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**U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE**

**A COMPREHENSIVE ASSESSMENT OF PUBLIC  
INFORMATION DISSEMINATION**

**FINAL REPORT, VOLUME 2  
LEGISLATIVE AND REGULATORY PROPOSALS  
(APPENDICES 11 AND 12)**

**MARCH 27, 2001**



**NCLIS**

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The National Commission on Libraries and Information Science is a permanent, independent agency of the federal government, established in 1970 with the enactment of Public Law 91-345. The Commission is charged with:

- advising the President and the Congress on the implementation of policy;
- conducting studies, surveys, and analyses of the library and informational needs of the nation;
- appraising the adequacies and deficiencies of current library and information resources and services; and
- developing overall plans for meeting national library and informational needs.

The Commission also advises federal, state, and local governments, and other public and private organizations, regarding library and information sciences, including consultations on relevant treaties, international agreements and implementing legislation, and it promotes research and development activities which will extend and improve the nation's library and information handling capability as essential links in the national and international networks.

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## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

A variety of acronyms and abbreviations are used in this document and its appendices as a short form for long or commonly used names and phrases. The first time a name or phrase is mentioned in the text, the acronym is provided in parentheses following the full name, e.g., the National Commission on Libraries and Information Science (NCLIS). Subsequent references may use only the acronym. This table is provided to facilitate identification of acronyms and abbreviations since it may be difficult to locate the first use where the full name or phrase is provided.

AO or AOUSC	Administrative Office of the U.S. Courts
AMA	American Medical Association
APA	Administrative Procedure Act
ATPA	American Technology Preeminence Act
CD-ROM	Compact Disk-Read Only Memory
CIC	Consumer Information Center
CIO	Chief Information Officer
CIRO	Congressional Information Resources Office (proposed)
CPIR	Council on Public Information Resources (proposed)
CPT	Current Procedural Terminology, a copyrighted publication of the American Medical Association (AMA)
E-FOIA	Electronic Freedom of Information Act
E-Gov	Electronic Government
FAR	Federal Acquisition Regulations
FDLP	Federal Depository Library Program
FLICC	Federal Library and Information Center Committee
FOIA	Freedom of Information Act
FPC	Federal Publishers Committee
GILS	Government Information Locator Service
GPEA	Government Paperwork Elimination Act
GPRA	Government Performance and Results Act
GPO	Government Printing Office
GSA	General Services Administration
HCFA	Health Care Financing Administration, Department of Health and Human Services
ICPPS	Interagency Council on Printing and Publications Services
IDB	Information Dissemination Budget (proposed)
IDP	Information Dissemination Plan (proposed)
IMLS	Institute of Museum and Library Services
IRM	Information Resources Management

## U.S. National Commission on Libraries and Information Science

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JCP	Joint Committee on Printing, U.S. Congress
JIRO	Judicial Information Resources Office (proposed)
MIS	Management Information System
NARA	National Archives and Records Administration
NAS	National Academy of Sciences
NCLIS	National Commission on Libraries and Information Science
NIST	National Institute of Standards and Technology
NSF	National Science Foundation
NTIA	National Telecommunications and Information Administration
NTIS	National Technical Information Service
OIA	Office of Intergovernmental Affairs, Executive Office of the President
OIRA	Office of Information and Regulatory Affairs, Office of Management and Budget
OMB	Office of Management and Budget
PIRA	Public Information Resources Administration (proposed)
PIRA Libraries	Public Information Resources Access Libraries (proposed)
PIRAP	Public Information Resources Access Program (proposed)
PIRRA	Public Information Resources Reform Act of 2001 (proposed)
PIRRI	Public Information Resources Research Institute (proposed)
PIRUC	Public Information Resources Users Council (proposed)
PRA	Paperwork Reduction Act
R&D	Research and Development
STI	Scientific and Technical Information
SuDocs	Superintendent of Documents, Government Printing Office
SuPICT	Superintendent of Public Information and Communications Technologies (proposed)
SuPIR	Superintendent of Public Information Resources (proposed)
XML	eXtensible Markup Language
WWW	World Wide Web

## **VOLUME 2: LEGISLATIVE AND REGULATORY PROPOSALS**

NOTE: Appendices 1 through 10 are in Volume 1 of the Commission's report, *A Comprehensive Assessment of Public Information Dissemination*, which is available in electronic form at <http://www.nclis.gov/govt/assess/assess.vol1.pdf> and in print. Appendices 11 and 12 are in this volume, *Legislative and Regulatory Proposals*; Volume 2 is available at <http://www.nclis.gov/govt/assess/assess.vol2.pdf> and in print. Appendices 13 through 34 are in Volume 3, *Supplementary Reference Materials*, which is available at <http://www.nclis.gov/govt/assess/assess.vol3.pdf>. Appendix 35 is in Volume 4, *Compilation of Recent Federal Statutes on Information Dissemination*, which is available at <http://www.nclis.gov/govt/assess/assess.vol4.pdf>.

Each appendix is also available at <http://www.nclis.gov/govt/assess/assess.html> as an individual file. The unique file name for each appendix is provided as a footnote at the beginning of the appendix. The appendices, and other files providing background on the assessment, will remain on the Commission website for permanent public access. The Commission feels that this method of distribution is in keeping with the subject matter of this report, which encourages government agencies to ensure the permanent public availability of their electronic public information resources.

The Commission's report and the legislative and regulatory proposals in this volume reflect only the views of the Commission. Although a wide variety of stakeholders were encouraged to review and comment on drafts of the report and this legislative proposal, and their comments were extremely useful to the Commission, these recommendations do not necessarily represent a consensus of stakeholders.

In addition, the report and the legislative and regulatory proposals in this volume do not necessarily reflect the views of the current, or former, Administration or any other agency. Because the legislative proposal addresses the activities and authority of agencies throughout the Executive Branch and it proposes the establishment by Congress of a new agency with government-wide authority, the Commission provided a draft of the report and the legislative proposal to the Office of Management and Budget (OMB) for its review and comment in December 2000. With the concurrence of the Commission, OMB, in turn, circulated the drafts to other agencies for their review and comment. OMB informed NCLIS in January 2001 that a number of agencies raised significant concerns about the draft report and, in particular, disagreed with some of the Commission's legislative recommendations contained in this volume. However, due to the requests the Commission received from Congress asking that the report be submitted for its consideration by a specified date, the Commission has not had an opportunity to discuss these concerns with the other agencies. Therefore, the report and the legislative proposal do not respond to all of those concerns. The Commission will continue to work with other agencies in the coming months in order to respond constructively to these issues.

**APPENDIX 11. THE PUBLIC INFORMATION RESOURCES REFORM ACT OF 2001**

**The Public Information Resources Reform Act of 2001<sup>1</sup>**

**IMPORTANT NOTE:**

This is a narrative description that outlines the principal legislative proposal of the U.S. National Commission on Libraries and Information Science (NCLIS), made as an integral part of its *Comprehensive Assessment of Public Information Dissemination*. The Commission believes in the uniquely American approach that says that government of, by and for the people creates information that belongs to *all* the people. This approach is a jewel of our liberty. However, there are problems regarding government information and recent technological developments exacerbate these problems. Both this legislative proposal and the report set forth ways in which these problems can be resolved. The Commission knows that there will not be universal support for every idea put forward, but it is confident that these ideas and recommendations will form the basis for meaningful discussion that will culminate in reform to benefit all Americans.

The Commission believes that this legislative proposal is the best means for implementation of the recommendations of this study. However, many of the study recommendations can and should be implemented, whether or not the Congress acts on the proposed legislation, especially those recommendations pertaining to ensuring the survival of the National Technical Information Service (NTIS).

While this legislative proposal is formatted in a manner that parallels the arrangement of material in a Congressional bill, it is not a draft bill, which would be more succinct and concise and comply with legislative drafting conventions. It is a blueprint or explanation of key points that the Commission believes should be covered when a bill is drafted for introduction by a Member of Congress.

The proposed legislation should be read and evaluated in the context of the findings, conclusions and recommendations in the Commission's final report, *A Comprehensive Assessment of Public Information Dissemination*, Volume 1, which is available on the Commission website at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>. The purpose of the proposed legislation is to bring together in a systematic fashion all of the key elements necessary for a comprehensive public information resources management program and to elevate the importance of federal government public information resources to the status of a strategic national asset.

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<sup>1</sup> Available at <http://www.nclis.gov/govt/assess/appen11.pdf>.

The Commission's report, *A Comprehensive Assessment of Public Information Dissemination*, Volume 1, and the legislative proposal in this appendix reflect only the views of the Commission. Although a wide variety of stakeholders were encouraged to review and comment on drafts of the report and this legislative proposal, and their comments were extremely useful to the Commission, these recommendations do not necessarily represent a consensus of stakeholders.

In addition, the report and the legislative proposal do not necessarily reflect the views of the current, or former, Administration or any other agency. Because the legislative proposal addresses the activities and authority of agencies throughout the Executive Branch and it proposes the establishment by Congress of a new agency with government-wide authority, the Commission provided a draft of the report and the legislative proposal to the Office of Management and Budget (OMB) for its review and comment in December 2000. With the concurrence of the Commission, OMB, in turn, circulated the drafts to other agencies for their review and comment. OMB informed NCLIS in January 2001 that a number of agencies raised significant concerns about the draft report and, in particular, disagreed with some of the Commission's legislative recommendations contained in this volume. However, due to the requests the Commission received from Congress asking that the report be submitted for its consideration by a specified date, the Commission has not had an opportunity to discuss these concerns with the other agencies. Therefore, the report and the legislative proposal do not respond to all of those concerns. The Commission will continue to work with other agencies in the coming months in order to respond constructively to these issues.

## **INTRODUCTION**

The purpose of the proposed legislation is to reform the federal government's public information infrastructure so that public information resources are recognized and affirmed as a strategic national asset that is owned by the people, held in trust by the government, and should be permanently available to the people except where restricted by law; to establish accountability and a central focus for the policy leadership, program planning and management, and legislative and executive oversight of public information resources; and for other related purposes. This includes (1) designating the government's knowledge holdings as a strategic national asset, (2) amending the mission statements in enabling legislation and major programs of all government establishments with standard language to incorporate the responsibility for making public information resources proactively available to, and permanently accessible by, all Americans, including those who are disabled or disadvantaged, (3) strengthening statutory foundations and legislative oversight provisions relating to public information resources planning, creation, storage, organization, description, announcement, availability, access, dissemination, utilization, preservation and archiving, (4) harmonizing public information use policies and guidelines more closely with internal agency<sup>2</sup> information use policies and guidelines, (5) consolidating, realigning, and strengthening coordination between central service agencies and individual mission agencies public information services and information management authorities, missions, responsibilities, functions, programs and resources, in order to eliminate unnecessary overlap and duplication, and improve overall program effectiveness, and (6) establishing new lead

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<sup>2</sup> The terms "agency" and "agencies" in this legislative proposal should be assumed to mean "government establishment" as defined in Section 3.

federal public information resources management organizations in the Executive, Legislative and Judicial Branches which can be held accountable for achieving these purposes.

The working title for this legislative proposal is the Public Information Resources Reform Act of 2001: Diffusing Government Information to the People.

## **SECTION 1. FINDINGS**

Congress finds that:

1. In a democracy, citizen access to the public information resources of their central government is absolutely critical to fostering an informed citizenry to enable meaningful and full participation of individuals in all aspects of the democratic process and to empower citizens so that they may realize their full potential and achieve their personal, business and professional goals and aspirations.
2. The maximum availability of, and easy and equitable access to federal government information resources contributes to productive development in all sectors of the nation's economy, cultural development in all sectors of the nation's society, and political development in all facets and at all levels of the nation's governance structure.
3. The permanent public availability of, and access to, the public information resources of the federal government through a multiplicity and diversity of sources and channels, public and private, is more important than ever in the Information Age, and therefore government information resources should be made available to the public through a reformed and modernized Public Information Resources Access Program (PIRAP), including a reinvigorated program for public-private sector collaborative partnerships.
4. The Freedom of Information Act (FOIA) and the Electronic Freedom of Information Act (E-FOIA) are essential statutory cornerstones of public access to government information resources, and together, they provide a useful legal framework for the public to *request* information *from* the government, but neither provides for *proactive dissemination* of government information resources *to* the public, and they therefore must be supplemented.
5. The federal government should seek the most effective, efficient, and economical means of producing, maintaining, preserving, disseminating, archiving, providing for the permanent availability and accessibility of, and managing the entire life cycle of, all of its public information resources, through a variety of means, including strengthened public-private sector partnership arrangements. These arrangements should not be placed at undue risk because of jurisdictional considerations between the three branches of the federal government or due to outmoded concepts of public and private sector roles that may have been appropriate in the past, but are inappropriate for the Internet Age.
6. The absence of a clear, single, focal point within the government for public information resources policy leadership, program planning, program management, and both legislative and executive oversight, over the entire public information life cycle, including integration and planning, information standards and guidelines development, program implementation, and enforcement, must be remedied as soon as possible because these deficiencies are:
  - a. Creating inconsistent and contradictory approaches to the planning, management, and control of public information resources.
  - b. Impeding efficient and equitable public access to government information.

- c. Contributing to the loss of some electronic government information products, and to an increase in the number of "fugitive" documents.
  - d. Obstructing efficient inter-branch, interagency<sup>3</sup> and intergovernmental sharing of public information resources, and the production of multi-purpose, multi-branch, multi-level public information products instead of proliferating single-purpose, single-branch, and single-governmental level products.
  - e. Resulting in a lack of coordinated, focused development of public information resources planning, creation, storage, access, communication, dissemination, and handling standards and guidelines.
  - f. Allowing an absence of an overall accountability focus for public information management and utilization to erode citizen confidence and trust in the reliability of government information as a strategic national asset on which they can depend to help cope with the full range of their personal, family, job-related, school, business, and other challenges.
7. Although it cannot be accurately estimated, the value to the nation's economy that stems from the government's capital investment in the capture, preservation, permanent availability, and dissemination of information relating to governmentally-funded R&D, for entrepreneurs, teachers and students, faculty and other researchers, private enterprise, and government agencies at all levels—federal, state, local, and tribal—is enormous and far-reaching; scientific and technical information (STI) is a critical national asset, and greatly enhances the ability of American public and private enterprise to: (a) advance science and technology to improve agriculture, manufacturing, medicine, and so forth; (b) compete in foreign and domestic markets; (c) increase productivity; (d) promote employment and real wage growth; and (e) enhance the standard of living of the American people; such enhancements depend to a large extent on the rapid and efficient diffusion of R&D results throughout the economy and society.
  8. The United States is a multidisciplinary society, and seldom is the information from a single agency enough to support research, even on an apparently discrete topic; this is one compelling reason for improving inter-branch, interagency and intergovernmental information sharing, and for having a central bibliographic service to assist researchers, students, parents, teachers, businesses, entrepreneurs, and other users in the identification and location of government information regardless of its source, format or medium.
  9. The federal government's policies, principles, guidelines and programs for the policy leadership, planning, budgeting, programming, and management of its *internal (for official use only)* information resources are not consistent with, and complementary to, its counterpart policies, principles, guidelines and programs as they relate to its *external (for public use)* information resources; yet the principles of life cycle information resources management are applicable to both because both internal and external agency information flows and holdings are inextricably interrelated at each stage of the government information life cycle, and they are converging, especially as the government moves more and more into the electronic Information Age.
  10. Because of rapidly changing state-of-the-art information and telecommunications technologies, all users of public information resources must cope with the increasing proliferation of both pre-electronic and electronic information forms, formats, mediums, platforms, systems, and protocols, without the advantage of uniformly prescribed or even commonly agreed to standards and guidelines; these users include federal agencies, intermediary public and private sector information distribution providers, networks and systems, public information dissemination institutions such as depository libraries, public libraries, academic and school libraries, government information centers, clearinghouses, and other kinds of information repositories such

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<sup>3</sup> Agency as used in the term "interagency" in this legislative proposal should be assumed to mean "government establishment" as defined in Section 3.

as FOIA reading rooms that assist a variety of internal government (agency) users and external (public) users to identify, locate and use effectively the whole range of government information resources.

11. Unnecessarily duplicative, overlapping, inconsistent, and incompatible agency public information resources missions, functions, and operations, including the creation, storage, handling, records disposition, and archiving of public information products, is costly and inefficient, and should be consolidated and/or phased out; and replaced by effective Federal information resources management (IRM) policies and practices, as prescribed by the Paperwork Reduction Reauthorization Act of 1995 (PRA) and OMB Circular A-130: Management of Federal Information Resources, the Government Paperwork Elimination Act (GPEA), the Government Performance and Results Act (GPRA), the Information Technology Management Reform Act (Clinger-Cohen Act), this legislation, and related legislation and executive guidance, so that the federal information infrastructure is defined, structured, developed, and budgeted for in a holistic rather than piecemeal fashion.
12. This legislation is complementary to the Paperwork Reduction Act—the latter is concerned primarily with reducing the collection burdens imposed when the government collects information *from* the public, whereas this legislation is concerned primarily with the proactive dissemination of information *to* the public; the two laws, together with the Federal Records Act and other elements of Title 44, address the entire government information life cycle.
13. While the government has the primary responsibility for managing the entire life cycle of government information, including the dissemination and permanent public availability of such information to the American people, nevertheless, it also has an affirmative obligation to encourage and facilitate a diversity of public and private sector sources and channels for dissemination of federal government information resources to the public, and therefore, agencies in all three branches of the government should provide timely and equitable access to their public information resources and underlying data (in whole or in part) for that purpose.
14. While well-intentioned, the recent commendable practice by Federal agencies to migrate their hard copy, microform, or early generation electronic public information product formats and mediums, including CD-ROM, to more advanced electronic formats and platforms, on either government or private sector host websites (including libraries and universities), is costly and has resulted in a significant loss of information resources that would have been made available to the public if an effective Public Information Resources Access Program (PIRAP) had been in place.
15. Technological developments provide many opportunities for increasing efficiencies in the creation, production, storage, dissemination, preservation and archiving of government information resources to the public, but at the same time pose challenges for ensuring broad-based, permanent public availability of government information resources in new forms, formats, and mediums such as interactive and multimedia approaches, and on many new platforms, using many new protocols; therefore, inter-branch, intergovernmental, and interagency interconnectivity is critical.
16. The establishment of an "early warning" state-of-the-art monitoring mechanism for tracking, evaluating, and applying to the management of government information resources the latest research and development results in information, computer, and telecommunications science and technology, and closely related fields, including state-of-the-art applied technology products, is essential in order to maintain a continuous flow of timely, useful, and permanently available and easily accessible government information resources for the public.
17. The preservation, dissemination and permanent public availability of the public information resources of the government, including scientific and technical information, must be guaranteed through a mechanism with sufficient independence and authority to ensure agency compliance



with their statutory obligation to provide information for the Public Information Resources Access Program (PIRAP); in short, enforcement of existing statutory provisions relating to public information dissemination is essential.

18. It has been assumed, incorrectly, that public needs for government information are entirely met by the fortuitous enactment of individual laws that contain quite specific public information resource provisions. However, many public needs for government information are not adequately met by any law, and no systematic effort has been made to identify these needs and determine how best to meet them. This presumption is flawed and must be remedied for several reasons.
- First, while it certainly is true that public needs for government information may, and, indeed, are significantly satisfied both individually when new legislation is passed, and in the aggregate when one looks at the entire set of statutes, there remain substantial gaps in meeting the government information needs of the public, either because those needs have never been reliably and systematically identified, or, where they may have been identified through research, corresponding legislation has never been introduced in that area.
  - Second, public information needs are constantly changing and need to be revisited and reevaluated regularly. Laws, on the other hand, are relatively permanent and are changed infrequently, so legislation should provide a framework for identifying and meeting public needs, but should not be overly specific with respect to the resulting information products and services.
  - Third, while the government has the *primary* responsibility for managing the entire life cycle of government information, including the dissemination and permanent public availability of and access to public information resources by the American public, without copyright-like restrictions, only a portion of the public's information needs can be satisfied directly through the government. Many of those needs are now, and will continue to be, satisfied by private sector sources, both for-profit and not-for-profit, that re-disseminate public information resources and create and disseminate private information resources that are derived, at least in part, from public information resources.

In short, the government information needs of the public must be periodically and systematically addressed, utilizing user assessments and other tried and tested research approaches, to identify new government knowledge sources, systems, and services that should be established to respond to the government information needs of the public that are not now being met by the government or the private sector. This includes needs that are not met at all or are inadequately addressed, whether or not there is an explicit statutory requirement.

## SECTION 2. PURPOSES

The purposes of this Act are to:

1. Affirm that the federal government's public information resources are a strategic national asset that is owned by the people, held in trust by the government, and should be permanently available to the people except where restricted by law, and that public information resources:
  - a. Serve a clear, broad, national public policy interest by ensuring the recording, preservation and availability of the nation's heritage, as that heritage is documented by its public information resources.
  - b. Serve as a building block for the national policy of freedom of opinion and expression, and enable wide, easy, and equitable public access to government information resources.

