Government
6 information.

7 **"§ 1902. Definitions**

8 "As used in this title --

9 "(1) the term 'component of the Government' means any Federal Government
10 department, military department, independent regulatory agency, Government corporation,
11 Government controlled corporation, or other establishment in the executive, legislative, or judicial
12 branch.

13 "(2) the term 'Government information' means that information, regardless of form or
14 format, which is created or compiled by the Government, or at Government expense, or as
15 required by law, except that which is required for official use only or is for strictly administrative
16 or operational purposes having no public interest or educational value.

17 "(3) the term 'Government information product' means a Government publication or
18 other discrete set of Government information, either conveyed in a tangible physical format,
19 including electronic media, or disseminated through a Government electronic information service.

20 "(4) the term 'Government electronic information service' means the system or method
21 by which a component of the Government directly or indirectly disseminates Government
22 information products to the public through a telecommunications network or successor
23 technology.

24 "(5) the term 'Federal information access library' means a library designated under the
25 provisions of section 1909 to participate in the Federal Information Access Program.

26 "(6) the term 'Superintendent' shall mean Superintendent of Documents.

27 **"§ 1903. Superintendent of Documents**

1 "(a) The Superintendent of Documents shall be appointed by the President by and with
2 the advice and consent of the Senate and shall be appointed for a term of 5 years. The
3 Superintendent shall be appointed without regard to political affiliations and solely on the basis of
4 the professional qualifications to perform the duties and responsibilities of the office. An
5 individual may be appointed to more than 1 term as Superintendent.

6 "(b) The Superintendent shall adopt such regulations, pursuant to public notice and
7 comment, as are necessary to implement the requirements of this chapter and shall consult with
8 Federal information access libraries before developing or amending any regulations or guidelines.

9 "(c) The Superintendent shall coordinate with the Joint Committee on Printing, the
10 Office of Management and Budget, and the Administrative Office of the United States Courts in
11 the development and establishment of uniform standards relating to Government information
12 products, including standards for ensuring authenticity, and of guidelines to facilitate public access
13 to and use of Government information products.

14 "(d) The Superintendent shall provide and coordinate support services to components
15 of the Government, libraries, and users to facilitate public access to and use of Government
16 information products.

17 "(e) The Superintendent shall establish 1 or more advisory councils consisting of
18 representatives of Federal information access libraries, components of Government, and users of
19 Government information.

20 **"§ 1904. Access to Government information through the Superintendent**

21 "(a) Notwithstanding any other provision of the law, Government information products
22 shall be made available to Federal information access libraries at no cost through the
23 Superintendent.

24 "(b) The Superintendent shall make tangible Government information products
25 available to the public through distribution to Federal information access libraries and shall ensure
26 that Federal information access libraries and the general public have access to Government
27 information products available through Government electronic information services.

1 "(c) Components of the Government shall immediately notify the Superintendent of
2 their intent to initiate, substantially modify, or terminate a Government information product or to
3 change a product's media, means of access, or physical format, and shall again notify the
4 Superintendent immediately at such time as such action is taken.

5 "(d) Upon request of the Superintendent , components of the Government shall
6 promptly provide the Superintendent with copies of or access to electronic source data files of any
7 Government information products falling within the scope of this section.

8 "(e) No component of the Government may delegate or contract exclusively for the
9 creation, storage, reproduction, or dissemination of Government information products without
10 providing in advance that the full content of that information be made available to the public and
11 Federal information access libraries at no cost through the Superintendent.

12 **"§ 1905. Dissemination of government information products to Federal information access**
13 **libraries**

14 "(a)(1) Components of the Government ordering the production or procurement of
15 tangible Government information products shall deliver to the Superintendent sufficient quantities
16 to provide copies to Federal information access libraries. Such copies shall be furnished no later
17 than the date of release of the material to the public. The requirements of this subsection may be
18 satisfied if the component notifies the Superintendent in advance of publication and provides the
19 opportunity for the Superintendent to obtain copies on an incremental cost basis for distribution
20 to Federal information access libraries.

21 "(2) The Superintendent shall inform the components of the Government on a timely
22 basis of the numbers of copies of tangible Government information products necessary for
23 distribution to Federal information access libraries.

24 "(3) When proper notification is provided to the Superintendent, the incremental cost
25 of replicating paper and microform publications or tangible Government information products,
26 including any accompanying electronic search and retrieval system, made available to Federal

1 information access libraries under this section shall be charged to appropriations provided the
2 Superintendent for that purpose.

3 "(b)(1) Access to Government information products available through Government
4 electronic information services shall be made available at no cost and without restriction to
5 Federal information access libraries.

