# 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,*

SEC. 1. SHORT TITLE.

This Act may be cited as the "Federal Information Access Act of 1998".

SEC. 2. REVISION OF TITLE 44.

(a) Chapter 19 of title 44, United States Code, is repealed and the following is substituted in lieu thereof--

CHAPTER 19 -- FEDERAL INFORMATION ACCESS PROGRAM

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"1901. Purposes.
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"1911. Use and disposal of government information products in Federal information access libraries.
"1912. Regional Federal information access libraries.

"§ 1901. Purposes

"The purposes of this chapter are to --

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

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

"§ 1902. Definitions

"As used in this title --

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

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

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

"(4) the term 'Government electronic information service' means the system or method by which a component of the Government directly or indirectly disseminates Government

information products to the public through a telecommunications network or successor technology.

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

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

"§ 1903. Superintendent of Documents

"(a) The Superintendent of Documents, who shall be under the control of the Public Printer, shall be appointed by the President by and with the advice and consent of the Senate. The Superintendent shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications to perform the duties and responsibilities of the office.

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

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

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

information products. Such services may include cataloging, indexing, locator services, data formatting, design of electronic search and retrieval systems, training programs for libraries and users, and other support services.

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

"§ 1904. Access to Government information through the Superintendent

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

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

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

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

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

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

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

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

"(3) When proper notification is provided to the Superintendent, the incremental cost of replicating paper and microform publications or other tangible Government information products, including any accompanying electronic search and retrieval system, made available to Federal information access libraries under this section shall be charged to appropriations provided the Superintendent for that purpose.

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

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

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

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

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

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

1905(b) of this chapter.

"(2) The Director of the Office of Management and Budget shall adopt regulations and issue directions to ensure that each executive branch component and independent agency of the Government complies with the requirements of subsection (b) of this section and sections 1905(a) and 1905(b) of this chapter.

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

"(b) Every component of the Government of the United States shall, in cooperation with the Superintendent, establish and maintain a comprehensive and detailed listing of all of that component's Government information products.

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

"(d) Every component of the Government shall utilize the Government Printing Office as its agent for the production or procurement of any Government information product or shall enter into an agreement with the Superintendent authorizing the Superintendent to draw directly from a designated budget authority the full cost of production or procurement of any Government information product that the component has produced or procured without notifying the Superintendent pursuant to section 1904(c) or without complying with sections 1905(a) and

1905(b).

"(e) Each procuring official shall ensure, before production, that each contract for the procurement of Government information products contains a certification that the notice to the Superintendent has been provided under section 1905(a) of this chapter and specifies the number of additional government information products, if any, that are required by the Superintendent for the Federal Information Access Program.

"(f) If any component of the Government produces or procures, or enters into any contract for the production or procurement of, any Government information product without complying with the requirements of sections 1905(a) or 1905(b), the Superintendent shall be authorized to procure the production or procurement of such product in sufficient number for distribution to Federal information access libraries without delay and to draw the cost of such production or procurement directly from the budget authority of the component pursuant to the agreement entered into under section 1906(d).

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

"(h) The Superintendent shall establish mechanisms, including an electronic mailbox, by which the public may report the production or dissemination of Government information

products that have not been distributed to Federal information access libraries in compliance with the requirements of section 1905.

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

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

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

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

"(a) The Superintendent shall provide selection, cataloging, classification, and locator services for Government information products from the executive, legislative, and judicial branches; these services may be provided by the Superintendent through cooperative agreements with components of Government or other libraries.

"(b) These services shall include creation of a comprehensive and timely catalog of tangible Government information products that will be accessible to Federal information access libraries and the general public. The Public Printer and the head of each agency shall immediately

deliver to the Superintendent 2 copies of every tangible Government information product falling within the scope of this chapter.

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

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

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

"(f) The Superintendent shall prepare and produce a consolidated index of congressional documents and shall index single volumes of documents as the Joint Committee on Printing directs.

"§ 1908. Permanent public access to Government information

"(a) The Superintendent shall establish, with components of the Government, the National Archives and Records Administration, the Library of Congress and other national

libraries, regional and other Federal information access libraries, and other entities, a system of continuous and permanent public access so that all Government information products within the scope of the Federal Information Access Program remain available for current and future no-fee public access.

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

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

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

"§ 1909. Designation of Federal information access libraries

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

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

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

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

"(4) The Mayor from the District of Columbia may designate 2 Federal

information access libraries in the District of Columbia.

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

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

"(b) Upon request of the institution, the following shall be designated by the Superintendent as Federal information access libraries:

"(1) Land-grant colleges.

"(2) State libraries.

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

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

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

"(6) The American Antiquarian Society.

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

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

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

"(e) Notwithstanding the limitations on numbers of Federal information access libraries that may be designated pursuant to this section, each library that is designated as a Federal Depository Library as of the effective date of this act shall become a Federal information access library as of that date.

"§ 1910. Requirements of Federal information access libraries

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

"(b) Government information products made available by the Superintendent may be selected or accessed by Federal information access libraries according to regulations and guidelines

issued by the Superintendent for such purposes.

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

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

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

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

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

"§ 1912. Regional Federal information access libraries

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

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

"(c) The Superintendent , in consultation with the State library authority, and the affected Federal information access libraries in the service area, may temporarily confer regional Federal information access library status upon an existing Federal information access library or a cooperative group of Federal information access libraries, to ensure the continued availability of

regional Federal information access library services within a defined service area, or to enhance regional Federal information access library services in a service area determined by the Superintendent to be under-served. A temporary conferral of regional status may continue in effect pending designation as a regional Federal information access library in accordance with requirements of this section.

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

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

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

Sections 1710 and 1711 of title 44, United States Code, are repealed.

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

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