- c. Guarantee researchers, students, parents, teachers, businesses, policy-makers, entrepreneurs and ordinary citizens access to a comprehensive and authoritative research collection of the government's knowledge holdings.
    - d. Facilitate active and informed citizen participation in government programs and processes.
  2. Amend the mission statements in enabling legislation and major programs of all government establishments, in each branch of the government, to incorporate the responsibility for proactively making public information resources more readily available to, and permanently accessible by, all Americans, including those who are disabled or disadvantaged.
  3. Reform the federal government's public information infrastructure to provide for the creation, storage, communication, permanent public availability, proactive dissemination, preservation, archiving, and overall life cycle integration and management of public information resources, in all branches of government, and in so doing, put in place another essential statutory cornerstone, alongside the Freedom of Information Act (FOIA) and the Electronic Freedom of Information Act (E-FOIA), guaranteeing public knowledge of and access to government information resources.
  4. Consolidate, and more closely and effectively coordinate, public information services and information management authorities, missions, responsibilities, functions and resources of central information services establishments with those of other government establishments to:
    - a. Eliminate unnecessary overlap and duplication and consolidate public information resources of the federal government, now unnecessarily dispersed, fragmented, and compartmentalized among government establishments in all branches.
    - b. Ensure the compilation and availability of a comprehensive, authoritative *National Bibliography of Public Information Resources* that provides bibliographic control over a comprehensive and authoritative collection of both electronic and pre-electronic public information resources.
    - c. Improve central government website portal development and utilization for dissemination and permanent public availability of public information resources.
  5. Update and modernize the government's public information handling and telecommunications systems, services, and networks to ensure that they are:
    - a. Adequate to support the federal government's exploitation of the full and effective use of the Internet and the World Wide Web for storing, handling and disseminating its public information resources.
    - b. Scalable to support future expansion.
    - c. Incorporate the requirements of the federal government's electronic government (E-Gov) plans and schedules.
  6. Effect major organizational consolidations and realignments by establishing a new federal public information resources management organization in the Executive Branch, including:
    - a. Establish a new independent Executive Branch agency, the Public Information Resources Administration (PIRA), to: (1) serve as the federal government's focal point and lead agency for overall leadership for utilization of public information as a strategic national asset; (2) strengthen government-wide public information resources management by amending existing or issuing new regulations, rules, standards and guidelines for public information resources management applicable to all branches; (3) provide policy leadership, planning, coordination, and budgeting for public information resources policies and programs; and (4) coordinate the provision and utilization of public information resources and services to the public and within the government.
    - b. Establish under the Administrator of the Public Information Resources Administration (PIRA) two deputy administrators, the Deputy Administrator for Public Information

- Resources (Content), also known as the Superintendent of Public Information Resources (SuPIR) and the Deputy Administrator for Public Information and Communications Technologies (Technology), also known as the Superintendent of Public Information and Communication Technologies (SuPICT). Provide the Administrator with the authority to establish other new public information resources policy leadership and program management positions to implement the authorities, missions, responsibilities, functions and resources newly assigned or transferred to the Administrator in order to eliminate unnecessary overlap and duplication and effectively implement the mission of the agency in a manner appropriate to the Internet Age.
- c. Repeal all statutory requirements for self-funding programs for the sale of public information resources. Establish a single, government-wide authority for sale of public information resources in PIRA. Transfer the authorities, duties, responsibilities and assets for all other programs for the sale of public information resources to PIRA, which will have the authority to establish partnerships or other cooperative arrangements so that agencies may continue their sales programs as agents of the PIRA.
  - d. Transfer the authorities, duties, responsibilities and assets of the National Technical Information Service (NTIS) from the Department of Commerce to the PIRA.
  - e. Transfer the authorities, duties, responsibilities, and assets of the Superintendent of Documents, including the Document Sales Program, the Federal Depository Library Program (FDLP) and the GPO Access service, from the Government Printing Office (GPO) to the PIRA.
  - f. Transfer the authorities, duties, responsibilities, and assets of the Government Information Locator Service (GILS), FirstGov, and the Consumer Information Center (CIC) from the General Services Administration (GSA) to the PIRA.
  - g. Prescribe additional authorities, duties and responsibilities of the Superintendent of Public Information Resources (SuPIR).
  - h. Change the name of the Federal Depository Library Program (FDLP) to the Public Information Resources Access Program (PIRAP) and establish a new vision and a new public information services model. This model should build on the institutional expertise and strengths of the nation's federal depository libraries, and professional expertise and strengths of the nation's government document librarians and other government information professionals. It should be time-phased into short-term, medium-term, and long-term actions to ensure the smooth completion of the transition already underway from the largely paper-based service and collections model to an increasingly digitally-based service and collections model that is already being developed and will continue to be employed in the future.
  - i. Transfer the authorities, duties, responsibilities and assets for Executive Branch procurement of printing and related services from the Government Printing Office (GPO) to the PIRA.
  - j. Prescribe additional authorities, duties and responsibilities of the Superintendent of Public Information and Communication Technologies (SuPICT).
  - k. Repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress, and allow Executive Branch agencies to apply to the PIRA for new authorization.
  - l. Establish responsibility for by-law distribution.
7. Effect major organizational consolidations and realignments by establishing a new legislative public information resources management organization in the Legislative Branch, including:
- a. Establish a new Legislative Branch agency, the Congressional Information Resources Office (CIRO), to (1) serve as the Legislative Branch's focal point and lead agency for policy leadership coordination and program management in the utilization of Legislative Branch

- public information resources as a strategic national asset; (2) coordinate with the PIRA to establish and implement laws, regulations, rules, standards and guidelines for government-wide public information resources management; and (3) coordinate with the PIRA to facilitate the provision and utilization of Legislative Branch public information resources and services to the public, as well as within the government.
- b. Provide for the appointment and describe the duties of the Administrator of the Congressional Information Resources Office (CIRO).
  - c. Transfer the authorities, duties, responsibilities and assets of the Public Printer for Legislative Branch printing and related services and Legislative Branch procurement for printing and related services to the CIRO.
  - d. Repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress, and allow Legislative Branch agencies to apply to the CIRO for new authorization.
  - e. Support the requirements of the Sales Programs of the Superintendent of Public Information Resources (SuPIR) in the printing and procurement of printing and related services of the CIRO.
  - f. Establish Legislative Branch responsibilities for management of public information resources comparable to selected provisions of the Paperwork Reduction Act.
8. Effect major organizational consolidations and realignments by establishing a new judicial public information resources management organization in the Judicial Branch, including:
- a. Establish a new Judicial Branch agency, the Judicial Information Resources Office (JIRO) in the Administrative Office of the U.S. Courts to (1) serve as the Judicial Branch's focal point and lead agency for policy leadership coordination and program management in the utilization of Judicial Branch public information resources as a strategic national asset; (2) coordinate with the PIRA to establish and implement laws, regulations, rules, standards and guidelines for government-wide public information resources management; and (3) coordinate with the PIRA to facilitate the provision and utilization of Judicial Branch public information resources and services to the public, as well as within the government.
  - b. Provide for the appointment and describe the duties of the Administrator of the Judicial Information Resources Office (JIRO).
  - c. Transfer the authorities, duties, responsibilities and assets for Judicial Branch procurement of printing and related services from the Government Printing Office (GPO) to JIRO.
  - d. Repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress, and allow Judicial Branch agencies to apply to the JIRO for new authorization.
  - e. Support the requirements of the Sales Programs of the Superintendent of Public Information Resources (SuPIR) in the procurement of printing and related services of the JIRO.
  - f. Establish Judicial Branch responsibilities for management of public information resources comparable to selected provisions of the Paperwork Reduction Act.
9. Identify responsibilities of government establishments under this Act:
- a. For compliance with the regulations, rules, standards and guidelines of the Public Information Resources Administration (PIRA), including participation in the Public Information Resources Access Program (PIRAP) and the Sales Programs of the Superintendent of Public Information Resources (SuPIR).
  - b. For periodic review of its public information resources to safeguard against technological obsolescence and limit proliferation of form(s), format(s) and medium(s) utilized for dissemination and permanent public availability.

## **A Comprehensive Assessment of Public Information Dissemination**

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- c. To ensure that public information resources are preserved and authenticated for permanent public availability and accessibility.
  - d. For notification of the Superintendent of Public Information Resources (SuPIR) and the public of its intent to produce or procure, substantially modify, or terminate the production of a public information resource, regardless of form, format or medium.
  - e. For the government establishment requesting or receiving the by-law distribution to obtain necessary funds as part of its own appropriation and to reimburse the PIRA for the costs of providing public information resources to the establishment, or its specified recipients, for these purposes.
  - f. To prepare an Information Dissemination Budget (IDB) following guidance issued by the Office of Management and Budget and the Public Information Resources Administration (PIRA) as set forth in Section 20.
  - g. To prepare an Information Dissemination Plan (IDP) following guidance issued by the Office of Management and Budget and the Public Information Resources Administration (PIRA) as set forth in Section 20.
10. Create an inter-branch, interagency Council on Public Information Resources (CPIR), chaired by the Administrator of the Public Information Resources Administration (PIRA), to serve as an advisory board to the PIRA and to ensure that regulations, rules, standards and guidelines promulgated by the PIRA are coordinated and consistently applied within the Executive Branch and with the Legislative and Judicial Branches. The Council should also consider the applicability of the PIRA regulations, rules, standards, guidelines, and procedures to state, local and tribal governments and endeavor to harmonize these among all levels of government.
  11. Create a Public Information Resources Users Council (PIRUC), chaired by the Superintendent of Public Information Resources (SuPIR), to provide advice to the SuPIR and the Council on Public Information Resources (CPIR), and as appropriate to the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), on the impact of federal regulations, rules, standards, guidelines, and procedures on the ability of the public to identify and effectively use public information resources. PIRUC will also recommend ways to improve the organization, cataloging and indexing, announcing, access and dissemination, and permanent public availability of public information resources.
  12. Direct the Public Information Resources Administration (PIRA) and the National Archives and Records Administration (NARA), with the participation of the Office of Management and Budget (OMB), the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), to establish standards and guidelines within one year of enactment of this Act, so that a government establishment transferring its public information resources to PIRA for permanent public availability can by that same transfer be assured that its obligations for permanent records retention under the Federal Records Act will be met simultaneously.
  13. Harmonize the government's internal (for official use only) and external (for public use) information resources management policies, programs, and practices because they are inseparably inter-related. Decisions made in one domain inevitably affect the other domain, at each stage of the information life cycle. This harmonization should include:
    - a. Strengthening standards and guidelines for interchanging government information resources.
    - b. Extending the integrated government information life cycle concept to both internal and external information resources.
    - c. Improving inter-branch, interagency and intergovernmental policies, programs, standards and guidelines.
    - d. Exchanging "best practices" experiences.

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- e. Producing multi-branch, multi-level, and multi-purpose public information resources in lieu of proliferating single-branch, single level, single-purpose information resources.
14. Coordinate education, training, professional development, and career development programs to broaden and strengthen the capabilities and competencies of librarians and other information professionals to:
    - a. Enable them to more fully respond to the full range and diversity of their responsibilities as contemplated by this statute.
    - b. Help citizens become more computer and information literate so that they can locate, evaluate, organize, summarize, and utilize public information resources for practical advantage in personal, social, educational, financial, employment, business, and other contexts.
  15. Establish and fund a research institute to conduct both basic and applied research germane to the planning, management and control of public information resources.
  16. Eliminate the Joint Committee on Printing (JCP) of the U.S. Congress, and provide for the orderly transfer of the functions of the JCP as appropriate by:
    - a. Transferring responsibility for legislative oversight of the CIRO and Legislative Branch printing and procurement of printing and related services to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.
    - b. Transferring responsibility for the issuance of government-wide regulations for printing, binding and related services to the Public Information Resources Administration (PIRA).
    - c. Repealing all waivers for printing and printing procurement and assigning responsibility for issuance of waivers for printing and printing procurement to the Public Information Resources Administration (PIRA) for the Executive Branch, the Congressional Information Resources Office (CIRO) for the Legislative Branch and the Judicial Information Resources Office (JIRO) for the Judicial Branch.
  17. Authorize funding for government establishments and programs controlled by this Act; and establish funding, budgeting, and financing mechanisms, including:
    - a. Authorize funding for the Public Information Resource Administration (PIRA), the Congressional Information Resources Office (CIRO), the Judicial Information Resources Office (JIRO) and other programs and functions controlled by this Act.
    - b. Establish an R&D Information Dissemination Reserve Fund to help finance the dissemination and permanent public availability of public information resources resulting from federal research and development.
    - c. Develop and implement Information Dissemination Budgets (IDBs) and Information Dissemination Plans (IDPs) for each government establishment and branch.
    - d. Ensure that inherently governmental functions involving public information resources are financed directly through appropriated funds, and not by recovering the costs through sales revenue, users fees or other self-financing mechanisms.
  18. Strengthen public sector/private sector partnerships for dissemination and permanent public availability of public information resources.
  19. Coordinate federal public information resources programs with the corresponding programs of state, local and tribal governments.

### **SECTION 3. DEFINITIONS**

1. "Agency" means any executive department, military department, government corporation, government-controlled corporation, government-owned contractor-operated facility, and other establishment in the executive branch of the government (including the Executive Office of the President), and any independent regulatory agency. It does not include the District of Columbia and of the territories and possessions of the United States, and their various subdivisions. For purposes of this Act, the term "Agency" is subsumed in the definition of "Government Establishment."
2. "Authentication" means the process by which an information product or service is attested to, and certified by an agency or agency official as an authorized, official government information resource and not a derivative, unauthorized or unofficial copy or representation of an official information resource.
3. "Format" means the arrangement of data elements or the software standard used to configure data and information, whether text, numeric, audio, video, spatial, photographic, or other graphic, or any other type of information, and whether databases, spreadsheet, word processing, tagged, markup or image, for convenience of production, storage, handling, use, communication, archiving, and disposition.
4. "Government Establishment" means any executive department, military department, government corporation, government-controlled corporation, government-owned contractor-operated facility, and other establishment in the executive branch of the government (including the Executive Office of the President), and any independent regulatory agency, as well as the Congress and all Legislative Branch agencies, offices and organizations, the Supreme Court, the Administrative Office of the U.S. Courts, and all Judicial Branch courts, offices and organizations. It does not include the District of Columbia or the territories and possessions of the United States, and their various subdivisions.
5. "Government Information Life Cycle" means the stages through which government information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition.
6. "Government Information Resources" means all information products or services that are created, compiled, produced, or maintained by or for the federal government, at government expense, or as required by law, regardless of form, format or medium; the term includes both "Internal Information Resources" and "Public Information Resources." Government Information Resources are a strategic national asset, owned by the people and held in trust by the government, and should be permanently available to the people except where restricted by law.
7. "Information Standard" includes a standard established by an official standards-setting body, such as ANSI, ISO or NISO, a de facto standard or a guideline for creating, editing, organizing, cataloging, indexing, abstracting, storing, handling, searching, retrieving, communicating, re-communicating, scheduling as an official record, appraising, evaluating, archiving, or disposing of government information.
8. "Inherently Governmental Functions" (with respect to government information resources) means those activities that should be undertaken by the government, or at government expense, so that public information resources are bibliographically verified (author, title, identifying numbers, etc.), complete, correct, authentic, timely, cataloged, indexed, abstracted, and maintained for current and future public access. Such activities, which may be done by the government establishment that originates the information or by a central information services establishment acting on behalf of the originating agency, include (a) the creation, collection or acquisition of

- information resources; (b) the indexing, abstracting and cataloging of these resources; (c) the further processing of these resources by scanning, microfilming or converting to an alternative electronic format for retention and use; (d) the creation and maintenance of a database which provides searching and locating information for this information collection including the maintenance of a system to maintain accessibility to information on agency web sites; (e) the mounting and maintaining of a searchable bibliographic database on a web site for free public access; (f) the mounting of the full text of the reports on servers for free public access; and (g) the maintenance of archive files to insure permanent public access to material not otherwise available.
9. "*Internal Information Resources*" means any "*Government Information Resources*" that are *both* (1) created primarily for internal official use *and* (2) excluded from public use because they either (a) have been determined by the issuing components to be required for official use only or (b) have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, (c) are classified for reasons of national security, or (d) are constrained from disclosure by another statute.
  10. "*Medium or Media*" means the type of physical substrate utilized to record and communicate information regardless of format, such as magnetic tape, paper, microfiche, CD-ROM, cable, broadcast, or the Internet and the World Wide Web.
  11. "*Permanent Public Availability*" means making "*Public Information Resources*" available to, and accessible by, the public on an indefinite, continuing basis. This public availability is distinguished from the deposit of an official copy for "*Permanent Records Retention*" by the National Archives and Records Administration and includes information resources that may not come under the Federal Records Act definitions of a federal record because they are acquired, organized and preserved solely for convenience of public reference; furthermore, public availability is meant to convey immediate access through the World Wide Web (or its successor technology) or availability through collections, both digital and non-digital, held by a widely distributed national network of libraries such as the "*Public Information Resources Access Libraries*" (PIRA Libraries).
  12. "*Permanent Records Retention*" means the scheduling, preservation, and indefinite retention of an agency record, regardless of its physical form or characteristics, pursuant to the Federal Records Act of 1950, and related legislation, at the direction and under the guidance of the National Archives and Records Administration. This permanent retention is distinguished from "*Permanent Public Availability*" and refers to information resources that are within the definition of a federal record under the Federal Records Act and are scheduled for permanent retention by the National Archives and Records Administration. It does not include copies of records scheduled for permanent retention that are acquired, organized and preserved solely for convenience of public reference and made available for immediate access through the World Wide Web (or its successor technologies) or a widely distributed national network of libraries such as the "*Public Information Resources Access Libraries*" (PIRA Libraries).
  13. "*Preservation*" means taking steps to safeguard physical and intellectual accessibility of information resources, i.e., the format and mediums employed to store government information, so that it neither disintegrates physically, nor becomes inaccessible or unreadable because of the obsolescence of the technologies originally used to create, organize, access, or store the information; it also includes the need to preserve the original provenance and origins context necessary to fully understand why the information was created in the first place, by whom, how, when, where, and other relevant information.
  14. "*Private Sector*" means private enterprise, for-profit and not-for-profit, as well as organizations such as professional societies and trade associations, hybrids that are joint government/private



enterprise, and organizations such as libraries and academic institutions (even though they may be financed by state, local or tribal government funds or subsidized by federal funds).

15. "Public Information Resources" means "Government Information Resources" that are *either* (1) created primarily for public use *or* (2) created primarily for internal use, but *not* excluded from public use because they (a) have been determined by the issuing components to be required for official use only or (b) have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, (c) are classified for reasons of national security, or (d) are constrained from disclosure by another statute such as the Privacy Act.
16. "Public Information Resources Access Library" (PIRA Library) means a library that has been designated under this Act to assist the public, without charge, in finding and using public information resources of the federal government utilizing locally held digital and non-digital collections and remotely accessible digital collections; all libraries designated as Federal Depository Libraries at the time of enactment are automatically re-designated as "Public Information Resources Access Libraries" (PIRA Libraries) and are subject to the terms and conditions set forth in this Act and by regulations and guidance issued under the authority of this Act.
17. "Public Information Resources Access Program" (PIRAP) means the newly reconfigured and strengthened program to provide free public access to public information resources through a nationwide network of designated libraries, formerly known as the Federal Depository Library Program (FDLP).
18. "Public Information Resources Sales Program" means the government-wide authority for sale of public information resources in the Public Information Resources Administration (PIRA), including sales programs operated by other "Government Establishments" under cooperative agreements or partnerships arrangements with PIRA. This Program *does not* include the reimbursement of fees under the Freedom of Information Act or services within a government establishment that are provided on a reimbursable basis solely to employees, contractors and grant recipients of that establishment. It *does* include all interagency reimbursable services for creation, organization, cataloging, abstracting, indexing, management, and dissemination of public information resources as well as sale of government information to the public.

#### **SECTION 4. RECOGNITION THAT PUBLIC INFORMATION RESOURCES ARE A STRATEGIC NATIONAL ASSET**

*The purpose of this Section is to affirm that the federal government's public information resources are a strategic national asset that is owned by the people, held in trust by the government, and should be permanently available to the people except where restricted by law, and that public information resources:*

- a. *Serve a clear, broad, national public policy interest by ensuring the recording, preservation and availability of the nation's heritage, as that heritage is documented by its public information resources.*
- b. *Serve as a building block for the national policy of freedom of opinion and expression, and enable wide, easy, and equitable public access to government information resources.*
- c. *Guarantee researchers, students, parents, teachers, businesses, policy-makers, entrepreneurs and ordinary citizens access to a comprehensive and authoritative research collection of the government's knowledge holdings.*

d. *Facilitate active and informed citizen participation in government programs and processes.*<sup>4</sup>

The United States Government affirms that its public information resources are a strategic national asset that is owned by the people, held in trust by the government, and should be permanently available to the people except where restricted by law and that public information resources should be exploited to the fullest extent possible for the benefit of all Americans, state, local and tribal governments, private enterprise, academia, and other public and private institutions and organizations. This unique strategic national asset serves a clear national public policy interest by ensuring the recording, preservation and permanent public availability of the nation's heritage in so far as that heritage is documented in public information resources; serves as a building block for the national policy of freedom of expression and opinion and public access to government information resources; guarantees manufacturers, researchers, students, parents, teachers, businesses, entrepreneurs, policy-makers, and ordinary citizens access to a research collection of the government's public information resources; and permits citizens to actively participate in government programs and processes.

The Paperwork Reduction Act already identifies government information as a valuable national resource, but this law goes a step further by: (1) singling out publicly available government information as a strategic national asset; (2) statutorily authorizing all government establishments to proactively disseminate their information to the public, and providing a financing mechanism, the Information Dissemination Budget, to facilitate that purpose; (3) reorganizing and consolidating selected agency missions and functions, including the programs of the National Technical Information Service (NTIS), the Superintendent of Documents (SuDocs) of the Government Printing Office (GPO) and the General Services Administration (GSA), to strengthen the government's policy leadership focus; (4) expand and extend the federal government's partnering arrangements among the three branches, with the private sector and with state, local and tribal governments; and (5) underscoring the need for special attention to serving the government information needs of the disabled, the disadvantaged, and special populations.

**SECTION 5. INCORPORATION OF PUBLIC INFORMATION RESOURCES  
DISSEMINATION RESPONSIBILITY IN THE MISSION STATEMENTS IN ENABLING  
LEGISLATION AND MAJOR PROGRAMS OF ALL GOVERNMENT ESTABLISHMENTS**

*The purpose of this Section is to amend the mission statements in enabling legislation and major programs of all government establishments, in each branch of the government, to incorporate the responsibility for proactively making public information resources more readily available to, and permanently accessible by, all Americans, including those who are disabled or disadvantaged.*<sup>5</sup>

The Congress of the United States, the Supreme Court, the Executive Office of the President and each other establishment of the federal government shall have the authority and responsibility to develop and implement a program to proactively disseminate its public information resources in a timely and equitable manner and provide permanent public availability of, accessibility to, and preservation of those resources, either directly or through the Public Information Resources Administration (PIRA), or its successor agency. Wherever possible, mission statements in enabling legislation and major programs for all government establishments should be amended to incorporate the authority and responsibility for making public information resources proactively available to, and permanently

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<sup>4</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 1, which is repeated here in italics for ease of reference.