6 "(2) The cost of providing Federal information access libraries with access to
7 Government electronic information services offered by components of the Government other than
8 through the Superintendent shall be borne by the component of the Government responsible for
9 issuance of the Government information products.

10 "(3) The cost of providing Federal information access libraries and the public with
11 access to Government electronic information services operated by the Superintendent shall be
12 charged to the appropriations provided to the Superintendent for that purpose.

13 "(c) Where a component of the Government is required by statute to charge for access
14 to any Government information product available through a Government electronic information
15 service operated under its authority, the Superintendent may requisition such products and
16 reimburse the component of Government at the incremental cost of dissemination so that each
17 Federal information access library that requests access to the product will have adequate access to
18 meet the needs of the user community at no cost.

19 **"§ 1906. Requirement to ensure availability of Government information products to**
20 **Federal information access libraries**

21 "(a)(1) The Joint Committee on Printing shall provide oversight and guidance to the
22 Houses and committees of Congress and to the components of the legislative branch to ensure
23 compliance with the requirements of subsection (b) of this section and sections 1905(a) and
24 1905(b) of this chapter.

25 "(2) The Director of the Office of Management and Budget shall adopt
26 regulations and issue directions to ensure that each executive branch component and independent

1 agency of the Government complies with the requirements of subsection (b) of this section and
2 sections 1905(a) and 1905(b) of this chapter.

3 "(3) The Executive Director of the Administrative Office of the United States
4 Courts shall ensure, through administrative guidance or otherwise, that the offices of the court
5 administrators and clerks of the courts of the United States comply with the requirements of
6 subsection (b) for this section and sections 1905(a) and 1905(b) of this chapter.

7 "(b) Every component of the Government of the United States shall, in cooperation
8 with the Superintendent, establish and maintain a comprehensive inventory of all Government
9 information products.

10 "(c) No component of the Government may produce or procure or enter into a contract
11 for the production or procurement of any Government information product unless it has complied
12 with the provisions of this section.

13 "(d) Every component of the Government shall utilize the Government Printing Office
14 as its agent for the production or procurement of any Government information product or shall
15 enter into an agreement with the Superintendent authorizing the Superintendent, pursuant to
16 section 1528 of title 35, United States Code, to draw directly from a designated budget authority
17 the full cost of production or procurement of any Government information product that the
18 component has produced or procured without notifying the Superintendent pursuant to section
19 1904(c) or without complying with sections 1905(a) and 1905(b).

20 "(e) Each contract for the procurement of Government information products must
21 contain a certification that the notice to the Superintendent has been provided under section
22 1905(a) of this chapter and must contain a requirement that the contractor must ascertain from
23 the responsible official of the component the number of additional copies, if any, before
24 production, that are required by the Superintendent for the Federal Information Access program.

25 "(f) If any component of the Government produces or procures, or enters into any
26 contract for the production or procurement of, any Government information product without
27 complying with the requirements of sections 1905(a) or 1905(b), the Superintendent shall be

1 authorized to procure the production or procurement of such product in sufficient number for
2 distribution to Federal information access libraries without delay and to draw the cost of such
3 production or procurement directly from the budget authority of the component pursuant to the
4 agreement entered into under section 1906(d).

5 "(g) The Superintendent shall cause to be published at least annually a report containing
6 a list of the Government information products, by issuing component, that the Superintendent has
7 determined to have been initially produced or distributed without meeting the requirements of
8 sections 1905(a) or 1905(b), whether or not distribution has occurred pursuant to section
9 1906(e). The report required pursuant to this section shall cover each fiscal year and shall be
10 published in the Federal Register within 90 days after the end of such fiscal year.

11 "(h) The Superintendent shall establish mechanisms, including an electronic mailbox, by
12 which the public may report the production or dissemination of Government information products
13 that have not been distributed to Federal information access libraries in compliance with the
14 requirements of section 1905.

15 "(i)(i) Before any component of the executive branch may engage in the production or
16 procurement of Government information, approval on at least an annual basis must be obtained
17 from the Director of the Office of Management and Budget.

18 "(ii) Before any component of the legislative branch may engage in the production
19 or procurement of Government information, approval on at least an annual basis must be obtained
20 from the Joint Committee on Printing.

21 "(iii) Before any component of the judicial branch may engage in the production
22 or procurement of Government information, approval on at least an annual basis must be obtained
23 from the Executive Director of the Administrative Office of the U.S. Courts.

24 **"§ 1907. Cataloging, locating, and listing of Government information products**

25 "(a) The Superintendent shall provide selection, cataloging, classification, and locator
26 services for Government information products from the executive, legislative, and judicial

1 branches; these services may be provided by the Superintendent through cooperative agreements
2 with components of Government or other libraries.