<sup>5</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 2, which is repeated here in italics for ease of reference.

accessible by, all Americans, including those who are disabled or disadvantaged and other elements of society and the economy, by inserting a standard phrase such as "*shall develop and implement a program to proactively disseminate its public information resources in a timely and equitable manner and provide permanent public availability of those resources.*"

**SECTION 6. ESTABLISHING A FEDERAL PUBLIC INFORMATION RESOURCES MANAGEMENT ORGANIZATION IN THE EXECUTIVE BRANCH**

*The purpose of this Section is to effect major organizational consolidations and realignments by establishing a new federal public information resources management organization in the Executive Branch, including:*

- a. *Establish a new independent Executive Branch agency, the Public Information Resources Administration (PIRA), to: (1) serve as the federal government's focal point and lead agency for overall leadership for utilization of public information as a strategic national asset; (2) strengthen government-wide public information resources management by amending existing or issuing new regulations, rules, standards and guidelines for public information resources management applicable to all branches; (3) provide policy leadership, planning, coordination, and budgeting for public information resources policies and programs; and (4) coordinate the provision and utilization of public information resources and services to the public and within the government.*
- b. *Establish under the Administrator of the Public Information Resources Administration (PIRA) two deputy administrators, the Deputy Administrator for Public Information Resources (Content), also known as the Superintendent of Public Information Resources (SuPIR) and the Deputy Administrator for Public Information and Communications Technologies (Technology), also known as the Superintendent of Public Information and Communication Technologies (SuPICT). Provide the Administrator with the authority to establish other new public information resources policy leadership and program management positions to implement the authorities, missions, responsibilities, functions and resources newly assigned or transferred to the Administrator in order to eliminate unnecessary overlap and duplication and effectively implement the mission of the agency in a manner appropriate to the Internet Age.*
- c. *Repeal all statutory requirements for self-funding programs for the sale of public information resources. Establish a single, government-wide authority for sale of public information resources in PIRA. Transfer the authorities, duties, responsibilities and assets for all other programs for the sale of public information resources to PIRA, which will have the authority to establish partnerships or other cooperative arrangements so that agencies may continue their sales programs as agents of the PIRA.*
- d. *Transfer the authorities, duties, responsibilities and assets of the National Technical Information Service (NTIS) from the Department of Commerce to the PIRA.*
- e. *Transfer the authorities, duties, responsibilities, and assets of the Superintendent of Documents, including the Document Sales Program, the Federal Depository Library Program (FDLP) and the GPO Access service, from the Government Printing Office (GPO) to the PIRA.*
- f. *Transfer the authorities, duties, responsibilities, and assets of the Government Information Locator Service (GILS), FirstGov, and the Consumer Information Center (CIC) from the General Services Administration (GSA) to the PIRA.*
- g. *Prescribe additional authorities, duties and responsibilities of the Superintendent of Public Information Resources (SuPIR).*

- h. *Change the name of the Federal Depository Library Program (FDLP) to the Public Information Resources Access Program (PIRAP) and establish a new vision and a new public information services model. This model should build on the institutional expertise and strengths of the nation's federal depository libraries, and professional expertise and strengths of the nation's government document librarians and other government information professionals. It should be time-phased into short-term, medium-term, and long-term actions to ensure the smooth completion of the transition already underway from the largely paper-based service and collections model to an increasingly digitally-based service and collections model that is already being developed and will continue to be employed in the future.*
- i. *Transfer the authorities, duties, responsibilities and assets for Executive Branch procurement of printing and related services from the Government Printing Office (GPO) to the PIRA.*
- j. *Prescribe additional authorities, duties and responsibilities of the Superintendent of Public Information and Communication Technologies (SuPICT).*
- k. *Repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress, and allow Executive Branch agencies to apply to the PIRA for new authorization.*
- l. *Establish responsibility for by-law distribution.*<sup>6</sup>

Nothing in the authorities prescribed in this Section shall in any way abrogate the Constitutional missions and authorities of the Legislative and Judicial Branches of government. The Administrator of PIRA should work closely with counterpart senior officials in those branches to maximize policy consistency and effectiveness, as well as information standards development and application within the U.S. Government, with the aim of better serving the public.

Establish a new federal public information resources management organization in the Executive Branch and effect major organizational realignments in existing organizations, including:

**6.a. The Public Information Resources Administration (PIRA)**

A new Public Information Resources Administration (PIRA) is established as an independent agency in the Executive Branch. It will serve as the federal government's focal point and lead agency for overall policy leadership, program planning and development, implementation, and executive oversight, in establishing public information as a strategic national asset. PIRA will, in consultation with the Council on Public Information Resources (CPIR), establish and implement government-wide public information resources management plans and programs, and issue rules, regulations, standards and guidelines. In consultation with OMB and the heads of the CIRO and JIRO, PIRA will provide government-wide policy leadership, coordination and budget guidance for public information resources policies and programs. PIRA will facilitate the dissemination and utilization of public information resources and services to users within the government, as well as to the public.

The Public Information Resources Administration (PIRA) is authorized to develop, promulgate and enforce regulations, rules, standards and guidelines necessary to implement its government-wide public information resources management authority under this Act, including Printing and Binding Regulations. These regulations, rules, standards and guidelines are to be developed in consultation with the Council on Public Information Resources (CPIR) described in Section 13. The PIRA is authorized to develop, promulgate and enforce regulations, rules, standards and guidelines necessary

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<sup>6</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 6, which is repeated here in italics for ease of reference.

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for the administration of the Public Information Resources Access Program (PIRAP) and the Superintendent of Public Information Resources (SuPIR) Sales Programs. These regulations, rules, standards and guidelines are to be developed in consultation with the Council on Public Information Resources (CPIR) described in Section 13 and Public Information Resources Users Council (PIRUC) described in Section 14. All regulations, rules, standards and guidelines developed and promulgated by PIRA must be announced in the *Federal Register* with a period of not less than 30 days for public comment prior to implementation and shall include specific penalties for non-compliance.

The Public Information Resources Administration (PIRA) has enforcement authority with substantial consequences, including financial penalties, for non-compliance with the information collection and dissemination provisions of the American Technology Pre-eminence Act (ATPA) as well as the Public Information Resources Access Program (PIRAP) and other provisions of this Act, including the ability to require the non-compliant agency to make restitution; and the authority to repeal waivers and to rescind cooperative agreements or partnership arrangements established under this Act.

The PIRA shall encourage the development of a combination of centralized and decentralized public information resources management structures, policies and programs, by: (1) centrally formulating policy and standards for all public information resources activities and providing common services through a centrally managed infrastructure; and (2) recognizing the decentralized authority of individual government establishments to plan, manage and control their own public information resources management requirements.

The PIRA is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for aiding or facilitating the work of the agency. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the agency.

### **6.b. Staffing Authority for the Public Information Resources Administration (PIRA)**

The President of the United States shall appoint, by and with the advice and consent of the Senate, an individual knowledgeable about the management of public information resources who shall take charge of and manage the Public Information Resources Administration (PIRA). The Administrator of PIRA is to be appointed for a term of ten years. The Administrator is eligible for reappointment after completion of the term.

The Administrator of the Public Information Resources Administration (PIRA) is given the authority to establish other new public information resources policy leadership and program management positions necessary to exercise the authorities, and implement the mission, responsibilities, functions, programs, and resources assigned, or existing resources and authorities transferred to him, in order to eliminate unnecessary overlap and duplication and effectively implement the mission of the agency in a manner appropriate to the Internet Age. The Administrator is also given the authority to establish the necessary administrative staff positions such as payroll and personnel, finance and budget, procurement and contracting, and public affairs, as well as legislative, judicial, and intergovernmental liaison. The Administrator shall ensure the establishment and maintenance of effective liaison arrangements with private sector entities that both provide and utilize public information resources, including public user groups, public interest groups, and for-profit and not-for-profit publishers, as well as disabled, disadvantaged and other special populations.

The Administrator shall appoint two qualified persons to be the Deputy Administrators of the Public Information Resources Administration (PIRA): (1) the Deputy Administrator for Public Information Resources (Content), also known as the Superintendent of Public Information Resources (formerly the

Superintendent of Documents) (SuPIR), and (2) the Deputy Administrator for Public Information and Communications Technologies (Technology), also known as the Superintendent of Public Information and Communication Technologies (SuPICT). The Deputy Administrators shall perform all duties and responsibilities assigned by the Administrator; and the duties and responsibilities of the Administrator in the event of (1) a vacancy in the office of the Administrator; or (2) incapacity of the Administrator. In the event of a vacancy or incapacity of the Administrator, one of the Deputy Administrators shall be designated by the Administrator to serve until a successor Administrator is appointed, but for no longer than 1 year after a vacancy or incapacity occurs.

The Superintendent of Public Information Resources (SuPIR) has lead responsibility for (1) liaison with the Executive, Legislative and Judicial Branches for matters under the authority of the SuPIR; (2) database and portal administration, including user support and training; (3) bibliographic and metadata services administration, including the Government Information Locator Service (GILS) and other metadata programs, cataloging, abstracting, indexing, and the development of relevant standards and guidelines; (4) intergovernmental, inter-branch, and interagency information interchange and the development of relevant standards and guidelines; (5) Public Information Resources Access Program (formerly the Federal Depository Library Program (FDLP)) administration; (6) public information resources sales program administration, including authorization of partnerships or other cooperative arrangements so that agencies may continue their sales programs as agents of PIRA; (7) facilitation of the utilization of a diversity of public and private sources to disseminate or re-disseminate public information resources, including collaborative or joint ventures, independent private sector initiatives, and government acquisition and use of private sector information as an integral part of public information resources;<sup>7</sup> and (8) facilitation of public information resources and services for the disabled, disadvantaged and other special populations, for information literacy, and for lifelong learning.

The Superintendent of Public Information and Communication Technologies (SuPICT) has responsibility for (1) liaisons to the Executive, Legislative and Judicial Branches for matters under the authority of the SuPICT; (2) Executive Branch procurement for printing and related services, including electronic information services, and customer service to support these activities; (3) a federal Webmaster to provide policy leadership and coordination with individual government establishment webmasters and ensure an effective liaison with webmasters from state, local and tribal governments; (4) coordination of federal, national and global information infrastructure development; and (5) coordination of telecommunications interconnectivity, including federal websites, and intergovernmental and inter-branch website and portal connectivity; (6) facilitation of the utilization of a diversity of public and private sources for information technology support and services for public information resources creation, storage, interoperability and interconnectivity, including collaborative or joint ventures, independent private sector initiatives, and government acquisition and use of private sector information and telecommunications handling technologies.<sup>8</sup>

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<sup>7</sup> For example, the Health Care Financing Administration (HCFA) uses codes for medical procedures reimbursed through Medicare that are developed and copyrighted by the American Medical Association (AMA). These Current Procedural Terminology (CPT) codes are used in HCFA regulations with the permission of the AMA, but without the AMA surrendering copyright ownership.

<sup>8</sup> This does not imply that the SuPICT would procure technology and services on behalf of the government, as is currently done by the General Services Administration (GSA), but rather that the SuPICT will facilitate identification, evaluation, and adoption of appropriate technologies and related standards.

**6.c. Disposition of Programs for the Sale of Public Information Resources; Repeal of Statutory Requirements for Self-Funding Programs for the Sale of Public Information Resources**

All provisions in statute for self-funding programs for the sale or dissemination of public information resources, other than reimbursement of fees under the Freedom of Information Act, are repealed 120 days following the enactment of this Act, and all future sales of public information resources by the government are governed by the provisions for this Act.

There is established in the Public Information Resources Administration (PIRA) under the Superintendent of Public Information Resources (SuPIR) a government-wide sales program for public information resources.

All programs for the sale of public information resources in the Legislative, Executive and Judicial Branch agencies and establishments, other than reimbursement of fees under the Freedom of Information Act, whether required by statute, or authorized by other means, are transferred to the Public Information Resources Administration (PIRA) 120 days following the enactment of this Act. This provision does *not* include services within a government establishment that are provided on a reimbursable basis solely to employees, contractors and grant recipients of that establishment. It *does* include all interagency reimbursable services for creation, organization, cataloging, abstracting, indexing, management, and dissemination of public information resources as well as sale of government information to the public. Special cases should be brought to the attention of the Superintendent of Public Information Resources (SuPIR) who may authorize exceptions so long as obligations to the Public Information Resources Access Program (PIRAP) are met.

The Superintendent of Public Information Resources (SuPIR) may authorize the continuation of the sale of public information resources by other agencies after establishing a cooperative agreement or partnership arrangement as authorized by this Act and ensuring compliance with requirements for sale of public information resources, provided that all public information resources in the authorized sales programs that are created, compiled, produced directly or by contract, updated, or maintained after the date of enactment of this Act are also available to the public without charge through the Public Information Resources Access Program (PIRAP) authorized by this Act.

The pricing formula in 44 U.S.C. Chapter 17 is repealed and language is substituted to have the sales program fees based on the incremental cost of dissemination, including the applicable portion of overhead expenses of the Public Information Resources Administration (PIRA). The Superintendent of Public Information Resources (SuPIR) is given authority to procure additional copies of any agency public information resource for the SuPIR sales programs; the Congressional Information Resources Office (CIRO) and Judicial Information Resources Office (JIRO) are required to integrate requirements for additional copies of public information resources for SuPIR sales programs as part of their production and procurement activities with the costs to be borne by the SuPIR.

In order to ensure that the pricing policies for distributing public information resources reflect the true cost of access and/or reproduction, are appropriate to, and equitably distributed among, the public information resources offered for sale, the SuPIR will establish an independent Public Information Resources Pricing Board to review pricing formulas used in the Sales Programs of the PIRA and advise the SuPIR about pricing decisions. The Board shall consist of no more than nine members, appointed by the SuPIR for three year terms, and shall include representatives of both for-profit and not-for-profit private sector disseminators of government information, customers of the Sales Programs, government establishments operating information sales programs under the auspices of PIRA, and others knowledgeable about the economics and pricing of information. Within six months after establishment of the PIRA, the SuPIR will submit to the Board for its review the initial pricing

plans of the Sales Programs. After that, the SuPIR will submit annual reports to the Board about the efficacy of the pricing formulas and seek their advice, as necessary, when changes in pricing formulas or other issues relating to pricing of public information resources arise.

The PIRA is authorized to operate a revolving fund for its sales programs and to transfer into the revolving fund assets from other establishments transferred under this Act. The PIRA is authorized to hold customer funds as deposit accounts to facilitate the purchase of public information resources and payment for other services of the agency and to accept the deposit account balances from other establishments transferred under this Act.

**6.d. Transfer of the Authorities, Duties, Responsibilities and Assets of the National Technical Information Service (NTIS)**

The authorities, duties, responsibilities, personnel and assets of the National Technical Information Service (NTIS) are transferred from the Department of Commerce to the Public Information Resources Administration (PIRA).

Scientific and technical information (STI) is a critical national asset. The benefits of the government's investment in the capture, preservation, permanent availability, and dissemination of scientific and technical information for entrepreneurs, students, faculty researchers, private enterprise, and government agencies at all levels—federal, state, local, and tribal—is enormous and far-reaching. Transfer of the National Technical Information Service (NTIS) to the Public Information Resources Administration (PIRA) will ensure that the NTIS authorities and responsibilities to locate, capture, identify, organize, preserve, and make permanently publicly available, and readily and equitably accessible, the results of federally-funded R&D are sustained and strengthened by their placement in an agency whose primary mission is the timely dissemination and permanent public availability of public information resources.

The American Technology Pre-eminence Act (ATPA) is amended so that scientific and technical information to be transferred or made available to the National Technical Information Service (NTIS) under the ATPA will be transferred or made available to PIRA.

As noted in Section 6.a. above, the Public Information Resources Administration (PIRA) has enforcement authority with substantial consequences, including financial penalties for non-compliance with the information collection and dissemination provisions of the American Technology Pre-eminence Act, including the ability to require the non-compliant agency to make restitution; and the authority to repeal waivers and to rescind cooperative agreements or partnership arrangements established under this Act.

Consolidation of NTIS with the Superintendent of Documents (SuDocs) Programs in Public Information Resources Administration (PIRA) under Superintendent of Public Information Resources (SuPIR) places all information resources covered under the American Technology Pre-eminence Act (ATPA) in the Public Information Resources Access Program (PIRAP) and eliminates the necessity for agencies to comply separately with the provisions of the ATPA and the requirements for the Federal Depository Library Program (FDLP). Furthermore, consolidation of the NTIS bibliographic database with the Government Printing Office (GPO) *Catalog of U.S. Government Publications* provides the basis for the compilation and availability of a single, central, comprehensive and authoritative inventory, the *National Bibliography of Public Information Resources*, including the associated indexing and abstracting. Consolidation of the NTIS and SuDocs collections, including both the holding at GPO and those distributed in Federal Depository Libraries, establishes the basis for



a single, central, comprehensive and authoritative database of electronic public information resources as part of a collection of both electronic and pre-electronic public information resources.

**6.e. Transfer of the Authorities, Duties, Responsibilities and Assets of the Superintendent of Documents**

The Superintendent of Documents authorities, duties and responsibilities, personnel and assets are transferred from the Government Printing Office (GPO) to the Public Information Resources Administration (PIRA). This includes the Document Sales Program, the Federal Depository Library Program (FDLP), addressed in Section 6.h. below, and the GPO Access service, including the personnel and assets necessary to operate the GPO Access service.

44 U.S.C. 4101 should be amended to ensure that the Superintendent of Public Information Resources (SuPIR), under the direction of the Administrator of PIRA, (1) maintains an electronic directory of Federal electronic public information resources as part of *National Bibliography of Public Information Resources* required by Section 9.b of this Act; (2) provides online access to the *Congressional Record*, the *Federal Register*, and, as determined by the SuPIR, other appropriate public information resources as part of the *National Database of Public Information Resources* required by Section 9.b of this Act; and (3) operates an electronic storage facility for Federal electronic public information resources to which online access is made available, also as part of the *National Database of Public Information Resources*.

44 U.S.C. 1711, Catalog of Government publications, should be amended to ensure the compilation and availability of a comprehensive and authoritative *National Bibliography of Public Information Resources* as required by Section 9.b of this Act.

**6.f. Transfer of the Authorities, Duties, Responsibilities and Assets of Selected Programs of the General Services Administration (GSA)**

The authorities, duties, responsibilities, and assets of the General Services Administration (GSA) related to the Consumer Information Center (CIC), the Government Information Locator Service (GILS) and FirstGov are transferred from the GSA to PIRA.

**6.g. Additional Authorities, Duties and Responsibilities of the Superintendent of Public Information Resources (SuPIR)**

The Superintendent of Public Information Resources (SuPIR) shall use whatever measures are necessary to ensure the timely identification, acquisition, organization, cataloging, (and for scientific and technical information, abstracting and indexing) of public information resources; to ensure timely delivery of public information resources, utilizing a variety of formats, mediums, channels and methods, for access, dissemination and distribution, appropriate to the content and its intended uses; and to expand and improve the permanent public availability of the federal government's public information resources. To accomplish these objectives, the SuPIR may establish a variety of cooperative agreements and partnership arrangements with the responsible agencies as authorized by this Act and both the Superintendent of Public Information Resources (SuPIR) and the responsible agency shall utilize electronic mediums and methods to the maximum extent possible for these purposes.

The Superintendent of Public Information Resources (SuPIR) is responsible for permanent public availability of federal government public information resources, as defined in this Act.

Any determination by a government establishment that one of its government information resource is an internal information resource under Section 3.9(2)(b) of the definitions in this Act can be appealed by any interested party to the Superintendent of Public Information Resources (SuPIR). In making this determination, the SuPIR will use a public interest standard, which provides that a government information resource can be withheld as an internal information resource only where the public interest in maintaining the exception outweighs the public interest in disclosure. If the issuing establishment is in the Executive Branch, the SuPIR will make a recommendation to the President after consultation with the issuing establishment. If the issuing establishment is in the Legislative or Judicial Branch, the SuPIR shall make a recommendation to the head of the issuing establishment and the Administrator of the Congressional Information Resources Office (CIRO) or the Judicial Information Resources Office (JIRO), respectively, who may then accept or reject the recommendation. If a recommendation of the SuPIR is not accepted, then the head of the issuing establishment and the Administrator of the Congressional Information Resources Office (CIRO) or the Judicial Information Resources Office (JIRO), respectively, must provide a written justification of their position to the SuPIR who will, in turn, respond to the party appealing the original determination. Such justifications may be made public at the discretion of the SuPIR.

The Superintendent of Public Information Resources (SuPIR) shall provide selection, cataloging, classification, locator, and indexing services for all public information resources from the Executive, Legislative, and Judicial Branches. The SuPIR shall create, maintain, and make available in electronic and/or printed form, a comprehensive and timely catalog (including abstracting and indexing of scientific and technical information) of public information resources, regardless of form, format or medium, that shall be accessible to the public through the Public Information Resources Access Libraries or directly.

The Superintendent of Public Information Resources (SuPIR) shall encourage maximum availability of public information resources as well as development of multi-purpose, multi-establishment or multi-level public information resources in lieu of the proliferation of incompatible and inconsistent single purpose, single establishment or single level public information resources. The SuPIR, in consultation with Council on Public Information Resources (CPIR) described in Section 13 and other government establishments, shall undertake, and periodically update, an in-depth assessment to:

- a. Assist government establishments in identifying internal information resources that are not otherwise statutorily precluded from public disclosure to determine whether these resources could and should be considered as public information resources under this Act. In this regard, individual agencies are the authority in classifying a resource as an internal resource or a public resource, subject to the appeal process identified in earlier in this Section.
- b. Identify the need for public information resources that are not now being met by federal, state, local or tribal governments or the private sector, whether for profit or not-for-profit. This includes needs that could and should be met, but are not met at all or are inadequately addressed. The needs assessment should include a recommendation identifying the appropriate establishment(s) to address the unmet needs, whether in government, the private sector or through a public-private partnership, recognizing that, in some instances, the private sector may be better positioned to independently develop value-added public information dissemination products, rather than working in a partnership mode with the public sector.
- c. Identify unnecessary overlap and duplication among single purpose, single establishment or single level public information resources, either across branches, across federal agency lines, or across levels of government that could be consolidated into multi-purpose, multi-establishment or multi-level public information resources.

The Superintendent of Public Information Resources (SuPIR) shall ensure that government establishments create and maintain Government Information Locator Service (GILS) records for all appropriate government information resources, in accordance with 44 U.S.C. Chapter 41 and additional guidance provided by the SuPIR, and that such records are provided or made available to the PIRA. Such locator services shall identify, describe, and link users to public information resources available through government or, where appropriate, private sector electronic telecommunications systems and networks serving as hosts.

The Administrator of PIRA and the Superintendent of Public Information Resources (SuPIR) shall encourage and facilitate the meetings and activities of interagency groups concerned with public information resources, such as the Federal Publishers Committee (FPC), the Federal Library and Information Center Committee (FLICC), the Federal Webmasters Forum, and the Interagency Committee on Statistical Policy ICSP.

The Superintendent of Public Information Resources (SuPIR) or, at the discretion of the Congress, the Administrator of the Congressional Information Resources Office (CIRO) may prepare and produce a consolidated index of congressional documents and index single volumes of documents as the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives direct. This will be a reimbursable service funded by the Congress.

### **6.h. The Public Information Resources Access Program (PIRAP)**

The Federal Depository Library Program (FDLP) is renamed the Public Information Resources Access Program (PIRAP). All libraries designated as Federal Depository Libraries at the time of enactment are automatically re-designated as Public Information Resources Access Libraries (PIRA Libraries) and are subject to the terms and conditions set forth in this Act and by regulations and guidance issued under the authority of this Act.

The basic mission and functions of the FDLP are not changed by this renaming. The responsibility for free public access to materials received from, or available through, the PIRAP remains the primary purpose of the program. Congressional designation and other criteria for becoming a Public Information Resources Access Library (PIRA Library) are retained.

Public information resources made available by the Superintendent of Public Information Resources (SuPIR) may be chosen or accessed by PIRA Libraries according to regulations and guidelines issued by the SuPIR for such purposes.

Notwithstanding any other provision of law, public information resources created, compiled, produced or maintained by the Executive, Legislative and Judicial Branches shall be made available to the public at no charge through the Public Information Resources Access Program (PIRAP). If government funds, including funds from Gift Accounts and Trust Funds of government establishments, are to be used for the creation, compilation, production, dissemination or maintenance of information products and services, in part or in whole, then those products and services are public information resources.

The exemption in 44 U.S.C. 1903 for "so-called cooperative publications which must be sold to be self-sustaining" is repealed because the only self-sustaining programs for the sale of public information resources are within, or under the authority of, the Public Information Resources Administration (PIRA) and any public information resources available for sale also must be available without charge through Public Information Resources Access Libraries (PIRA Libraries).

The expansion of the definition of public information resources to cover all "forms, formats or mediums" explicitly includes data and information, whether text, numeric, audio, video, spatial, photographic, or other graphic, or any other type of information, as well as database, spreadsheet, word processing, tagged, markup or image, and future, as yet unknown, formats and media used to organize, store, disseminate, display or preserve information resources within the scope of the Public Information Resources Access Program (PIRAP). In addition, this includes within the scope of the program time-sensitive information, such as press releases, fact sheets and other announcements, that often contain substantive information of value both for current awareness and historical research. This does not mean that government establishments cease to have control over the content and timing of the release of such information, but rather that there is an additional means for timely and permanent public access to such material.

Implicit in the definition of government information resources is the fact that information resources or may be published or unpublished. Published government information resources may be posted as electronic files on agency intranets or public web sites, printed on paper, or otherwise made available and accessible in one or more formats and mediums. Unpublished government information resources remain in files and/or databases until they are published "on demand," but they are still retrievable although they may never be published or retrieved.

As noted in Section 6.a. above, the Public Information Resources Administration (PIRA) has enforcement authority with substantial consequences, including financial penalties for non-compliance with the requirements of the Public Information Resources Access Program (PIRAP) and other provisions of this Act, including the ability to require the non-compliant agency to make restitution; and the authority to repeal waivers and to rescind cooperative agreements or partnership arrangements established under this Act.

**6.i. Transfer of the Authorities, Duties, Responsibilities and Assets for Executive Branch Procurement of Printing and Related Services**

The authorities, duties, responsibilities and assets for Executive Branch procurement of printing and related services are transferred from the Government Printing Office to the Public Information Resources Administration (PIRA), as are the proportion of printing procurement and customer service assets and personnel required to handle printing procurement for the Executive Branch. The PIRA may contract with the Congressional Information Resources Office (CIRO) to continue to house the Superintendent of Documents and printing procurement functions within the CIRO facility indefinitely or until a suitable alternative space is available.

The Public Information Resources Administration (PIRA) has the authority to procure all printing and related production services for the Executive Branch; however, PIRA is required to allow Congressional Information Resources Office (CIRO) to bid on any job that it procures for an executive agency that CIRO is capable of producing and to accept the CIRO bid if it is less than or equal to that of any other bidder. The PIRA may contract with the CIRO to fulfill its procurement of printing and related production services indefinitely, or for a fixed period of time, rather than transfer assets and personnel to PIRA.

The PIRA is authorized to operate a revolving fund for its procurement of printing and related services and to transfer into the revolving fund assets from other establishments transferred under this Act.

**6.j. Additional Authorities, Duties and Responsibilities of the Superintendent of Public Information and Communication Technologies (SuPICT)**

The Superintendent for Information and Communication Technologies (SuPICT) has the authority to issue government-wide printing and binding regulations and to issue waivers to the printing and binding regulations for Executive Branch agencies, and has the right to review, and recommend approval or disapproval, of waivers authorized by the Congressional Information Resources Office (CIRO) and Judicial Information Resources Office (JIRO) before they take effect. The regulations for the procurement of printing and related services are independent of the Federal Acquisition Regulations (FAR).

All waivers are conditional upon compliance with requirements of this Act for inclusion of public information resources in the Public Information Resources Access Program (PIRAP) and of the American Technology Pre-eminence Act (ATPA) for the transfer of public information resources to the Public Information Resources Administration (PIRA) as the successor to the National Technical Information Service, as well as the requirements in Sections 7.e, 8.e and 12.a of this Act to integrate requirements for additional copies of public information resources for the Superintendent of Public Information Resources (SuPIR) Sales Programs and to provide timely access to or provisions of public information resources for the comprehensive and authoritative inventory and database required under Section 9.b of this Act. Failure to comply with these and other requirements of this Act may result in the suspension or cancellation of the waiver, the assessment of penalties, or the requirement for restitution of the public information resources.

**6.k. Repeal of Waivers for Printing and Printing Procurement**

All waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress are repealed by Section 19.c of this Act. Executive Branch agencies wishing to continue to operate under such waivers must apply to the Superintendent of Public Information and Communication Technologies (SuPICT) for new authorization. Waiver requests will be reviewed with the objective of reducing excess printing capacity in individual agencies and ensuring the most cost-effective printing procurement for the government. All waivers are (1) publicly posted on the PIRA website (or its successor), including the relevant terms and conditions of the waiver and (2) subject to periodic review and renewal/modification at least once every 5 years.

**6.l. Responsibility for By-Law Distribution**

Responsibility for by-law distribution currently assigned to the Superintendent of Documents and funded through the salaries and expenses appropriation of the Superintendent of Documents are transferred to PIRA. In the first full fiscal year funding cycle following this transfer, the agency requesting or receiving the by-law distribution shall have the responsibility for obtaining necessary funds as part of its own appropriation in order to ensure maximum accountability for the funds and for the programs they support. The PIRA will retain the authority to fulfill, or to coordinate fulfillment of, these requirements for the program agency on a cost reimbursement basis. Thus, for example, the Library of Congress is to obtain funds for copies of public information resources it receives "by-law" and for the International Exchange Program as part of its annual appropriation and reimburse the PIRA for the costs of providing public information resources to the Library, or its specified recipients, for these purposes.

**SECTION 7. ESTABLISHING A FEDERAL PUBLIC INFORMATION RESOURCES MANAGEMENT ORGANIZATION IN THE LEGISLATIVE BRANCH**

*The purpose of this Section is to effect major organizational consolidations and realignments by establishing a new legislative public information resources management organization in the Legislative Branch, including:*

- a. *Establish a new Legislative Branch agency, the Congressional Information Resources Office (CIRO), to (1) serve as the Legislative Branch's focal point and lead agency for policy leadership coordination and program management in the utilization of Legislative Branch public information resources as a strategic national asset; (2) coordinate with the PIRA to establish and implement laws, regulations, rules, standards and guidelines for government-wide public information resources management; and (3) coordinate with the PIRA to facilitate the provision and utilization of Legislative Branch public information resources and services to the public, as well as within the government.*
- b. *Provide for the appointment and describe the duties of the Administrator of the Congressional Information Resources Office (CIRO).*
- c. *Transfer the authorities, duties, responsibilities and assets of the Public Printer for Legislative Branch printing and related services and Legislative Branch procurement for printing and related services to the CIRO.*
- d. *Repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress, and allow Legislative Branch agencies to apply to the CIRO for new authorization.*
- e. *Support the requirements of the Sales Programs of the Superintendent of Public Information Resources (SuPIR) in the printing and procurement of printing and related services of the CIRO.*
- f. *Establish Legislative Branch responsibilities for management of public information resources comparable to selected provisions of the Paperwork Reduction Act.<sup>9</sup>*

Establish a new federal public information resources management organization in the Legislative Branch and effect major organizational realignments in existing organizations, including:

**7.a. The Congressional Information Resources Office (CIRO)**

A new Congressional Information Resources Office (CIRO) is established in the Legislative Branch. The CIRO will serve as the Legislative Branch's focal point and lead agency for policy leadership coordination and program management in the utilization of Legislative Branch public information resources as a strategic national asset. It will coordinate with the Public Information Resources Administration (PIRA) to establish and implement laws, regulations, rules, standards and guidelines for public information resources management and to facilitate the provision and utilization of Legislative Branch public information resources and services to users within the government, as well as to the public. The CIRO is responsible for ensuring complete and timely Legislative Branch compliance with the Public Information Resources Access Program in Section 6.h and other programs of the PIRA.

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<sup>9</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 7, which is repeated here in italics for ease of reference.

**7.b. Appointment and Duties of the Administrator of the Congressional Information Resources Office (CIRO)**

The Administrator of the Congressional Information Resources Office (CIRO) is to be appointed for a term of ten years. The Administrator shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the House Committee on House Administration and the Senate Committee on Rules and Administration, without regard to political affiliation and solely on the basis of fitness to perform the duties of the office. The Administrator is eligible for reappointment after completion of the term.

The Administrator of the CIRO serves as one of the permanent members of the Council on Public Information Resources (CPIR) described in Section 13. The Administrator has the responsibility to coordinate with the Clerk of the House, Secretary of the Senate, Librarian of Congress, and the heads of other legislative branch agencies and organizations, to ensure full compliance with the regulations, rules, standards and guidelines promulgated by the Public Information Resources Administration (PIRA).

The Administrator of the CIRO or, at the discretion of the Congress, the Administrator of the Public Information Resources Administration (PIRA), may prepare and produce a consolidated index of congressional documents and index single volumes of documents as the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives direct. This will be a reimbursable service funded by the Congress.

**7.c. Transfer of the Remaining Authorities, Duties, Responsibilities and Assets of the Public Printer**

The Congressional Information Resources Office (CIRO) will incorporate the portions of the Government Printing Office (GPO) not transferred elsewhere by this Act, specifically the functions of Congressional and other Legislative Branch printing and printing procurement and the physical plant and related assets currently used by the GPO for those purposes, and will assume the responsibility for the orderly transfer of functions, personnel and assets to the Public Information Resources Administration (PIRA) and Judicial Information Resources Office (JIRO). The Public Printer will report to the Administrator of CIRO and will continue the functions of printing and procurement of printing and related services for the Legislative Branch, as well as that contracted by Executive or Judicial Branch agencies, in compliance with Government Printing and Binding Regulations issued by PIRA.

The Congressional Information Resources Office (CIRO) may contract with the Public Information Resources Administration (PIRA) to continue to house the Superintendent of Public Information Resources (SuPIR) and Executive Branch printing procurement functions within the CIRO facility indefinitely or until a suitable alternative space is available.

The Congressional Information Resources Office (CIRO) may contract with the Judicial Information Resources Office (JIRO) to continue to house the Judicial Branch printing procurement functions within the CIRO facility indefinitely or until a suitable alternative space is available.

**7.d. Repeal of Waivers for Printing and Printing Procurement**

All waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress are repealed by Section 19.c of this Act. Legislative Branch

establishments wishing to continue to operate under such waivers must apply to the Congressional Information Resources Office (CIRO) for new authorization. Waiver requests will be reviewed with the objective of reducing excess printing capacity in individual establishments and ensuring the most cost-effective procurement of printing and related services for the government. All waivers are (1) publicly posted on the CIRO website (or its successor), including the relevant terms and conditions of the waiver and (2) subject to periodic review and renewal/modification at least once every 5 years.

**7.e. Requirements for Supporting the Programs of the Superintendent of Public Information Resources (SuPIR)**

The Congressional Information Resources Office (CIRO) shall integrate requirements for additional copies of public information resources for Superintendent of Public Information Resources (SuPIR) sales programs as part of their production and procurement activities with the costs to be borne by the SuPIR. The CIRO shall ensure the timely access to, or provision of, the public information resources by each establishment in the Legislative Branch so that the SuPIR may include those resources in the comprehensive, authoritative inventory and database required by Section 9.b of this Act.

**7.f. Legislative Branch Responsibilities for the Management of Public Information Resources**

The Legislative Branch should have responsibilities for the management of public information resources that parallel selected provisions of the Paperwork Reduction Act (PRA), particularly Section 3506(d). To accomplish this, a new section should be added to Title 2 of the U.S. Code to read as follows:

Legislative Branch establishment responsibilities

(a) The head of each Legislative Branch establishment shall oversee the use of public information resources as a strategic national asset, owned by the people and held in trust by the government, which should be permanently available to the people except where restricted by law. This oversight shall both improve the efficiency and effectiveness of governmental operations to serve establishment missions, including service delivery to the public, and ensure the proactive dissemination of public information resources so that all Americans may benefit from it.

(b) With respect to dissemination of public information resources, each establishment shall -

(1) ensure that the public has timely and equitable access to the establishment's public information resources, including ensuring such access through

(A) encouraging a diversity of public and private sources for information based on government public information resources;

(B) in cases in which the establishment provides public information resources maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and

(C) establishment dissemination of public information resources in an efficient, effective, and economical manner, including availability of public information resources through the Public Information Resources Access Program or its successors;



- (2) regularly solicit and consider public input on the need for the establishment's public information resources and on the establishment's public information dissemination activities;
- (3) provide adequate notice through publication in the *Federal Register* and other appropriate means when initiating, substantially modifying, or terminating public information resources; and
- (4) not, except where specifically authorized by statute -
  - (A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information resources to the public;
  - (B) restrict or regulate the use, resale, or redissemination of public information resources by the public;
  - (C) charge fees or royalties for resale or redissemination of public information resources; or
  - (D) establish user fees for public information resources that exceed the cost of dissemination.

### **SECTION 8. ESTABLISHING A FEDERAL PUBLIC INFORMATION RESOURCES MANAGEMENT ORGANIZATION IN THE JUDICIAL BRANCH**

*The purpose of this Section is to effect major organizational consolidations and realignments by establishing a new judicial public information resources management organization in the Judicial Branch, including:*

- a. *Establish a new Judicial Branch agency, the Judicial Information Resources Office (JIRO) in the Administrative Office of the U.S. Courts to (1) serve as the Judicial Branch's focal point and lead agency for policy leadership coordination and program management in the utilization of Judicial Branch public information resources as a strategic national asset; (2) coordinate with the PIRA to establish and implement laws, regulations, rules, standards and guidelines for government-wide public information resources management; and (3) coordinate with the PIRA to facilitate the provision and utilization of Judicial Branch public information resources and services to the public, as well as within the government.*
- b. *Provide for the appointment and describe the duties of the Administrator of the Judicial Information Resources Office (JIRO).*
- c. *Transfer the authorities, duties, responsibilities and assets for Judicial Branch procurement of printing and related services from the Government Printing Office (GPO) to JIRO.*
- d. *Repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress, and allow Judicial Branch agencies to apply to the JIRO for new authorization.*
- e. *Support the requirements of the Sales Programs of the Superintendent of Public Information Resources (SuPIR) in the procurement of printing and related services of the JIRO.*
- f. *Establish Judicial Branch responsibilities for management of public information resources comparable to selected provisions of the Paperwork Reduction Act.<sup>10</sup>*

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<sup>10</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 8, which is repeated here in italics for ease of reference.

Establish a new federal public information resources management organization in the Judicial Branch and effect major organizational realignments in existing organizations, including:

**8.a. The Judicial Information Resources Office (JIRO)**

A new Judicial Information Resources Office (JIRO) is established in the Administrative Office of the U.S. Courts (AO). It will serve as the Judicial Branch's focal point and lead agency for policy leadership coordination and program management in the utilization of Judicial Branch public information resources as a strategic national asset. It will coordinate with the Public Information Resources Administration (PIRA) to establish and implement laws, regulations, rules, standards and guidelines for public information resources management and to facilitate the provision and utilization of Judicial Branch public information resources and services to users within the government, as well as to the public. The JIRO is responsible for ensuring complete and timely Judicial Branch compliance with the Public Information Resources Access Program (PIRAP) in Section 6.h and other programs of the PIRA.

**8.b. Appointment and Duties of the Administrator of the Judicial Information Resources Office (JIRO).**

The Administrator of the Judicial Information Resources Office (JIRO) is to be appointed for a term of ten years by the Chief Justice of the United States from a list of three candidates recommended by the Judicial Conference of the United States. The Administrator is eligible for reappointment after completion of the term.

The Administrator of the JIRO serves as one of the permanent members of the Council on Public Information Resources (CPIR). The Administrator has the responsibility to coordinate with the Clerk of the Supreme Court, the Administrative Office of the U.S. Courts (AO), and the heads of other Judicial Branch agencies and organizations, to ensure full compliance with the regulations, rules, standards and guidelines promulgated by the Public Information Resources Administration (PIRA).

**8.c. Transfer of the Authorities, Duties, Responsibilities and Assets for Judicial Branch Procurement of Printing and Related Services**

The Judicial Information Resources Office (JIRO) will assume the function of procurement of judicial printing and related services, in compliance with Government Printing and Binding Regulations issued by Public Information Resources Administration (PIRA). The proportion of printing procurement and customer service assets and personnel required to handle printing procurement for the Judicial Branch are transferred from the Government Printing Office (GPO) to the JIRO. The JIRO may contract with the Congressional Information Resources Office (CIRO) to continue to house the printing procurement functions within the CIRO facility indefinitely or until a suitable alternative space is available.

The Judicial Information Resources Office (JIRO) receives the authority to procure all printing and related services for the Judicial Branch; however, JIRO is required to allow the Congressional Information Resources Office (CIRO) to bid on any job that it procures for a judicial agency that CIRO is capable of producing and to accept the CIRO bid if it is less than or equal to that of any other bidder. JIRO may contract with the Public Information Resources Administration (PIRA) or the CIRO to fulfill all of its procurement of printing and related production services indefinitely, or for a fixed period of time, rather than transfer assets and personnel from CIRO to JIRO.

The Judicial Information Resources Office (JIRO) receives authority for the Administrator of the JIRO to issue waivers to the printing and binding regulations for Judicial Branch agencies, subject to the

review and approval of the Public Information Resources Administration (PIRA) to ensure compliance with the Public Information Resources Access Program (PIRAP) and compliance with other regulations, rules, standards and guidelines promulgated by PIRA

**8.d. Repeal of Waivers for Printing and Printing Procurement**

All waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress are repealed by Section 19.c of this Act. Judicial Branch establishments wishing to continue to operate under such waivers must apply to the Judicial Information Resources Office (JIRO) for new authorization. Waiver requests will be reviewed with the objective of reducing excess printing capacity in individual establishments and ensuring the most cost-effective printing procurement for the government. All waivers are (1) publicly posted on the JIRO website (or its successor), including the relevant terms and conditions of the waiver and (2) subject to periodic review and renewal/modification at least once every 5 years.

**8.e. Requirements for Superintendent of Public Information Resources (SuPIR) Sales Programs**

The Judicial Information Resources Office (JIRO) shall integrate requirements for additional copies of public information resources for Superintendent of Public Information Resources (SuPIR) sales programs as part of its procurement of printing and related services, with the costs to be borne by the SuPIR. The JIRO shall ensure the timely access to, or provision of, the public information resources by each establishment in the Judicial Branch so that the SuPIR may include those resources in the comprehensive, authoritative inventory and database required by Section 9.b of this Act.

**8.f. Judicial Branch Responsibilities for the Management of Public Information Resources**

The Judicial Branch should have responsibilities for the management of public information resources that parallel selected provisions of the Paperwork Reduction Act (PRA), particularly Section 3506(d). To accomplish this, a new section should be added to Title 28 of the U.S. Code to read as follows:

Judicial Branch establishment responsibilities

(a) The head of each Judicial Branch establishment shall oversee the use of public information resources as a strategic national asset, owned by the people and held in trust by the government, which should be permanently available to the people except where restricted by law. This oversight shall both improve the efficiency and effectiveness of governmental operations to serve establishment missions, including service delivery to the public, and ensure the proactive dissemination of public information resources so that all Americans may benefit from it.

(b) With respect to dissemination of public information resources, each establishment shall -

(1) ensure that the public has timely and equitable access to the establishment's public information resources, including ensuring such access through

(A) encouraging a diversity of public and private sources for information based on government public information resources;

(B) in cases in which the establishment provides public information resources maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and

- (C) establishment dissemination of public information resources in an efficient, effective, and economical manner, including availability of public information resources through the Public Information Dissemination Access Program or its successors;
- (2) regularly solicit and consider public input on the need for the establishment's public information resources and on the establishment's public information dissemination activities;
- (3) provide adequate notice through publication in the *Federal Register* and other appropriate means when initiating, substantially modifying, or terminating public information resources; and
- (4) not, except where specifically authorized by statute -
  - (A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information resources to the public;
  - (B) restrict or regulate the use, resale, or redissemination of public information resources by the public;
  - (C) charge fees or royalties for resale or redissemination of public information resources; or
  - (D) establish user fees for public information resources that exceed the cost of dissemination.

**SECTION 9. CONSOLIDATION AND COORDINATION OF PUBLIC INFORMATION SERVICES AND INFORMATION MANAGEMENT AUTHORITIES, MISSIONS, RESPONSIBILITIES, FUNCTIONS AND RESOURCES**

*The purpose of this Section is to consolidate, and more closely and effectively coordinate, public information services and information management authorities, missions, responsibilities, functions and resources of central information services establishments with those of other government establishments to:*

- a. *Eliminate unnecessary overlap and duplication and consolidate public information resources of the federal government, now unnecessarily dispersed, fragmented, and compartmentalized among government establishments in all branches.*
- b. *Ensure the compilation and availability of a comprehensive, authoritative National Bibliography of Public Information Resources that provides bibliographic control over a comprehensive and authoritative collection of both electronic and pre-electronic public information resources.*
- c. *Improve central government website portal development and utilization for dissemination and permanent public availability of public information resources.*<sup>11</sup>

**9.a. Eliminate Unnecessary Overlap and Duplication in Public Information Resources**

The Administrator of Public Information Resources Administration (PIRA) shall undertake an examination of additional opportunities to reduce unnecessary overlap and duplication by consolidation of public information resources that are unnecessarily dispersed, fragmented, and

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<sup>11</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 4, which is repeated here in italics for ease of reference.

compartmentalized among government establishments in all branches. The results of this analysis and recommendations for transfer of programs and authorities to eliminate the unnecessary overlap and duplication shall be provided through a biennial report to the President, the Congress and the Chief Justice of the United States that will be issued by the end of January in each odd numbered year.