3 "(b) These services shall include creation of a comprehensive and timely catalog of
4 tangible Government information products that will be accessible to Federal information access
5 libraries and the general public. The Public Printer and the head of each agency shall immediately
6 deliver to the Superintendent 2 copies of every tangible Government information product falling
7 within the scope of this chapter.

8 "(c) The Superintendent shall create an electronic directory of Government information
9 products available through Government electronic information services, as required by section
10 4101, chapter 41, of this title, that will identify, describe, and dynamically link users to
11 information products available through Government electronic information services. When a
12 component of Government makes an information product available only through a Government
13 electronic information service, the component shall furnish information about that product to the
14 Superintendent immediately to enable the Superintendent to provide locator services.

15 "(d) The Superintendent is authorized to enter into an agreement with the Director of
16 the Office of Management and Budget to carry out the requirements of section 3511 of this title.

17 "(e) The Superintendent shall issue a current, categorized list of Government
18 information products, including annotations of contents and item identification numbers, to
19 facilitate the selection of or access to those products needed by Federal information access
20 libraries.

21 **"§ 1908. Permanent public access to Government information**

22 "(a) The Superintendent shall coordinate with components of the Government, the
23 National Archives and Records Administration, the Library of Congress and other national
24 libraries, regional and other Federal information access libraries, and other entities to establish a
25 system of permanent public access so that all Government information products within the scope
26 of the Federal Information Access Program remain available for current and future no-fee public
27 access.

1 "(b) The system of permanent public access maintained pursuant to this section shall
2 include a distributed system that provides for adequate redundancy and is based on official and
3 contractual agreements among participating entities.

4 "(c) Each component shall maintain the content and ensure the authenticity of
5 electronic government information products until such time as a system of permanent public
6 access has been established under subsection (a) of this section.

7 "(d) The Superintendent shall coordinate, and provide guidance to, components in
8 carrying out subsection (c) of this section.

9 **"§ 1909. Designation of Federal information access libraries**

10 "(a) Government information products made available by the Superintendent may be
11 selected or accessed by Federal information access libraries according to regulations and
12 guidelines issued by the Superintendent for such purposes.

13 "(b) Federal information access libraries shall be designated by certain elected officials
14 as follows, except as provided by subsection (f) of this section:

15 "(1) Each Senator may designate up to 2 libraries within the State represented.

16 "(2) Each Representative may designate up to 2 libraries within the district
17 represented.

18 "(3) The Resident Commissioner may designate up to 2 libraries within Puerto
19 Rico.

20 "(4) The Mayor from the District of Columbia may designate 2 Federal
21 information access libraries in the District of Columbia.

22 "(5) The Governor of Guam, the Governor of the Commonwealth of the
23 Northern Marianas, and the Governor of the American Samoa may each designate one Federal
24 information access library in each area represented by him or her.

25 "(6) The Governor of the Virgin Islands may designate one Federal information
26 access library on the island of Saint Thomas and one on the island of Saint Croix.

1 "(c) Upon request of the institution, the following shall be designated as Federal
2 information access libraries:

3 "(1) Land-grant colleges.

4 "(2) State libraries.

5 "(3) The library of the highest State appellate court in each State.

6 "(4) The library of any law school accredited by a nationally recognized
7 accrediting agency or association, or accredited by the highest appellate court of the State in
8 which the law school is located.

9 "(5) The libraries of the executive departments, the United States Military
10 Academy, the United States Naval Academy, the United States Air Force Academy, the United
11 States Coast Guard Academy, and the United States Merchant Marine Academy.

12 "(6) The American Antiquarian Society.

13 "(d)(1) A Federal information access library within each independent agency may be
14 designated upon certification of need by the head of the agency to the Superintendent .

15 "(2) Additional Federal information access libraries within executive
16 departments and independent agencies may be designated upon certification of justifiable need by
17 the head of the agency.

18 "(e) Before any additional or replacement Federal information access library is
19 designated, the head of the library shall furnish to the appointing authority justification of the
20 necessity for such designation. The justification shall be approved by the head of the library
21 authority of the State or of the Commonwealth of Puerto Rico, within which the proposed
22 Federal information access library is to be located, or signed by the head of each existing Federal
23 information access library within the congressional district or the State or the Commonwealth of
24 Puerto Rico.

25 "(f) Notwithstanding the limitations on numbers of Federal information access libraries
26 that may be designated pursuant to this section, each library that is designated as a Federal

1 Depository Library as of the effective date of this act shall become a Federal information access
2 library as of that date.

3 "(g) The Superintendent may designate as a Federal information access library, upon
4 recommendation of a Senator or Representative representing the area, any library serving an
5 underserved area.