As soon as practicable after the Public Information Resources Administration (PIRA) is established, the Administrator should undertake an analysis of human, financial, physical plant, and other resources and assets that have been transferred to PIRA from existing organizations, pursuant to other provisions of this law, to eliminate or reduce unnecessary overlap in these resources by consolidating, streamlining, and simplifying them on the one hand, and/or identifying gaps where existing resources and assets are not adequate to satisfy the resource and asset needs of PIRA in carrying out its mission and responsibilities effectively and efficiently.

For example, such analysis should include:

- a. The skills, competencies, and expertise of specialized information professionals transferred to PIRA from the Government Printing Office (GPO), the National Technical Information Service (NTIS), the General Services Administration (GSA) and other government establishments to assess whether they are adequate, both as to quality and to quantity, to meet mission needs and obligations of PIRA.
- b. The adequacy of the plant capacity of transferred physical capital from GPO, NTIS, GSA and other government establishments in terms of computer and telecommunications hardware, software, networks, systems, and so forth.
- c. The adequacy of financial resources, including transferred budgetary authorities from GPO, NTIS, GSA and other government establishments to ensure that the preliminary new budget authorities authorized by Congress are adequate for PIRA to meet its mission responsibilities.

To the extent that the Public Information Resources Administration (PIRA) determines that there is a shortfall in resources and assets needed to fulfill its statutory responsibilities, the Administrator of PIRA should request new budget authority, staff, physical plant, and other resources, in the context of the annual budget cycle.

To the extent that Public Information Resources Administration (PIRA) determines that there are overages in existing resources and assets needed to fulfill its statutory responsibilities, the Administrator of PIRA will have the authority to downsize, retire, declare surplus, and otherwise reduce, as appropriate, the excess resources and assets, in accordance with established resource management guidelines and procedures in the respective resource areas. The Administrator is given specific authority for two years following the enactment of this legislation to offer voluntary separation incentive payments to employees who are eligible for retirement and/or whose positions are eliminated as a result of the consolidation of employees from other agencies into PIRA.

### **9.b. National Bibliography of Public Information Resources and Collection of Public Information Resources**

The authorities and responsibilities of the Public Information Resources Administration (PIRA) extends to federal scientific and technical information (STI) as a special class of public information resources, as well as to all other classes of public information resources. The requirements of the users of federal STI must be considered in developing and implementing the PIRA programs for management of federal STI and other public information resources. This includes requirements for abstracting and for indexing with specialized thesauri.

The authority and responsibility for a *Catalog of U.S. Government Publications* (44 U.S.C. 1711) is transferred to the Public Information Resources Administration (PIRA), and Section 1711 is amended to require the Superintendent of Public Information Resources (SuPIR) to ensure the compilation and availability of a comprehensive and authoritative *National Bibliography of Public Information Resources* to provide bibliographic control over a comprehensive and authoritative collection of both electronic and pre-electronic public information resources, including the associated indexing and abstracting. The *National Bibliography* shall include information on where to locate the public information resources and how to obtain them.

Based on both new and transferred authority and responsibility, the Superintendent of Public Information Resources (SuPIR) is required to establish and maintain the *National Database of Public Information Resources*, a single, central, comprehensive and authoritative database of electronic public information resources as part of a collection of both electronic and pre-electronic public information resources available. The SuPIR shall ensure the permanent public availability of public information resources in the *National Database* and in the pre-electronic collection. This *National Database* should provide online access to the *Congressional Record*, the *Federal Register*, and other databases currently available through the GPO Access service as well as public information resources currently available through the electronic storage facility established under 44 U.S.C. 4101. The *National Database* should also provide online access to the information available through the National Technical Information Service (NTIS) FedWorld portal. The SuPIR is authorized to determine other appropriate public information resources for inclusion in the *National Database*. To the extent practicable, the SuPIR should accommodate any request by the head of a government establishment to include in the *National Database* information that is under the control of that government establishment.

In carrying out the responsibilities for the *National Bibliography* and the *National Database*, the SuPIR should consult (1) users of the *National Bibliography* and the *National Database*, (2) government establishments with information resources in the *National Bibliography* and the *National Database*; and (3) other providers of similar information services. Consultations with users should include participation at conferences and workshops, logging and analyzing correspondence and inquiries, and formal user surveys. The purpose of such consultation shall be to assess the quality and value of the *National Bibliography* and the *National Database*, in light of user needs and the availability of new technology for information storage and dissemination.

The SuPIR may utilize a distributed approach, combining centralized and decentralized resources, to store and manage the public information resources for the *National Bibliography* and the *National Database*, so long as the timely and permanent public availability of the inventory and database are assured and the public can search for and retrieve public information resources as if the information was available from a single site.

### **9.c. Government Website Portal Development and Utilization**

Based on both new and transferred authority and responsibility, the Public Information Resources Administration (PIRA) will improve central government website portal development and utilization for dissemination and permanent public availability of public information resources. This will be accomplished both by management of its own programs and by its advice to, and collaboration with, other establishments and organizations and will take into account the experiences of FirstGov and other government information portals.

## **SECTION 10. REFORMING THE FEDERAL GOVERNMENT'S PUBLIC INFORMATION INFRASTRUCTURE**

*The purpose of this Section is to reform the federal government's public information infrastructure<sup>12</sup> to provide for the creation, storage, communication, permanent public availability, proactive dissemination, preservation, archiving, and overall life cycle integration and management of public information resources, in all branches of government, and in so doing, put in place another essential statutory cornerstone, alongside the Freedom of Information Act (FOIA) and the Electronic Freedom of Information Act (E-FOIA), guaranteeing public knowledge of and access to government information resources.<sup>13</sup>*

The Administrator of Public Information Resources Administration (PIRA), in collaboration with other agencies and committees, including OMB/OIRA, the new CIRO and JIRO, NTIA, NIST, the CIO Council, and others, and utilizing the vehicle of its own newly created councils prescribed elsewhere in this Act, should undertake and complete within one year an in-depth assessment of the federal government's public information infrastructure at all levels, and in all branches of government, to include the following:

- a. Conduct a review to ascertain whether or not there are appropriate, effective and smoothly functioning intergovernmental, inter-branch, and interagency forums and other mechanisms to consider statutory, policy, managerial, and operating questions relating to reforming and/or strengthening the public information infrastructure. Report the findings to the President and the Congress not later than one year following enactment of this legislation, with recommendations for corrective action if such forums or arrangements are inadequate or ineffective.
- b. Ensure that the foregoing review also ascertains whether the representation of both public and private sector elements on the forums mentioned above is adequate, or whether there may be missing elements in those forums from which representatives should be brought into the process.
- c. Determine the various major components of the public information infrastructure, including: hardware, software, required human resources, required financial resources, networks, systems, services, and so forth, and how they all inter-relate, both conceptually, and at the operational (transaction) level; in short, develop a schematic showing the relative position and relationship among the major components of the infrastructure, as well as a detailed list of the goals, objectives, functions and purposes of the public information infrastructure.
- d. Develop one or more enterprise modeling and simulation approaches that would enable the government to utilize operations research and related modern management techniques, tools, and methods to simulate the performance of the public information infrastructure, and assess the impacts of changes in constants and variables, such as the possible adverse impacts and consequences arising from natural disasters, and related matters.
- e. Ensure that the plan for the public information infrastructure fits into the federal information infrastructure, which embraces in its scope *all* government information, both internal and external, and into the national information infrastructure, which includes *both* governmental and non-governmental components, including state, local and tribal governments.

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<sup>12</sup> The term Public Information Infrastructure encompasses the entire set of foundation building blocks that are employed to ensure that government information resources are efficiently, effectively and economically produced, organized, bibliographically controlled, authenticated, regularly updated, preserved, and made available to and accessible by the public. These building blocks include eight major components: (a) the content and the metadata describing the content; (b) the software component; (c) the computing hardware component; (d) the telecommunications hardware and services component; (f) the standards and guidelines component; (g) the human resources component; and (h) the financial resources component.

<sup>13</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 3, which is repeated here in italics for ease of reference.

- f. Evaluate the initial implementation of public information as a strategic national asset by the federal government, as well as by state, local and tribal governments, and identify actions necessary to improve that implementation.
- g. Ensure that inherently governmental functions involving public information resources are financed directly through appropriated funds, and not by recovering the costs through sales revenue, users fees or other means. This is not intended to preclude the use of Gift Accounts or Trust Funds by government establishments to fund or partially fund such "public good" functions.
- h. Take the lead in collaboration with the Department of State, the National Telecommunications and Information Administration (NTIA), the National Commission on Libraries and Information Science (NCLIS), the Department of Defense, the intelligence community and other government establishments to ensure that the U.S. public information infrastructure interfaces effectively with the global public information infrastructure.

As an integral part of this in-depth assessment, the Public Information Resources Administration (PIRA) should utilize and build on the expertise of both the public and private sectors, including academia, professional societies, state, local and tribal governments and the commercial sector.

## **SECTION 11. UPDATING AND MODERNIZING FEDERAL INFORMATION HANDLING AND TELECOMMUNICATIONS SYSTEMS, SERVICES, AND NETWORKS**

*The purpose of this Section is to update and modernize the government's public information handling and telecommunications systems, services, and networks to ensure that they are:*

- a. *Adequate to support the federal government's exploitation of the full and effective use of the Internet and the World Wide Web for storing, handling and disseminating its public information resources.*
- b. *Scalable to support future expansion.*
- c. *Incorporate the requirements of the federal government's electronic government (E-Gov) plans and schedules.*<sup>14</sup>

The Public Information Resources Administration (PIRA) should undertake an in-depth assessment of existing components of the federal information and telecommunications infrastructure that supports access to and dissemination of public information resources, in collaboration with the National Telecommunications and Information Administration (NTIA), the CIO Council, and other appropriate agencies and committees, to ensure that:

- a. Federal networks, services and systems are adequate to meet the expanded role for public information resources creation, handling and dissemination contemplated by this Act.
- b. Federal information and telecommunications interchange standards, guidelines and protocols are adequate to sustain the greatly enhanced role of public information resources contemplated by this legislation.
- c. Federal website and portal prototype design, development and testing, such as FirstGov, are encouraged and carefully monitored.

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<sup>14</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 5, which is repeated here in italics for ease of reference.



**SECTION 12. GOVERNMENT ESTABLISHMENT RESPONSIBILITY UNDER THIS ACT**

*The purpose of this Section is to identify responsibilities of government establishments under this Act:*

- a. *For compliance with the regulations, rules, standards and guidelines of the Public Information Resources Administration (PIRA), including participation in the Public Information Resources Access Program (PIRAP) and the Sales Programs of the Superintendent of Public Information Resources (SuPIR).*
- b. *For periodic review of its public information resources to safeguard against technological obsolescence and limit proliferation of form(s), format(s) and medium(s) utilized for dissemination and permanent public availability.*
- c. *To ensure that public information resources are preserved and authenticated for permanent public availability and accessibility.*
- d. *For notification of the Superintendent of Public Information Resources (SuPIR) and the public of its intent to produce or procure, substantially modify, or terminate the production of a public information resource, regardless of form, format or medium.*
- e. *For the government establishment requesting or receiving the by-law distribution to obtain necessary funds as part of its own appropriation and to reimburse the PIRA for the costs of providing public information resources to the establishment, or its specified recipients, for these purposes.*
- f. *To prepare an Information Dissemination Budget (IDB) following guidance issued by the Office of Management and Budget and the Public Information Resources Administration (PIRA) as set forth in Section 20.*
- g. *To prepare an Information Dissemination Plan (IDP) following guidance issued by the Office of Management and Budget and the Public Information Resources Administration (PIRA) as set forth in Section 20.<sup>15</sup>*

Under this Act every government establishment is responsible for the following:

**12.a. Compliance with the Rules, Regulations, Standards and Guidelines of the Public Information Resources Administration (PIRA) and Participation in the Programs of the Superintendent of Public Information Resources (SuPIR).**

The head of each establishment in the Executive, Legislative and Judicial Branch shall take such action as is necessary to ensure compliance with the regulations, rules, standards and guidelines of the Public Information Resources Administration (PIRA) and participation in the programs of the Superintendent of Public Information Resources (SuPIR).

Notwithstanding any other provision of law, the head of each establishment in the Executive, Legislative and Judicial Branch shall take such action as is necessary to ensure that all public information resources created, compiled, produced or maintained by the establishment or at establishment expense are made available to the Superintendent of Public Information Resources (SuPIR), as required by this Act, for permanent public availability to the public at no charge through the Public Information Resources Access Program (PIRAP).

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<sup>15</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 9, which is repeated here in italics for ease of reference.

Each establishment shall ensure timely access to or provision of its public information resources for the SuPIR so that the resources may be included in the *National Bibliography of Public Information Resources* and in the *National Database of Public Information Resources* required by Section 9.b of this Act.

Each establishment shall integrate requirements for additional copies of public information resources for Superintendent of Public Information Resources (SuPIR) sales programs as part of its procurement of printing and related services, with the costs to be borne by the SuPIR.

**12.b. Periodic Review Public Information Resources**

Each government establishment will ensure that the information and telecommunication technologies utilized to organize, store, and manage its public information resources are periodically refreshed to safeguard against technological obsolescence.

Each establishment will ensure that the form(s), format(s) and medium(s) utilized for dissemination and permanent public availability of its public information resources are cost effective and comply with standards or guidelines wherever appropriate to limit the unnecessary proliferation of forms, formats and mediums to an absolute minimum in order to reduce the burdens and costs on both end-users and intermediaries, such as librarians and information specialists in Public Information Resources Access Libraries (PIRA Libraries) and other libraries and information centers.

Public information resources will be periodically reviewed by each government establishment and by the Public Information Resources Users Council (PIRUC) for validating the practical utility of the products, and considering changes, including refreshing obsolescent hardware platforms, software file formats and supporting technologies. The same principles prescribed by the Paperwork Reduction Act and OMB Circular A-130 on the Management of Federal Information Resources shall generally be applied, except that the paramount criterion is whether the information resource has continued practical utility to the *public* in its present form and, if not, what changes are necessary to ensure its permanent public availability and utility. The public includes, but is not be limited to, the primary constituencies of the federal government establishment that creates, manages and may also use the information resource.

Each establishment should have procedures for the periodic review of internal agency resources to determine which ones can become public information resources. The primary criteria for this determination should be that the public interest in disclosure of government information is paramount and that exemptions should be weighed using a test that favors disclosure unless the public interest in maintaining the exemption outweighs the public interest in disclosure

**12.c. Preservation, Authentication and Permanent Public Availability**

Each government establishment that disseminates or otherwise makes available a public information resource, regardless of form, format or medium, shall ensure that the public has a reliable means to ascertain that the information resource is official and to ensure that its public information resources are preserved and authenticated for permanent public availability, directly and/or through the Public Information Resources Administration (PIRA).

**12.d. Notification of Changes to the Public and the SuPIR**

Each government establishment shall immediately notify the Superintendent of Public Information Resources (SuPIR) of its intent to initiate, substantially modify, or terminate the production of a public

information resource, regardless of form, format or medium, so that the SuPIR can maintain accurate entries in the *National Bibliography* required by Section 6.h, has the opportunity to order or obtain access to public information resources at the incremental rate for the Public Information Resources Access Program and the Public Information Resources Sales Program, and for other purposes.

Government establishments intending to eliminate printed, microform, or other pre-electronic format and/or medium copies of public information resources, and to provide only electronic access to those resources, shall notify the Superintendent of Public Information Resources (SuPIR) at least 60 days in advance.

Government establishments shall also notify the public of their intention to initiate, significantly change, or terminate public information resources, utilizing the *Federal Register* for this purpose, as well as other appropriate means that the establishment may select.

### **12.e. By-Law Distribution**

As noted in Section 6.1, responsibility for by-law distribution currently assigned to the Superintendent of Documents and funded through the salaries and expenses appropriation of the Superintendent of Documents are transferred to PIRA. In the first full fiscal year funding cycle following this transfer, the government establishment requesting or receiving the by-law distribution shall have the responsibility for obtaining necessary funds as part of its own appropriation in order to ensure maximum accountability for the funds and for the programs these funds support. The PIRA will retain the authority to fulfill, or to the coordinate fulfillment of, these requirements for the government establishment on a cost reimbursement basis. Thus, for example, the Library of Congress is to obtain funds for copies of public information resources it receives "by-law" and for the International Exchange Program as part of its annual appropriation, and reimburse the PIRA for the costs of providing public information resources to the Library, or its specified recipients, for these purposes.

### **12.f. Information Dissemination Budget for Each Government Establishment**

Each government establishment will prepare an Information Dissemination Budget (IDB) following guidance jointly developed and issued by the Public Information Resources Administration (PIRA) in conjunction with Office of Management and Budget (OMB) for Executive Branch establishments, and the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO) for the Legislative and Judicial Branch establishments, respectively, as set forth in Section 20.c of this Act.

Government establishment information dissemination budgets will be submitted to the Administrator of Public Information Resources Administration (PIRA) and also to the Director of OMB or the Administrators of CIRO or JIRO for the Executive, Legislative and Judicial Branches, respectively. The Administrator of PIRA will integrate the IDB for PIRA with the IDBs for Executive Branch establishments and aggregate information dissemination resource requirements for the Executive Branch into an overall IDB that is included in the President's Budget, along with the IDBs for the Legislative and Judicial Branches.

### **12.g. Information Dissemination Plan for Each Government Establishment**

Each government establishment will prepare an Information Dissemination Plan (IDP) following guidance developed and issued by the Public Information Resources Administration (PIRA) as set forth in Section 20.d of this Act.

Government establishment information dissemination plans will be submitted to the Administrator of Public Information Resources Administration (PIRA) and also to the Director of OMB or the Administrators of CIRO or JIRO for the Executive, Legislative and Judicial Branches, respectively, for review and for consultation during the evaluation of establishment IDBs. The plans will also be available to the public through the establishment websites and/or through PIRA.

**SECTION 13. CREATION OF A COUNCIL ON PUBLIC INFORMATION RESOURCES (CPIR)**

*The purpose of this Section is to create an inter-branch, interagency Council on Public Information Resources (CPIR), chaired by the Administrator of the Public Information Resources Administration (PIRA), to serve as an advisory board to the PIRA and to ensure that regulations, rules, standards and guidelines promulgated by the PIRA are coordinated and consistently applied within the Executive Branch and with the Legislative and Judicial Branches. The Council should also consider the applicability of the PIRA regulations, rules, standards, guidelines, and procedures to state, local and tribal governments and endeavor to harmonize these among all levels of government.<sup>16</sup>*

The Administrator of the Public Information Resources Administration (PIRA) should create and chair an inter-branch, interagency Council on Public Information Resources (CPIR), having as its permanent members the Superintendent of Public Information Resources (SuPIR), the Superintendent of Public Information and Communication Technologies (SuPICT), the heads of the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), the Clerk of the House of Representatives, the Secretary of the Senate, the Clerk of the Supreme Court, the Archivist of the United States, the Librarian of Congress and the directors of the other National Libraries, the executive director of the National Commission on Libraries and Information Science (NCLIS) and, for intergovernmental coordination and communication, the head of the Office of Intergovernmental Affairs (OIA) in the Executive Office of the President, the administrators of the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB), the General Services Administration (GSA) and the National Telecommunications and Information Administration (NTIA), the Chief Statistician of the United States, the directors of the National Science Foundation (NSF) and the National Institute for Standards and Technology (NIST), the Chairperson of the CIO Council, as well as a minimum of five other individuals representing executive departments and agencies with significant public information dissemination missions, at least one of whom represents an independent agency and two of whom are from departments or agencies with extensive R&D programs, to serve as an advisory board to the PIRA and to ensure that regulations, rules, standards and guidelines, promulgated by the PIRA are coordinated within the Executive Branch and with the Legislative and Judicial Branches to ensure a consistent application of such regulations, rules, standards, guidelines, and procedures. The Council should also consider the applicability of PIRA regulations, rules, standards, guidelines, and procedures to state, local and tribal governments and endeavor to harmonize these among all levels of government, while acknowledging the rights of each level of government to manage its own government information resources for the benefit of its citizens.

**SECTION 14. CREATION OF A PUBLIC INFORMATION RESOURCES USERS COUNCIL (PIRUC)**

*The purpose of this Section is to create a Public Information Resources Users Council (PIRUC), chaired by the Superintendent of Public Information Resources (SuPIR), to provide advice to the*

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<sup>16</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 10, which is repeated here in italics for ease of reference.

*SuPIR and the Council on Public Information Resources (CPIR), and as appropriate to the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), on the impact of federal regulations, rules, standards, guidelines, and procedures on the ability of the public to identify and effectively use public information resources. PIRUC will also recommend ways to improve the organization, cataloging and indexing, announcing, access and dissemination, and permanent public availability of public information resources.*<sup>17</sup>

The Superintendent of Public Information Resources (SuPIR) should create and chair a Public Information Resources Users Council (PIRUC), consisting of at least 15 other members, each serving a three year term. Terms shall be staggered, so that one-third of the terms expire each year; at least 6 of the members shall represent Public Information Resources Access Libraries (PIRA Libraries, formerly Federal Depository Libraries) and their terms shall be spread equally among the staggered terms, so that two will complete their terms each year. The remaining nine members shall be drawn from state, local and tribal government, other public interest groups, user groups, trade associations and professional organizations, and individuals with a substantial knowledge of the need for and uses of public information resources. The Council will provide advice to the SuPIR and the CPIR, and as appropriate to the CIRO and the JIRO, on the impact of federal regulations, rules, standards, guidelines, and procedures on the ability of the public to identify and use public information resources effectively, as well as recommending ways to improve the organization, cataloging and indexing, announcing, access and dissemination, and permanent public availability of public information resources.

### **SECTION 15. RELATIONSHIP BETWEEN PUBLIC INFORMATION RESOURCES ADMINISTRATION (PIRA) AND NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)**

*The purpose of this Section is to direct the Public Information Resources Administration (PIRA) and the National Archives and Records Administration (NARA), with the participation of the Office of Management and Budget (OMB), the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), to establish standards and guidelines within one year of enactment of this Act, so that a government establishment transferring its public information resources to PIRA for permanent public availability can by that same transfer be assured that its obligations for permanent records retention under the Federal Records Act will be met simultaneously.*<sup>18</sup>

The Public Information Resources Administration (PIRA) and the National Archives and Records Administration (NARA), with the participation of the Office of Management and Budget (OMB), the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), should establish standards and guidelines within one year of enactment of this Act, so that an agency transferring its public information resources to PIRA for permanent public availability can, by that same transfer, be assured that its obligations for permanent records retention under the Federal Records Act will be met simultaneously. To accomplish this PIRA and NARA will establish and promulgate mutually agreed upon standards and guidelines for the authentication and transfer of agency public information resources to PIRA. The PIRA will ensure the permanent public availability of these public information resources, and through cooperative agreements and partnership arrangements with NARA and the originating agency, PIRA will either maintain the public

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<sup>17</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 11, which is repeated here in italics for ease of reference.

<sup>18</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 12, which is repeated here in italics for ease of reference.

information resources that NARA schedules for permanent records retention, or transfer the official record copy of those public information resources to NARA at the appropriate time and in the appropriate format. Public information resources not scheduled for permanent records retention will nevertheless be maintained by PIRA for permanent public availability.

**SECTION 16. HARMONIZE INTERNAL (FOR OFFICIAL USE ONLY) AND EXTERNAL (FOR PUBLIC USE) INFORMATION RESOURCES MANAGEMENT POLICIES, PROGRAMS, AND PRACTICES**

*The purpose of this Section is to harmonize the government's internal (for official use only) and external (for public use) information resources management policies, programs, and practices because they are inseparably inter-related. Decisions made in one domain inevitably affect the other domain, at each stage of the information life cycle. This harmonization should include:*

- a. *Strengthening standards and guidelines for interchanging government information resources.*
- b. *Extending the integrated government information life cycle concept to both internal and external information resources.*
- c. *Improving inter-branch, interagency and intergovernmental policies, programs, standards and guidelines.*
- d. *Exchanging "best practices" experiences.*
- e. *Producing multi-branch, multi-level, and multi-purpose public information resources in lieu of proliferating single-branch, single level, single-purpose information resources.*<sup>19</sup>

The Public Information Resources Agency (PIRA) should work with the Office of Management and Budget (OMB), the CIO Council and other representatives of the Executive, Legislative and Judicial Branches to develop and implement a plan to harmonize the government's internal (for official use only) and external (for public use) information resources management policies, programs, and practices because they are inseparably inter-related. Decisions made in one domain inevitably affect the other domain at each stage of the information life cycle. To the extent that the guidelines, standards, procedures, and information handling systems that apply to the internal information domain also apply to the external information domain, government establishments will be able to more quickly and efficiently disseminate the information resources to the public when and if those resources are reclassified for public use. This will also facilitate exchange and sharing of both internal and external government information resources among government establishments.

This harmonization plan should include:

- a. Strengthening standards and guidelines for interchanging government information.
- b. Extending the integrated government information life cycle concept to both internal and external information resources.
- c. Improving inter-branch, interagency and intergovernmental policies, programs, standards and guidelines.
- d. Exchanging "best practices" experiences.
- e. Producing multi-branch, multi-level, and multi-purpose public information resources in lieu of proliferating single-branch, single level, single-purpose resources.

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<sup>19</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 13, which is repeated here in italics for ease of reference.

This harmonization plan should address barriers to harmonizing the government's internal and external information resources management policies, programs, and practices that must be removed, including:

- a. Inconsistent and incompatible standards and guidelines for interchanging government information between establishments at the same government level and/or within the same branch, or between establishments at different government levels and/or between different branches;
- b. Inconsistent and incompatible interfaces between successive stages in the government information life cycle, as between internal information and external information; for example, the procedures for cataloging, indexing, publishing, searching for, and retrieving both kinds of information should, to the maximum extent feasible, be standard, or at least harmonized;
- c. Inconsistent and incompatible intergovernmental policies and programs as they apply to the planning, programming, budgeting, accounting for, management, and control of internal information versus external information;
- d. Failure to regularly and systematically capture, organize, summarize, and interchange "best practices" experiences as between establishments at the same government level and/or within the same branch, or between different government levels and/or within different branches; and
- e. The unnecessary proliferation of single-branch, single-level, and single-purpose public information resources in lieu of producing multi-branch, multi-level, and multi-purpose resources.

The Administrator of PIRA will submit a plan to the President, the Congress and the Chief Justice, within one year after enactment of this Act, and the Administrator will submit biennial reports thereafter, reporting the progress made in implementation of the plan and revising the plan, as necessary, to reflect the actions that are necessary to accomplish the desired harmonization.

### **SECTION 17. EDUCATION, TRAINING, CAREER AND PROFESSIONAL DEVELOPMENT OF PUBLIC INFORMATION RESOURCES LIBRARIANS AND OTHER INFORMATION PROFESSIONALS**

*The purpose of this Section is to coordinate education, training, professional development, and career development programs to broaden and strengthen the capabilities and competencies of librarians and other information professionals to:*

- a. *Enable them to more fully respond to the full range and diversity of their responsibilities as contemplated by this statute.*
- b. *Help citizens become more computer and information literate so that they can locate, evaluate, organize, summarize, and utilize public information resources for practical advantage in personal, social, educational, financial, employment, business, and other contexts.*<sup>20</sup>

The effective and efficient implementation of all of the provisions of this law depends on the rapid education, training, and deployment of a full cadre of trained librarians, government information specialists, and other public information specialists and professionals. To that end, the Administrator of PIRA shall undertake a comprehensive review of public and private sector education, training, career development, and professional development opportunities and programs, as well as the training needs, for:

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<sup>20</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 14, which is repeated here in italics for ease of reference.



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- a. Identifying opportunities and programs related to the identification, location and use of public information resources (information literacy).
- b. Identifying opportunities and programs related to learning how to use computers and telecommunications technologies (computer and telecommunications literacy).
- c. Identifying the education and training needs of public information resources professionals and support staff.
- d. Matching needs with opportunities and programs, to identify training gaps and proactively advise individuals who desire and need training what the opportunities are, how they can be accessed, and so forth.
- e. Identifying appropriate grant, loan, and other financial assistance opportunities for helping to finance the education and training needs for public information resources professionals and support staff.

The Administrator of PIRA shall work closely with the National Commission on Libraries and Information Science (NCLIS), the National Science Foundation (NSF), the National Academy of Sciences (NAS), the Department of Education, and the Institute for Museum and Library Services (IMLS) for:

- a. Identifying academic institutions, professional societies and associations, foundations or other organizations that could, and would be willing to, develop an inventory of existing education and training courses and modules, including online tutorials and other materials, targeted to librarians and other information professionals who assist end user of government information, as well as alternative funding mechanisms and sources for such an inventory.
- b. Identifying appropriate grant opportunities to secure financial assistance for the training institutions, both public and private, that could be utilized for satisfying education, training, career development, and professional development needs related to the identification, location and use of public information resources.

Such a review should take into account the fact that:

- Library and information professional associations, and library and information schools and programs, are well positioned to play a key role in helping to satisfy the information literacy challenges of this section. Computer and management information systems (MIS) professional associations, and computer science and MIS schools and programs are well positioned to play a key role in helping to satisfy the computer literacy challenges in this section. Oftentimes the two types of schools and programs, as well as the relevant professional associations, work together in collaborative modes.
- Most universities, colleges, and schools already have in place education and training curricula, and associations offer professional and career development programs that are continuously updated in the light of the Internet and other information handling technologies. They provide opportunities for traditional classroom courses, as well as online courses and distance learning. Both schools and societies also provide regular opportunities for conferences and meetings that bring these groups together, for exchanging experiences and listening to respected foreign, national and regional leaders from the public and private sectors, as well as accrediting and certifying individuals so that their credentials are more widely recognized and accepted by employers and potential employers.
- Academic programs in public affairs and political science afford yet another opportunity to train government public information resources officials in effective public administration practices related to the purposes of this law.



- The private sector offers many opportunities for both computer and information literacy training in commercial training settings.
- The federal government also provides a wide variety of education, training, career development, and professional development opportunities, but most are earmarked for federal employees only. However, this is not universally true, and some government training institutions allow non-government enrollment and/or participation in their programs.

### **SECTION 18: PUBLIC INFORMATION RESOURCES RESEARCH INSTITUTE (PIRRI)**

*The purpose of this Section is to establish and fund a research institute for conducting both basic and applied research germane to the planning, management and control of public information resources.<sup>21</sup>*

The Administrator of Public Information Resources Administration (PIRA) is authorized to establish and fund<sup>22</sup> a Public Information Resources Research Institute (PIRRI) as a principal center of excellence for conducting both basic and applied research germane to the objectives of this Act. In establishing the FILIS, the Administrator of PIRA should consult with the National Commission on Libraries and Information Science (NCLIS), the Library of Congress, National Science Foundation (NSF), the National Academy of Sciences (NAS), and the Smithsonian Institution, as well as other government establishments. The mission of the Institute is to conduct and fund relevant research, as well to track and evaluate the research and development results of other organizations. The research agenda focuses on information, computer, and telecommunications science and technology, including state-of-the-art applied technology products, as they relate to the planning, management and control of public information resources. The Institute could have as one of its major responsibilities the system engineering and technical direction involved in the design and implementation of an integrated national digital information infrastructure, including development and coordination of digital libraries for public information resources.

The Institute will have the authority to conduct research directly or by issuing grants and contracts. It will also have the authority to receive funding through grants from and contracts with other government establishments or private sector organizations, so long as that research is relevant to the objectives of this Act and the research results are recognized as public information resources.

### **SECTION 19. ABOLISHING THE JOINT COMMITTEE ON PRINTING (JCP)**

*The purpose of this Section is to eliminate the Joint Committee on Printing (JCP) of the U.S. Congress and provide for the orderly transfer of the functions of the committee as appropriate, to (1) the Committee on Rules and Administration of the Senate; (2) the Committee on House Oversight of the House of Representatives; (3) the Congressional Information Resources Office (CIRO); (4) the Judicial Information Resources Office (JIRO); and (5) the Public Information Resources Administration (PIRA); repeal all waivers for agency printing plants and printing procurement authorized by the Joint Committee on Printing (JCP) of the U.S. Congress; and allow Executive*

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<sup>21</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 15, which is repeated here in italics for ease of reference.

<sup>22</sup> The specific amount to be provided will be determined by the President and the Congress in the context of normal executive budgetary and legislative processes.

*Branch agencies to apply to the PIRA, Legislative Branch agencies to the CIRO and Judicial Branch agencies to the JIRO for new authorization.*<sup>23</sup>

The Joint Committee on Printing (JCP) of the U.S. Congress is abolished and its functions are transferred as follows:

**19.a. Legislative Oversight Functions**

All legislative oversight functions (including all oversight jurisdiction, duties, authorities, and responsibilities) of the Joint Committee on Printing (JCP) on the day before the effective date of this Act shall be performed by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives on and after such date. Other functions and authorities are transferred as prescribed in Sections 6, 7 and 8 of this Act.

**19.b. Government-Wide Regulations for Printing, Binding and Related Services**

Unless otherwise provided by this Act, the Administrator of the Public Information Resources Administration (PIRA) shall cause to remain in effect as appropriate the Government Printing and Binding Regulations No. 26, effective February 1990, as contained in Senate Publication S Pub. 101-9, until revised final regulations are developed and promulgated in consultation with the heads of the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO).

**19.c. Repeal of Waivers**

All waivers granted to Legislative, Executive and Judicial Branch agencies and independent establishments by the Joint Committee on Printing (JCP) under the Government Printing and Binding Regulations before the date of enactment of this Act shall be void 120 days following such date of enactment. Executive Branch agencies wishing to continue to operate under such waivers must apply to the PIRA, Legislative Branch agencies to the CIRO and Judicial Branch agencies to the JIRO for new authorization, with the objective of reducing excess printing capacity in individual agencies and ensuring the most cost-effective printing procurement for the government.

**SECTION 20. AUTHORIZATION OF BUDGETARY, FINANCING, AND ACCOUNTING MECHANISMS**

*The purpose of this Section is to authorize funding for government establishments and programs controlled by this Act; and establish funding, budgeting, and financing mechanisms, including:*

- a. *Authorize funding for the Public Information Resource Administration (PIRA), the Congressional Information Resources Office (CIRO), the Judicial Information Resources Office (JIRO) and other programs and functions controlled by this Act.*
- b. *Establish an R&D Information Dissemination Reserve Fund to help finance the dissemination and permanent public availability of public information resources resulting from federal research and development.*

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<sup>23</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 16, which is repeated here in italics for ease of reference.

- c. *Develop and implement Information Dissemination Budgets (IDBs) and Information Dissemination Plans (IDPs) for each government establishment and branch.*
- d. *Ensure that inherently governmental functions involving public information resources are financed directly through appropriated funds, and not by recovering the costs through sales revenue, users fees or other self-financing mechanisms.*<sup>24</sup>

Congress will authorize spending for the new federal information resources management agencies and programs as follows:

### **20.a. Funding for the Public Information Resources Administration (PIRA), Congressional Information Resources Office (CIRO), and Judicial Information Resources Office (JIRO)**

The Public Information Resources Administration (PIRA) is funded by a combination of (1) reimbursement for services provided to agencies to support the identification, creation, production, management and dissemination of public information resources, including administrative fees for procurement of printing and related services; (2) sale of public information resources, and (3) direct appropriations, including funds reserved from appropriations for federal, and federally funded, research and development, administered through the mechanism of the Information Dissemination Budget (IDB).

The Administrator has authority to operate one or more revolving funds to manage the retained earnings from reimbursable services, procurement fees, and sale of public information resources and other sources. The Administrator also has the authority to maintain deposit accounts for individuals and organizations to purchase public information resources. The balance from existing deposit accounts of the National Technical Information Service (NTIS) and the Superintendent of Documents Sales Program are transferred to the Public Information Resources Administration (PIRA) so that customers of both organizations can receive uninterrupted service.

The Congressional Information Resources Office (CIRO), and Judicial Information Resources Office (JIRO) are funded by direct appropriations to those respective branches.

### **20.b. R&D Information Dissemination Reserve Fund**

An R&D Information Dissemination Reserve Fund is established that receives a fraction of every \$1 billion of all funds appropriated for research, development, demonstration, and comparable government and government-funded activities.<sup>25</sup> The Administrator of the Public Information Resources Administration shall administer the Reserve Fund and, in consultation with the Council on Public Information Resources (CPIR) described in Section 13, allocate these funds to PIRA itself, and to mission agency information dissemination programs, in any branch of the federal government, to optimize the dissemination of public information resources resulting from federal, and federally funded, research and development.

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<sup>24</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 17, which is repeated here in italics for ease of reference.

<sup>25</sup> The specific amount to be earmarked for this Reserve Fund will be determined by the President and the Congress in the context of normal executive budgetary and legislative processes. However, the Commission believes that the amount should be a fraction of 1 percent of the annual R&D budget.

**20.c. Development and Implementation of an Information Dissemination Budget (IDB)**

The Administrator of the Public Information Resources Administration (PIRA) will establish policies, procedures, and guidelines, in collaboration with the Director of OMB and the Administrators of CIRO and JIRO to guide government establishments in the preparation of an establishment level Information Dissemination Budget (IDB) line item in each establishment budget. Such guidelines will also include the process for rolling up Executive Branch establishment level IDBs with the IDB of PIRA itself, so that an overall IDB line item for the Executive Branch can be included in the President's Budget.

Establishment information dissemination budgets will be prepared taking into account the following general policies and principles:

1. Ensuring that the requirement that government establishments proactively disseminate their public information resources is explicitly recognized in enabling legislation for both the establishment and its major programs, as prescribed in Section 5, and incorporated appropriately in each establishment's formal planning, programming, budgeting, and accounting procedures and practices.
2. Ensuring that government establishment public information dissemination plans and program expenses are appropriately estimated under each establishment's budgeting, financing, and accounting rules and regulations.
3. Identifying financing for each government establishment Information Dissemination Budget (IDB), following established principles currently prescribed by internal government establishment budget preparation policies and procedures, and additional guidelines jointly prepared by PIRA and OMB for the Executive Branch and PIRA and CIRO and JIRO for the Legislative and Judicial Branches, respectively.
4. Ensuring that "public good" information activities considered to be inherently governmental functions are financed by directly appropriated funds, including the R&D Information Dissemination Reserve Fund, rather than financed through establishment overhead, imposition of user fees or other self-financing mechanisms. This is not intended to preclude the use of Gift Accounts or Trust Funds by government establishments to fund or partially fund such "public good" functions.
5. Ensuring that establishment-wide internal coordination mechanisms are utilized in the preparation of IDBs to guard against unnecessary overlap and duplication among the dissemination plans of different internal establishment units.

Agency information dissemination budgets will be submitted to the Administrator of Public Information Resources Administration (PIRA) and also to the Director of OMB or the Administrators of CIRO or JIRO for the Executive, Legislative and Judicial Branches, respectively; the Administrator of PIRA will integrate the IDB for PIRA with the IDBs for Executive Branch establishments and aggregate information dissemination resource requirements for the Executive Branch into an overall IDB component that can be entered into the President's Budget, along with IDBs for the Legislative and Judicial Branches.

The Administrator of PIRA and the Director of OMB will collaborate with the Administrator of OIRA, in preparation of the IDB discussion text portion of the President's Budget.

The Administrators of CIRO and JIRO will collaborate with the Administrator of PIRA to prepare comparable guidelines for development of Information Dissemination Budgets for the Legislative and

Judicial Branches, respectively, for inclusion in the President's Budget in order to provide greater visibility for and emphasis on the public information resources programs of each branch.

### **20.d. Information Dissemination Plans**

The Administrator of the Public Information Resources Administration (PIRA) will establish policies, procedures, and guidelines, in collaboration with the Director of OMB and the Administrators of CIRO and JIRO to guide federal establishments in the preparation of an establishment level Information Dissemination Plan.

Establishment information dissemination plans will be prepared taking into account the following general policies and principles:

1. Ensuring that agency dissemination strategies and plans are proactive and do not simply provide passive availability of information by posting public information resources on agency websites, with no attempt to reach out to the public, especially to disabled and disadvantaged citizens; in this regard the expanded and extended use of electronic current awareness programs should be explored.
2. Periodically examining the agency's internal information resources to identify products and services that could and should be reclassified as public information resources. Conversely, there may be instances where a public information resource may need to be redesignated as an internal agency resource.
3. Ensuring that end-users of agency public information, both internal government and external public users, are appropriately consulted in the process of preparing agency dissemination plans, programs, and products.
4. Ensuring that the *Guide to Electronic Publishing*, prepared by the Interagency Council on Printing and Publications Services (ICPPS) and the Federal Publishers Committee (FPC), or its successor, is consulted.

Establishment information dissemination plans will be submitted to the Administrator of Public Information Resources Administration (PIRA), and to OMB, CIRO and JIRO for the Executive, Legislative and Judicial Branches, respectively, for review and for consultation during the evaluation of establishment IDBs. The plans will also be available to the public through the establishment website or through PIRA.

### **20.e. Ensure That Inherently Governmental Functions Involving Public Information Resources Are Financed Directly Through Appropriated Funds**

In preparing its Information Dissemination Budget (IDB) and Information Dissemination Plan (IDP) each government establishment shall clearly identify the inherently governmental functions related to public information resources for which it is responsible, whether undertaken by the government establishment, or at its expense, so that these public information resources are bibliographically verified (author, title, identifying numbers, etc.), complete, correct, authentic, timely, cataloged, indexed, abstracted, and maintained for current and future public access. Such activities, which may be done by the government establishment that originates the information or by a central information services establishment acting on behalf of the originating agency, include:

- the creation, collection or acquisition of information resources;
- the indexing, abstracting and cataloging of these resources;

- the further processing of these resources by scanning, microfilming or converting to an alternative electronic format for retention and use;
- the creation and maintenance of a database which provides searching and locating information for this information collection including the maintenance of a system to maintain accessibility to information on agency web sites;
- the mounting and maintaining of a searchable bibliographic database on a web site for free public access;
- the mounting of the full text of the reports on servers for free public access; and
- the maintenance of archive files to insure permanent public access to material not otherwise available.

The IDB should identify the funding necessary to ensure performance of these inherently government functions and the proposed sources of that funding, including appropriations and, where appropriate, government establishment Gift Accounts and Trust Funds. Costs for these inherently governmental functions are not to be recovered public information resources sales revenue, users fees or other self-financing mechanisms.

## **SECTION 21. STRENGTHEN PUBLIC SECTOR/PRIVATE SECTOR PARTNERSHIPS FOR DISSEMINATION OF PUBLIC INFORMATION RESOURCES**

*The purpose of this Section is to strengthen public sector/private sector partnerships for dissemination and permanent public availability of public information resources.*<sup>26</sup>

The federal government has the *primary* responsibility for managing the entire life cycle of government information, including the dissemination and permanent public availability of and access to government information to and by the American public, without copyright-like restrictions. Nevertheless, there is a significant role for the private sector, both for-profit and not-for profit, in the dissemination of public information resources.

Even though the Internet Age has brought with it dramatic shifts and realignments in traditional ways the public and private sectors have sorted out their respective roles for disseminating government information resources to the public, there are still some general policies and principles that have stood the test of time and should remain in place. These are:

- a. The federal government has the primary responsibility for managing the entire life cycle of government information, including the dissemination and permanent public availability of such information to the American people.
- b. The federal government has an affirmative obligation to encourage and facilitate a diversity and multiplicity of both public sector and private sector sources and channels for dissemination of federal government information resources to serve the full range of citizen information needs.
- c. The federal government should not emphasize public sector sources and channels for dissemination of federal government information resources to the substantial exclusion or detriment of a partnership role with the private sector. Moreover, the federal government should recognize that, in some instances, the private sector may be better positioned to independently develop value-added public information dissemination products, rather than working in a partnership mode with the public sector.

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<sup>26</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 18, which is repeated here in italics for ease of reference.