6 "(h) Notwithstanding the provisions of this section, there shall be no more than 1,500
7 Federal information access libraries, except that libraries designated by the Superintendent under
8 subsection (g) of this section shall not be counted in that number.

9 **"§ 1910. Requirements of Federal information access libraries**

10 "(a) A library may be designated under section 1909 as a Federal information access
11 library only if it is able properly to maintain and provide public access to Government information,
12 is located in an area where it can best serve the public, and is not within an area already
13 adequately served by existing Federal information access libraries.

14 "(b) Federal information access libraries shall report to the Superintendent at least
15 every 2 years concerning their condition.

16 "(c) The Superintendent shall make regular investigation of conditions in Federal
17 information access libraries. If the Superintendent ascertains that the Government information
18 products are not accessible to the public, or that the Government information products that have
19 been furnished the library have not been properly maintained, the Superintendent shall terminate
20 the library as a Federal information access library if the library fails to correct the unsatisfactory
21 conditions. Any official responsible for designating the library within the area shall be notified to
22 replace the library that has been deleted from the list of Federal information access libraries, so
23 long as such designation is not in excess of the number of Federal information access libraries in
24 the area authorized by law.

25 **"§ 1911. Use and disposal of government information products in Federal information**
26 **access libraries**

1 "(a) Federal information access libraries shall make Government information products
2 received or accessed through the Federal Information Access Program available for use by the
3 public at no fee.

4 "(b) All tangible Government information products received by Federal information
5 access libraries through the program remain the property of the United States Government.
6 Federal information access libraries may dispose of Government information products only as
7 authorized by the Superintendent .

8 **"§ 1912. Regional Federal information access libraries**

9 "(a) Not more than 2 Federal information access libraries, including any group of
10 Federal information access libraries with a cooperative agreement, in each State or service area
11 and the Commonwealth of Puerto Rico and the District of Columbia may be designated as
12 regional Federal information access libraries and shall receive from the Superintendent copies of
13 or access to all new and revised Government information products authorized for dissemination to
14 Federal information access libraries. A cooperative group of libraries that includes libraries in
15 more than one State may be designated under this section.

16 "(b) Designation of regional Federal information access libraries may be made by a
17 Senator or the Resident Commissioner from Puerto Rico or the Mayor of the District of Columbia
18 within the areas represented by them, after consultation with the head of the library authority of
19 the State or the Commonwealth of Puerto Rico or the District of Columbia, as the case may be,
20 who shall first ascertain from the head of the library, or cooperative group of libraries, to be so
21 designated that the library will fulfill the requirements of a regional Federal information access
22 library. The agreement to function as a regional Federal information access library shall be
23 transmitted to the Superintendent by the Senator or the Resident Commissioner from Puerto Rico
24 or the Mayor of the District of Columbia when the designation is made.

25 "(c) The Superintendent , in consultation with the State library authority, and the
26 affected Federal information access libraries in the service area, may temporarily confer regional
27 Federal information access library status upon an existing Federal information access library or a

1 cooperative group of Federal information access libraries, to ensure the continued availability of
2 regional Federal information access library services within a defined service area, or to enhance
3 regional Federal information access library services in a service area determined by the
4 Superintendent to be under-served. A temporary conferral of regional status may continue in
5 effect pending designation as a regional Federal information access library in accordance with
6 requirements of this section.

7 "(d) Regional Federal information access libraries shall permanently maintain for public
8 use at least one copy of all Government tangible information products, except those authorized to
9 be discarded by the Superintendent , or coordinate with other Federal information access libraries
10 in their service area to ensure that this service is provided by a Federal information access library
11 in the area. Within the region served, a regional Federal information access library shall provide
12 or coordinate the provision of all program-related activities in the service area, including
13 interlibrary loans and reference services.

14 "(e) Before developing or amending regulations and guidelines for providing and
15 coordinating Federal information access library-related services and activities, the Superintendent
16 shall consult with regional Federal information access libraries."

17 **SEC. 3. INTERNATIONAL EXCHANGE OF GOVERNMENT PUBLICATIONS.**

18 "For purposes of more fully carrying into effect the convention concluded at Brussels on
19 March 15, 1886, and proclaimed by the President of the United States on January 15, 1889, the
20 Librarian of Congress shall administer an international exchange program by providing
21 Government publications, including daily copies of the Congressional Record, for distribution to
22 foreign governments which agree, as indicated by the Library of Congress, to send to the United
23 States similar publications of their governments for delivery to the Library of Congress."

24 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

25 The first full paragraph of section 1702 of title 44, United States Code, is repealed.
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