- d. The federal government has the overall authority and responsibility for creating conditions for a constructive and harmonious collaborative environment that harnesses and mobilizes the competitive forces of the private sector so that the market mechanisms can be effective in allocating resources in the provisioning and use of public information, and in directing innovation into market determined areas.
- e. The federal government should establish and enforce policies, procedures and incentives that encourage, not discourage, investment by the private sector in the development and use of products and services utilizing public information resources.
- f. Government establishments in all three branches of the government should provide timely and equitable access to their public information resources and underlying data (in whole or in part), without any constraints on subsequent use.
- g. The federal government should set pricing policies for sale of public information resources that reflect the true cost of access and/or reproduction, with specific pricing formulas to be subject to review by an independent authority.<sup>27</sup>
- h. The federal government should not provide public information resources in commerce except where there are compelling reasons to do so, and then only when it takes into account the private sector's opportunity to assume the function(s) commercially. This principle does not prohibit the sale of public information resources on a cost recovery basis as authorized under Section 6.c of this Act or limit the ability of government establishments to use state-of-the-art publishing and information technology to produce and disseminate public information resources inherent in their missions.
- i. The federal government, when it uses, reproduces, or distributes information from the private sector as part of a government information resource, product, or service, must assure that the property rights of private sector sources and individuals are adequately protected. The mere fact that the information is published as part of a government information product or service, such as the *Congressional Record* or *Federal Register*, does not automatically place that information in the public domain, so its further use or reuse may be restricted by the copyright owner.

The Administrator of PIRA shall establish an office with the express mission of developing appropriate additional policies, programs, procedures, rules, and regulations that clarify, expand upon, and implement the foregoing general principles and policies.

**SECTION 22. FEDERAL COORDINATION OF PUBLIC INFORMATION RESOURCES POLICIES, PROGRAMS, AND PRACTICES WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS**

*The purpose of this Section is to coordinate federal public information resources programs with the corresponding programs of state, local and tribal governments.*<sup>28</sup>

An important purpose of this law is to strengthen the coordination of the federal public information resources program with the corresponding programs of state, local or tribal governments. There are a number of general policies and principles that should be followed in this regard:

- a. The Administrator of PIRA should ensure that state, local, and tribal governments are appropriately represented wherever and whenever suitable, in the various forums and processes

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<sup>27</sup> This independent authority is described in Section 6.c.

<sup>28</sup> Section 2 lists the major purposes of the Public Information Resources Reform Act of 2001. This Section of the legislative proposal addresses Purpose 19, which is repeated here in italics for ease of reference.

established by PIRA pursuant to this law; such representation may be direct, through the Office of Intergovernmental Affairs (OIA) in the Executive Office of the President or by other means.

- b. State, local and tribal governments are (1) providers of public information resources in their own right, (2) distributors of federal information resources, and (3) users of federal information resources. The distinctions among these three roles must be taken into account in determining how state, local and tribal governments should participate in PIRA councils and committees.
- c. To the maximum extent all federal, state, local, and tribal governments should seek to create and put in place multi-level, multi-purpose public information resources, and minimize the proliferation of single-purpose, single-level resources, including public information resources portals, websites, networks, systems, information products, information services, and other resources.
- d. Information interchange standards and guidelines should be developed collaboratively by federal, state, local and tribal governments to minimize the proliferation of incompatible and inconsistent information standards and guidelines and to eliminate inconsistencies and barriers to interoperability. The overall goal is to maximize the development of uniform, or at least compatible, intergovernmental information interchange standards and guidelines, while acknowledging the rights of each level of government to manage its own government information resources for the benefit of its citizens.
- e. The "best practices" of federal, state, local and tribal governments should be shared and to this end the Administrator of PIRA should establish a program for the development of an intergovernmental best practices portfolio that continuously monitors and assimilates state-of-the-art public information resources policies, programs, and practices to diffuse the experiences and knowledge as widely as possible within the federal government and to state, local and tribal governments.
- f. From time to time the Administrator of PIRA, in consultation with the CIO Council, should bring together senior public information resources officials from state, local and tribal governments for sharing experiences, promoting greater harmony among the respective programs and policies of the different types of government, and fostering greater consistency and compatibility among the different types of government. It is recognized that the different types of government must tailor their public information resources to a certain extent to the unique requirements of their respective constituencies, which means that a certain latitude and flexibility will be required in this respect.



**PUBLIC INFORMATION RESOURCES REFORM ACT OF 2001, APPENDIX A.  
FACT SHEET ON STRENGTHENING THE FEDERAL DEPOSITORY LIBRARY  
PROGRAM**

**FACT SHEET**

**Recommendation for Strengthening the Federal Depository Library Program  
Under the Public Information Resources Reform Act of 2001  
To Be Recommended By the  
U.S. National Commission on Libraries and Information Science (NCLIS)**

**As of November 16, 2000**

As part of its Comprehensive Assessment of Public Information Dissemination, the U.S. National Commission on Libraries and Information Science (NCLIS) recommends strengthening of the Federal Depository Library Program (FDLP). This Fact Sheet summarizes the changes under consideration by the Commission. You have two remaining opportunities to make comments. Initial comments should be provided to the Commission NOT LATER THAN noon on Wednesday, November 22, so they can be evaluated and incorporated in the draft final report (including the proposed legislation) to be posted for public comment the following week. The Commission deadline for submission of its final report to the Congress and the Administration is December 15, 2000,<sup>29</sup> so final comments must be received NOT LATER THAN 9 a.m. Monday, December 11, 2000. Additional information on the Assessment is available on the Commission website at <http://www.nclis.gov/govt/assess/assess.html>. Comments should be sent to Woody Horton by e-mail at [whorton@nclis.gov](mailto:whorton@nclis.gov) or by fax at 202-606-9203.

The Commission study findings underscore the need to preserve and strengthen the missions and functions of the Superintendent of Documents and NTIS. The missions of both organizations have been adversely impacted and placed at risk by the rapidly changing information technologies for public information creation and dissemination, financial losses and reduced appropriations, and statutes that are out of date. Furthermore, these programs, individually and collectively, do not provide comprehensive identification, acquisition, organization, and cataloging/indexing of public information resources or ensure timely delivery of public information resources and permanent public availability of those resources.

Therefore, the Commission recommend the creation of a new independent agency whose primary mission is to serve as the federal government's focal point for providing timely dissemination and permanent public availability for its public information resources. This agency, provisionally called the Public Information Resources Administration (PIRA), will be in the Executive Branch, and will bring together under one management the programs currently under the Superintendent of Documents at GPO, including the Federal Depository Library Program (FDLP), and the National Technical Information Service (NTIS), as well as other information sales and dissemination programs.

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<sup>29</sup> The submission date was later moved to January 11, 2001, and the date for public comments was extended until January 4, 2001. The actual publication date for Volumes 1 and 3 of the final report is January 26, 2001.

In the Commission's recommendation, the Superintendent of Documents is renamed the Superintendent of Public Information Resources (SuPIR), reporting directly to the head of the PIRA. The FDLP is renamed the Public Information Resources Access Program (PIRAP) and the Federal Depository Libraries are renamed Public Information Resources Access Libraries (PIRA Libraries). The basic structure of the FDLP is not changed by this recommendation. Congressional designation and other criteria for becoming a Federal Depository Library are not changed. However, the breadth of public information resources available to the public through the PIRA Libraries is vastly expanded.

The proposed definition of "Government Publication" is broadened to mean any Government information product or service that is created, compiled, produced, or maintained by or for the Federal government, at Government expense, or as required by law, regardless of form, format or medium; the term includes both "Internal Information Resources" and external "Public Information Resources". "Internal Information Resources" are limited to government information products or services that are excluded from public use because (a) they have been determined by the issuing components to be required for official use only or (b) they have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, or (c) they are classified for reasons of national security or constrained by another statute such as the Privacy Act. There is an appeal process through PIRA for items determined by agencies to be strictly internal or operational. "Public Information Resources" are therefore expanded to cover all "Government Publications" that are not excluded from public use under the provisions above, and all public information resources are available to the public without charge through the PIRA Libraries.

Under the Commission recommendations:

- The Superintendent of Public Information Resources shall use whatever measures are necessary to ensure the timely identification, acquisition, organization, cataloging (including the abstracting and indexing of scientific and technical information) of public information resources; to ensure timely delivery of public information resources, utilizing a variety of formats, mediums, channels and methods, for access, dissemination and distribution, appropriate to the content and its intended uses; and to expand and improve the permanent public availability of the Federal government's public information resources.
- Regardless of any other provision of law, public information resources created, compiled, produced or maintained by the Executive, Legislative and Judicial Branches shall be made available to the public at no charge through the Public Information Resources Access Program (PIRAP).
- The exemption for "so-called cooperative publications which must be sold to be self-sustaining" is removed because the only self-sustaining programs for the sale of public information resources are within, or under the authority of, PIRA and the proposed law requires that any public information resources available for sale also be available without charge through PIRA Libraries.
- The expansion of the definition of public information resources to cover all "form, format or medium" brings audio-visual materials and future, as yet unknown, formats and media within the scope of the PIRAP. In addition, this brings into the program time-sensitive information, like press releases, fact sheets and other announcements, that often contain substantive information of value both for current awareness and historical research.
- Consolidation of NTIS with the Superintendent of Documents Programs under PIRA places all information resources covered under the American Technology Pre-eminence Act in the PIRAP.
- PIRA is given responsibility for "Permanent Public Availability" which is defined as making the maximum amount of "Public Information Resources" available to, and accessible by, the public on an indefinite, continuing basis, free of charge; this public availability is distinguished from the

deposit of an official copy for "Permanent Records Retention" by the National Archives and Records Administration and refers to information resources that may not come under the Federal Records Act definitions of a federal record, but are nevertheless acquired, organized and preserved solely for convenience of public reference; furthermore public availability is meant to convey immediate access through the World Wide Web (or its successor technology) or availability through a widely distributed national network of "Public Information Resources Access Libraries" (PIRA Libraries).

- PIRA is given enforcement provisions with real consequence, including penalties for non-compliance with the American Technology Pre-eminence Act (ATPA) and the PIRAP.

The proposed legislation should be read and evaluated in the context of the findings, conclusions and recommendations in the draft report posted at [www.nclis.gov/govt/assess/execsum.pdf](http://www.nclis.gov/govt/assess/execsum.pdf).<sup>30</sup> The purpose of the proposed legislation is to bring together in a systematic fashion all of the key elements necessary for comprehensive public information resources management and to elevate the importance of Federal government public information resources to the status of a strategic national asset. It also includes the creation of a government-wide information dissemination budget line item in the President's budget and in each agency budget. The Commission believes that this legislative proposal is the best means for implementation of its recommendations because it will draw attention to the issues and create a debate about appropriate solutions. However, many of the Commission's recommendations can and should be implemented, whether or not Congress acts on the proposed legislation.

Excerpted key sections of the draft legislation, primarily purpose, functions and definitions, are available at [www.nclis.gov/govt/assess/legisum.pdf](http://www.nclis.gov/govt/assess/legisum.pdf).<sup>31</sup> However, the excerpts do not include all of the details summarized above, nor do they address financing, staffing and other administrative matters. The complete legislative proposal will be posted with the draft final report during the week of November 27<sup>th</sup>.

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<sup>30</sup> The final executive summary is available at <http://www.nclis.gov/govt/assess/assess.execsum.pdf>.

<sup>31</sup> This draft legislation was replaced by Appendix 11, available at <http://www.nclis.gov/govt/assess/assess.appen11.pdf>.

**PUBLIC INFORMATION RESOURCES REFORM ACT OF 2001, APPENDIX B.  
FACT SHEET ON ESTABLISHMENT OF PUBLIC INFORMATION RESOURCES  
AGENCIES IN EACH BRANCH OF GOVERNMENT**

**FACT SHEET**

**Public Information Resources Reform Act of 2001  
To Be Recommended By the  
U.S. National Commission on Libraries and Information Science (NCLIS)**

**As of November 16, 2000**

As part of its Comprehensive Assessment of Public Information Dissemination, the U.S. National Commission on Libraries and Information Science (NCLIS) recommends establishment of new public information resources agencies in each branch of government. This Fact Sheet summarizes the duties and responsibilities of each agency and explains how inter-branch coordination is to be accomplished.

You have two remaining opportunities to make written comments. Initial comments should be provided to the Commission NOT LATER THAN noon on Wednesday, November 22, so they can be evaluated and incorporated in the draft final report to be posted for public comment the following week. The Commission deadline for submission of its final report to the Congress and the Administration is December 15, 2000,<sup>32</sup> so final comments must be received NOT LATER THAN 9 a.m. Monday, December 11, 2000.

The Commission is also planning a public meeting in Washington, DC, on Monday, December 4th, to receive public comments on the draft final report and proposed legislation. Details about the time and place will be posted as soon as the arrangements are completed. Additional information on the Assessment is available on the Commission website at <http://www.nclis.gov/govt/assess/assess.html>. Comments should be sent to Woody Horton by e-mail at [whorton@nclis.gov](mailto:whorton@nclis.gov) or by fax at 202-606-9203.

The Commission study findings underscore the need of the federal government for the most effective, efficient, and economical means of producing, maintaining, preserving, disseminating, providing for the permanent availability of, and managing the entire life cycle of all of its public information resources, and this should not be placed at undue risk because of jurisdictional considerations between the three branches of the federal government. The study findings also underscore the need to preserve and strengthen the missions and functions of the Superintendent of Documents and NTIS. The missions of both organizations have been adversely impacted and placed at risk by the rapidly changing information technologies for public information creation and dissemination, financial losses and reduced appropriations, and statutes that are out of date. Furthermore, these programs, individually and collectively, do not provide comprehensive identification, acquisition, organization, and cataloging/indexing of public information resources or ensure timely delivery of public information resources and permanent public availability of those resources.

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<sup>32</sup> The submission date was later moved to January 11, 2001, and the date for public comments was extended until January 4, 2001. The actual publication date for Volumes 1 and 3 of the final report is January 26, 2001.

Therefore, the Commission plans to recommend the establishment of a new independent agency whose primary mission is to serve as the federal government's focal point for providing timely dissemination and permanent public availability for its public information resources. This agency, provisionally called the Public Information Resources Administration (PIRA), will be in the Executive Branch, and will bring together under one management the programs currently under the Superintendent of Documents at GPO, including the Federal Depository Library Program (FDLP), and the National Technical Information Service (NTIS), as well as other information sales and dissemination programs from all three branches of government.

The Commission also recommends:

- the establishment of a new Judicial Information Resources Information Office (JIRO) in the Judicial Branch, under the Administrative Office of the U.S. Courts (AO); to transfer to the JIRO some assets of the Government Printing Office (GPO) and to the Administrator of the JIRO some duties and responsibilities of Public Printer; and to apply the provisions of 44 U.S.C. 3506(d) to the Judicial Branch.
- the establishment of a new Congressional Information Resources Information Office (CIRO) in the Legislative Branch; to have the Public Printer report to the Administrator of the Congressional Information Resources Office; to transfer to the CIRO some assets of the Government Printing Office and to the Administrator of the CIRO some duties and responsibilities of Public Printer; and to apply the provisions of 44 U.S.C. 3506(d) to the Legislative Branch.
- the creation of an inter-branch, interagency Council on Public Information Resources (CPIR), chaired by the Administrator of the Public Information Resources Administration (PIRA), and having as its permanent members the Superintendent of Public Information Resources (SuPIR), the Superintendent of Public Information and Communication Technologies (SuPICT), the heads of the Congressional Information Resources Office (CIRO) and the Judicial Information Resources Office (JIRO), the Clerk of the House of Representatives, the Secretary of the Senate, the Clerk of the Supreme Court, the Archivist of the United States, the Librarian of Congress and the directors of the other National Libraries, the executive directors of the National Commission on Libraries and Information Science (NCLIS) and, for intergovernmental coordination and communication, the Office of Intergovernmental Affairs (OIA) in the Executive Office of the President, the administrators of the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB), the General Services Administration (GSA) and the National Telecommunications and Information Administration (NTIA),<sup>33</sup> the directors of the National Science Foundation (NSF) and the National Institute for Standards and Technology (NIST), the Chairperson of the CIO Council, as well as a minimum of four other individuals representing Executive Departments with significant public information dissemination missions, and at least one other individual representing an independent agency with a significant public information dissemination mission, two of which should be from agencies with intensive scientific and technical information (STI) programs, to serve as an advisory board to the PIRA and to ensure that regulations, rules, standards and guidelines, promulgated by the PIRA are coordinated within the Executive Branch and with the Legislative and Judicial Branches to ensure a consistent application of such regulations, rules, standards, guidelines, and procedures.
- the creation of a Public Information Resources Users Council (PIRUC) chaired by the Superintendent of Public Information Resources (SuPIR) and consisting of at least 15 other members, each serving a three year term; terms shall be staggered so that one-third of the terms expire each year; at least 6 of the members shall represent Public Information Resources Access Libraries (PIRA Libraries, formerly Federal Depository Libraries) and their terms shall be spread

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<sup>33</sup> The Chief Statistician of the United States was later added to the Council membership.

equally among the staggered terms, so that two will complete their terms each year; the remaining nine members shall be drawn from state, local and tribal government, other public interest groups, user groups, trade associations and professional organizations,<sup>34</sup> and individuals with a substantial knowledge of the need for and uses of public information resources; the Council will provide advice to the SuPIR and the CPIR, and as appropriate to the CIRO and the JIRO, on the impact of federal regulations, rules, standards, guidelines, and procedures on the ability of the public to identify and use public information resources effectively, as well as recommending ways to improve the organization, cataloging and indexing, announcing, access and dissemination, and permanent public availability of public information resources.

- the creation of formal relationship between the Public Information Resources Administration (PIRA) and the National Archives and Records Administration (NARA) to ensure that standards and guidelines are established within one year of enactment of this Act, so that an agency transferring its public information resources to PIRA for permanent public availability can by that same transfer be ensured that its obligations for permanent records retention under the Federal Records Act will be met; to accomplish this PIRA and NARA will establish and promulgate mutually agreed upon standards and guidelines for the authentication and transfer of agency public information resources to PIRA; the PIRA will ensure the permanent public availability of these public information resources, and through cooperative agreements and partnership arrangements with NARA and the originating agency, PIRA will either maintain the public information resources that NARA schedules for permanent records retention, or transfer the official record copy of those public information resources to NARA at the appropriate time and in the appropriate format; public information resources not scheduled for permanent records retention will nevertheless be maintained by PIRA for permanent public availability.

As part of this reorganization, printing procurement is redistributed to each branch in the following manner:

- The Judicial Information Resources Office (JIRO) has the authority to procure all printing and related production services for the Judicial Branch.
- The Public Information Resources Administration (PIRA) has the authority to procure all printing and related production services for the executive branch.
- The Congressional Information Resources Office (CIRO) has the authority to print and to procure all printing and related production services for the Legislative Branch.
- Both the JIRO and PIRA are required to allow CIRO to bid on any printing and related production services they procure that CIRO is capable of producing and to accept the CIRO bid if it is less than or equal to that of any other bidder.

The proposed legislation should be read and evaluated in the context of the findings, conclusions and recommendations in the draft report posted at [www.nclis.gov/govt/assess/execsum.pdf](http://www.nclis.gov/govt/assess/execsum.pdf).<sup>35</sup> The purpose of the proposed legislation is to bring together in a systematic fashion all of the key elements necessary for comprehensive public information resources management and to elevate the importance of Federal government public information resources to the status of a strategic national asset. It also includes the creation of a government-wide information dissemination budget line item in the President's budget and in each agency budget. The Commission believes that this legislative proposal is the best means for implementation of its recommendations because it will draw attention to the issues and create a debate about appropriate solutions. However, many of the Commission's

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<sup>34</sup> Academia was later added as a class of users from which Council members should be selected.

<sup>35</sup> The final executive summary is available at <http://www.nclis.gov/govt/assess/assess.execsum.pdf>.

recommendations can and should be implemented, whether or not the Congress acts on the proposed legislation.

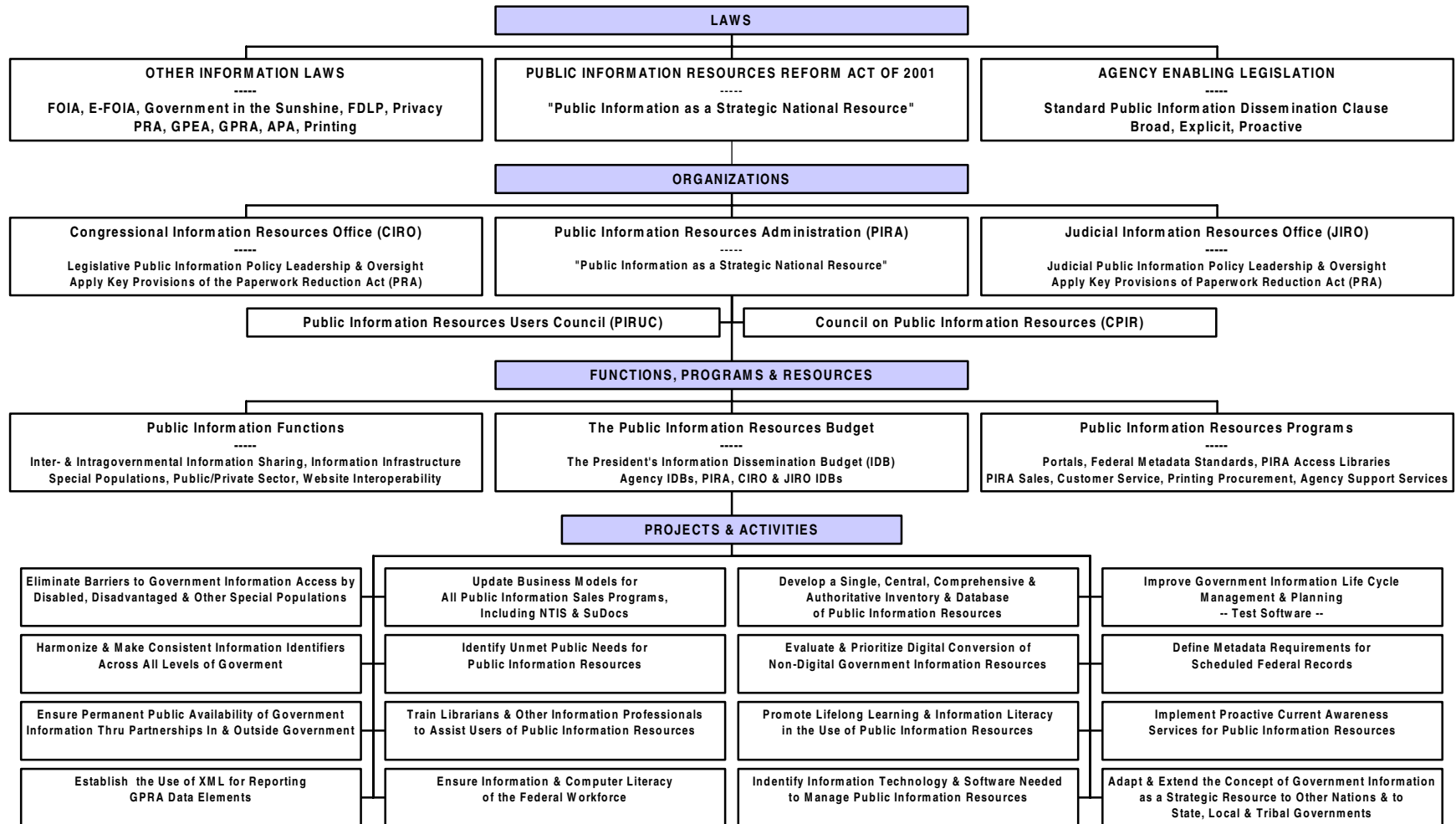
Excerpted key sections of the draft legislation, primarily purpose, functions and definitions, are available at [www.nclis.gov/govt/assess/legisum.pdf](http://www.nclis.gov/govt/assess/legisum.pdf).<sup>36</sup> However, the excerpts do not include all of the details summarized above, nor do they address financing, staffing and other administrative matters. The complete legislative proposal will be posted with the draft final report during the week of November 27<sup>th</sup>.

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<sup>36</sup> This draft legislation was replaced by Appendix 11, available at <http://www.nclis.gov/govt/assess/assess.appen11.pdf>.

**PUBLIC INFORMATION RESOURCES REFORM ACT OF 2001, APPENDIX C. SCHEMATIC SHOWING COMPONENTS OF THE PUBLIC INFORMATION RESOURCES REFORM ACT OF 2001**

**Components of the Public Information Resources Reform Act of 2001**





**APPENDIX 12. SUGGESTED REVISIONS TO THE PAPERWORK  
REDUCTION ACT (44 U.S.C. CHAPTER 35) AND OMB CIRCULAR A-130**

**SUGGESTED REVISIONS PAPERWORK REDUCTION ACT (44 U.S.C. CHAPTER 35),  
OMB CIRCULAR A-130 AND OTHER KEY PUBLIC INFORMATION LAWS<sup>37</sup>**

The centerpiece of the Commission's *Comprehensive Assessment of Public Information Dissemination*<sup>38</sup> is its recommendation that public information resources must be recognized as a strategic national asset, needed by all sectors and segments of the U.S. economy and society. All of its other recommendations are based on the expectation that this primary recommendation will be accepted and implemented.

As part of its report, the Commission concluded that the existing federal public information infrastructure is seriously flawed and outdated, and it needs significant reform, not simply adjustments. In the view of the Commission, attempting to deal with the myriad and complex problems documented in the study merely by amending a variety of existing laws, authorities, policies, and programs would be completely unresponsive and inappropriate.

Nevertheless, the Commission was asked to recommend changes to the Paperwork Reduction Act, and does so in this Appendix. The Commission has not attempted to restructure the PRA, or OMB Circular A-130, to accommodate all of the recommendations in the *Comprehensive Assessment*, but does identify those changes that would make a significant improvement, pending enactment of its legislative proposal, The Public Information Resources Reform Act of 2001 (PIRRA).<sup>39</sup>

The Commission's report and the legislative and regulatory proposals in this volume reflect only the views of the Commission. Although a wide variety of stakeholders were encouraged to review and comment on drafts of the report and the legislative proposal in Appendix 12, and their comments were extremely useful to the Commission, this appendix does not necessarily represent a consensus of stakeholders. In addition, the report and the legislative and regulatory proposals in this volume do not necessarily reflect the views of the current, or former, Administration or any other agency.

**INTRODUCTION**

In his July 17, 2000 letter to NCLIS Chairperson Martha Gould, Senator Joseph Lieberman asked "that the Commission include in that review any relevant sections of the Paperwork Reduction

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<sup>37</sup> Available at <http://www.nclis.gov/govt/assess/assess.appen12.pdf>.

<sup>38</sup> The Assessment web page is <http://www.nclis.gov/govt/assess/assess.html>. The Commission's findings, conclusions and recommendations are available in Volume 1 of the report and at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>39</sup> The Commission's proposal for The Public Information Resources reform Act of 2001 is available as Appendix 11 and at <http://www.nclis.gov/govt/assess/assess.appen11.pdf>.

Act (PRA)<sup>40</sup> that may need revision, because the Committee will be considering the law's reauthorization next Congress."<sup>41</sup> As this document is prepared in early 2001, the First Session of the 107<sup>th</sup> Congress has begun and the Senate Committee on Governmental Affairs is planning reauthorization of the PRA in either the first or second session.

While the Commission gives first priority here to recommending suggested changes for the Committee to consider as a part of the PRA reauthorization process, several additional statutes and information policies were identified during the course of the Commission's *Comprehensive Assessment of Public Information* for which suggested revisions were also made in the final report<sup>42</sup> and those are addressed here as well. For the sake of comprehensiveness, suggested revisions to other existing public information laws and policies are included in this appendix, not just revisions pertaining to the reauthorization of the Paperwork Reduction Act and OMB Circular A-130, Management of Federal Information Resources.<sup>43</sup>

In the case of the PRA, because of Senator Lieberman's request, suggested revisions are formatted in quite specific and concrete terms by tying them to an exact title and paragraph of the organic legislation. However, in the instance of other laws such as the Government Paperwork Elimination Act (GPEA)<sup>44</sup> and the Government Performance and Results Act (GPRA),<sup>45</sup> the recommendations are couched in general terms because the Commission believes a thorough consideration by the Congress of the necessity for, and the precise impact of suggested changes on, these other laws should precede the articulation of precise revisions. Moreover, recommendations related to these statutes are restricted to two suggested revisions that could be accomplished through what are sometimes referred to as "technical amendments."

One of the Commission's strategic recommendations, Recommendation 5, proposes new legislation, The Public Information Resources Reform Act of 2001 (PIRRA).<sup>46</sup> It should be noted that if this proposal is accepted by the Congress and enacted, then additional legislative changes (including some new statutory or policy provisions) may be required, ultimately, to bring the provisions of the Paperwork Reduction Act and other public information laws and policies even more closely in line with the PIRRA.

The Commission believes that, while it is theoretically possible, it would be ill advised for the Congress to amend the Paperwork Reduction Act to achieve the aims of the proposed Public Information Resources Reform Act (PIRRA). The reason is that the PRA is oriented primarily to reducing the paperwork burden *on* the American public, whereas the PIRRA is oriented primarily to enhancing the government information flow *to* the American public. The two laws (one extant,

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<sup>40</sup> The Paperwork Reduction Act is codified in 44 U.S.C. Chapter 35.

<sup>41</sup> Senator Lieberman's letter is available as Appendix 3 in Volume 1 of this report and at <http://www.nclis.gov/govt/assess/assess.appen11.pdf>.

<sup>42</sup> The Commission's recommendations are available in Section F in Volume 1 of this report and at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>43</sup> U.S. Office of Management and Budget, "Management of Federal Information Resources," OMB Circular A-130, Washington, DC: Office of Management and Budget, November 30, 2000; <http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html>.

<sup>44</sup> The Government Paperwork Elimination Act (GPEA) is in Public Law 105-277, October 21, 1998. It sets deadlines for agencies to transfer their paper-based transaction systems to electronic-based systems, including most transactions that take place between the government and the public, such as filing tax returns and applying for benefits and other entitlements, and sets 2003 as target date for completion of medium transference for most transactions

<sup>45</sup> Government Performance and Results Act (GPRA) is Public Law 103-62, August 3, 1993. It holds agencies more directly accountable for achieving positive results by using observable and measurable performance indicators and other means to verify and validate agency performance by comparing actual results achieved with expected and projected results.

<sup>46</sup> The legislative proposal is available as Appendix 12 and at <http://www.nclis.gov/govt/assess/assess.appen11.pdf>.

the other proposed) address opposite ends of the government information life cycle—the PRA to information collection and creation (the front end), the PIRRA to dissemination (the back end).

It is also important to note that the suggested revisions made here for consideration as a part of the PRA reauthorization are not conditioned on the passage of the new legislation proposed by NCLIS, but, rather, are suggestions to strengthen the Paperwork law in general, *and are applicable and appropriate whether the Commission's proposed new legislation is enacted or not*. In short, the suggested PRA revisions do not duplicate or overlap with the Commission's proposed PIRRA legislation, but, rather, make it consistent with and complementary to the PIRRA legislation if the Congress should choose to enact that proposed law.

For convenience, both the Paperwork Reduction Act and OMB Circular A-130 are closely juxtaposed and addressed in detail here because they are complementary instruments—the one statutory, the other policy. However, in some cases a recommendation is made pertaining to Circular A-130 without a corresponding recommendation to change to the PRA for "technical reasons" (i.e. the Circular gets into a greater level of technical detail than does the statute). It is fully realized that the Circular is under the authority and control of the President and OMB, and therefore A-130 revisions would be made by the Executive Branch, whereas the PRA is under the authority and control of the Congress and therefore changes would be made by the Legislative Branch.

Finally some of the recommendations the Commission makes require amendments to existing legislation and new provisions pertaining to the public information resources management operations and responsibilities of the Legislative and Judicial Branch establishments.

### **SECTION 1. SUGGESTED REVISIONS TO THE PAPERWORK REDUCTION ACT**

The fundamental statutory basis for enabling public access to government information is found in Titles 5, 17, and 44 of the U.S. Code. A provision of the Copyright Act, 17 U.S.C. 105, specifically prohibits copyright of federal information.<sup>47</sup> In so doing, it places government information in the public domain and reinforces the principle that public information resources belong to the people. Other major public information laws, such as the Freedom of Information Act (FOIA), the Electronic Freedom of Information Act (E-FOIA), the Administrative Procedure Act (APA), the Government in the Sunshine Act, and the Paperwork Reduction Act (PRA) are codified as sections in one of those three titles, and they are closely coordinated by cross-referencing.

Hundreds of other federal laws have one or more quite specific and detailed provisions for disseminating government information to the public, or providing public access to government information resources.<sup>48</sup> However, only the major, general ones that "interface" with the Commission's proposed new legislation are addressed here. Additional analysis of the remainder of the laws will be undertaken later, pursuant to Recommendation 19 in the Commission's *Comprehensive Assessment of Public Information Dissemination*.<sup>49</sup>

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<sup>47</sup> The prohibition of copyright for federal government information is contained in Title 17 U.S.C. 105: "Copyright protection under this title is not available for any work of the United States Government, but the United States Government is not precluded from receiving and holding copyrights transferred to it by assignment, bequest, or otherwise."

<sup>48</sup> Examples of these provisions are provided in Appendix 35 in Volume 4 of this report, A Compilation of Recent Federal Statutes Pertaining to Public Information Dissemination, and at <http://www.nclis.gov/govt/assess/assess.appen35.pdf>.

<sup>49</sup> Recommendation 19 is available as Section F in Volume 1 of this report and at

**A. Recommendations With Respect 44 U.S.C. 3501, Purposes**

Modify 44 U.S.C. 3501, Purposes, by replacing existing subparts. (2) and (7) with new purpose statements as follows:

(2) ensure the greatest possible public benefit from information created, collected, maintained, used, shared and disseminated by or for the federal government; government information is regarded as a strategic national asset, that is owned by the people, held in trust by the government, and should be permanently available to the people except where restricted by law,<sup>50</sup> not simply a routine resource or a by-product of government operations; the proactive diffusion of public knowledge (government data, documents, and literature) for the benefit of all Americans is a matter of the highest national priority; providing access tools, such as portals, indexes, or other locator aids, to enable users to find available government information is a necessary, but insufficient, condition to meeting the full intention and requirements of this legislation;

(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology; to this end, agencies should identify their aggregate public information dissemination resource requirements as a distinct line item in their respective budgets, and in their accounting systems, and not budget and account for such requirements in overhead or indirect accounts; a government-wide Information Dissemination Budget (IDB) should be prepared by the Office of Management and Budget (OMB) for inclusion in the President's annual budget to the Congress that aggregates individual agency information dissemination budgets into an overall, government-wide total;<sup>51</sup>

**B. Recommendations With Respect to 44 U.S.C. 3502, Definitions**

Modify 44 U.S.C. 3502, Definitions, by adding the following new definitions:

- "*Authentication*" means the process by which an information product or service is attested to, and certified by an agency or agency official as an authorized, official government information resource and not a derivative, unauthorized or unofficial copy or representation of an official information resource.
- "*Federal Depository Library*" means a library that has been designated under 44 U.S.C. Chapter 19 to assist the public, without charge, in finding and using government information; such libraries are participants in the Federal Depository Library Program;

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<http://www.nclis.gov/govt/assess/assess.vol1.pdf>. It states: "The Congress should request that the National Commission on Libraries and Information Science (NCLIS) undertake a comprehensive assessment of public laws which contain provisions for establishing and maintaining public information resources in order to identify (1) specific legislative changes necessary to implement the treatment of public information as a strategic national asset, (2) gaps where existing laws do not meet known public needs for government information and (3) inconsistencies and unnecessary overlap and duplication in public information dissemination provisions. The assessment could also be extended to include current statutory, grant, procurement, and other government rules, regulations, and guidelines that permit government-funded research to avoid dissemination through the NTIS and FDLP."

<sup>50</sup> Recognition of government information as a strategic national asset is Recommendation 1 in Volume 1 of this report. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>51</sup> Creation of an Information Dissemination Budget (IDB) line item is Recommendation 4 in Volume 1 of this report. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

- "*Federal Depository Library Program*" refers to the program established under 44 U.S.C. Chapter 19 and managed by the Superintendent of Documents at the Government Printing Office to assist the public, without charge, in finding and using government information through designated "*Federal Depository Libraries*."
- "*Inherently Governmental Functions*" (with respect to government information resources) means those activities that should be undertaken by the government, or at government expense, so that public information resources are bibliographically verified (author, title, identifying numbers, etc.), complete, correct, authentic, timely, cataloged, indexed, abstracted, and maintained for current and future public access. Such activities, which may be performed by the agency that originates the information or by a central information services agency acting on behalf of the originating agency, include (a) creation, collection or acquisition of information resources; (b) the indexing, abstracting and cataloging of these resources; (c) the further processing of these resources by scanning, microficheing or converting to an alternative electronic format for retention and use; (d) the creation and maintenance of a database which provides searching and locating information for this information collection including the maintenance of a system to maintain accessibility to information on agency Web sites; (e) the mounting and maintaining of a searchable bibliographic database on a Web site for free public access; (f) the mounting of the full text of the reports on servers for free public access; and (g) the maintenance of archive files to insure permanent public access to material not otherwise available.
- "*Internal Information Resources*" means any "*Government Information Resources*" that are *both* (1) created primarily for internal official use *and* (2) excluded from public use because they either (a) have been determined by the issuing components to be required for official use only or (b) have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, (c) are classified for reasons of national security, or (d) are constrained from disclosure by another statute.
- "*Medium or Media*" means the type of physical substrate utilized to record and communicate information regardless of format, such as magnetic tape, paper, microfiche, CD-ROM, cable, broadcast, or the Internet and the World Wide Web.
- "*Permanent Public Availability*" means making "*Public Information Resources*" available to, and accessible by, the public on an indefinite, continuing basis. This public availability is distinguished from the deposit of an official copy for "*Permanent Records Retention*" by the National Archives and Records Administration and includes information resources that may not come under the Federal Records Act definitions of a federal record because they are acquired, organized and preserved solely for convenience of public reference; furthermore, public availability is meant to convey immediate access through the World Wide Web (or its successor technology) or availability through collections, both digital and non-digital, held by a widely distributed national network of libraries such as "*Federal Depository Libraries*".
- "*Permanent Records Retention*" means the scheduling, preservation, and indefinite retention of an agency record, regardless of its physical form or characteristics, pursuant to the Federal Records Act of 1950 and related legislation at the direction and under the guidance of the National Archives and Records Administration; this permanent retention is distinguished from "*Permanent Public Availability*" and refers to information resources that are within the definition of a federal record under the Federal Records Act and are scheduled for permanent retention by the National Archives and Records Administration; it does not include copies of record scheduled

for permanent retention that are acquired, organized and preserved solely for convenience of public reference and made available for immediate access through the World Wide Web (or its successor technology) or a widely distributed national network of libraries such as "*Federal Depository Libraries*".

- "*Preservation*" means taking steps to safeguard physical and intellectual accessibility of information resources, i.e., the format and mediums employed to store government information, so that it neither disintegrates physically, nor becomes inaccessible or unreadable because of the obsolescence of the technologies originally used to create, organize, access, or store the information; it also includes the need to preserve the original provenance and origins context necessary to fully understand why the information was created in the first place, by whom, how, when, where, and other relevant information.
- "*Private Sector*" means private enterprise, for-profit and not-for-profit, as well as organizations such as professional societies and trade associations, hybrids that are joint government/private enterprise, and organizations such as libraries and academic institutions (even though they may be financed by state or local government funds or subsidized by federal funds).

Replace the existing definition of "Government Publication" in 44 U.S.C. 3502 with the definition of "Government Information Resources" as follows and substitute the new term wherever "Government Publication" currently occurs in the statute:

- "*Government Information Resources*" means all information products or services that are created, compiled, produced, or maintained by or for the federal government, at government expense, or as required by law, regardless of form, format or medium; the term includes both "*Internal Information Resources*" and "*Public Information Resources*." Government Information Resources are a strategic national asset, owned by the people and held in trust by the government, and should be permanently available to the people except where restricted by law.

Replace the existing definition of "Public Information" in 44 U.S.C. 3502 with the definition of "Public Information Resources" as follows and substitute the new term wherever "Public Information" currently occurs in the statute:

- "*Public Information Resources*" means "*Government Information Resources*" that are *either* (1) created primarily for public use *or* (2) created primarily for internal use, but *not* excluded from public use because they (a) have been determined by the issuing components to be required for official use only or (b) have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, (c) are classified for reasons of national security, or (d) are constrained from disclosure by another statute such as the Privacy Act.

### **C. Recommendations With Respect to 44 U.S.C. 3504, Authority and Functions of Director**

44 U.S.C. 3504(a)(1) should be amended to acknowledge that public information resources are a strategic national asset and to require the Director of OMB to ensure proactive dissemination and permanent availability of public information resources. It should be amended as follows:

- (1) The Director shall oversee the use of public information resources as a strategic national asset, owned by the people and held in trust by the government, which should be permanently available to the people except where restricted by

law.<sup>52</sup> This oversight shall both improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public, and ensure the proactive dissemination of public information resources so that all Americans may benefit from them.

In addition, 44 U.S.C. 3504(d) should be amended to add a new paragraph 3504(d)(3) providing for an appeal to the Director of OMB of agency determinations that a government information resource is an internal information resource under the definitions recommended in Section 1.B above. It should read as follows:

Any determination by a government establishment that one of its government information resource is an internal information resource under 44 U.S.C. 3502 can be appealed to the Director by any interested party; the Director will consult with the issuing agency before making a determination, and will use a public interest standard, which provides that a government information resource can be withheld as an internal information resource only where the public interest in maintaining the exception outweighs the public interest in disclosure; if the matter is not resolved through consultation with the issuing agency, the Director will make a recommendation to the President.

**D. Recommendations With Respect to 44 U.S.C. 3506, Federal Agency Responsibilities**

44 U.S.C. 3506(d)(1) should be amended to reflect the new definitions recommended above. It should be amended to read: "... ensure that the public has timely and equitable access to the agency's public information resources, including ensuring such access through ..." A similar change should be made in 3506(d)(1)(A), 3506(d)(1)(B), and 3506(d)(1)(C) by replacing the words "public information" with "public information resources."

44 U.S.C. 3506(d)(1)(C) should be amended to reinforce the requirement for agency participation in the Federal Depository Library Program. It should be amended to read: "... agency dissemination of public information resources in an efficient, effective, and economical manner, including availability of public information resources through the Federal Depository Library Program or its successors."

44 U.S.C. 3506(d)(2) should be amended to acknowledge agency responsibility to determine public information needs.<sup>53</sup> It should be amended to read: "... regularly solicit and consider public input on the need for the agency's public information resources and on the agency's public information dissemination activities."

44 U.S.C. 3506(d)(3) should be amended to require that notice be provided through publication in the *Federal Register* and other appropriate means. The current legislation does not stipulate a specific and consistent means for giving notice. Furthermore, the current language uses the undefined term "significant" to characterize the information dissemination products for which notice is required. It should be amended to read: "... provide adequate notice through publication in the *Federal Register* and other appropriate means when initiating, substantially modifying, or terminating public information resources."

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<sup>52</sup> Recognition of government information as a strategic national asset is Recommendation 1 in Volume 1 of this report. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>53</sup> Identification of the public's most critical unmet needs for public information resources is Recommendation 30 in Volume 1 of this report. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.



44 U.S.C. 3506(d)(4) should be amended to reflect the new definitions recommended above. It should be amended to replace the words "public information" with "public information resources" in sections 3506(d)(4)(A), 3506(d)(4)(B), 3506(d)(4)(C) and 3506(d)(4)(D).

## **SECTION 2. SUGGESTED REVISIONS TO OMB CIRCULAR A-130, MANAGEMENT OF FEDERAL INFORMATION RESOURCES**

Section 8(a)5 of OMB Circular A-130 is entitled "How must an agency provide information to the public?" It directly coincides with the principal subject matter of the Commission's *Comprehensive Assessment of Public Information Dissemination*. Although some of the Commission's recommendations could be addressed by revisions to Circular A-130, particularly Section 8(a)5, an OMB Circular is not the most appropriate vehicle to accomplish the substantial reforms that are needed. For that reason, specific revisions to Section 8(a) are not recommended here. However, the Commission does identify those changes to Section 9(h) on the responsibilities of the Director of OMB that would make a significant improvement, pending enactment of legislation to reform and revision of the circular to reflect the new legislation.

### **A. Recommendations for Development and Testing of Government Information Life Cycle Management Software**

Section 9(h) should be amended to include a new subparagraph 13 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

13. Coordinate the design, development, testing, and implementation of a prototype government information life cycle management software module that would satisfy multiple information policy requirements in a single, comprehensive, systematic, and orderly manner.<sup>54</sup> The software module must:

- Manage both agency internal and agency external (public) information resources because they are inseparably inter-related. Decisions made in one domain inevitably affect the other domain, at each stage of the information life cycle.
- Manage all kinds of official agency information and communication instruments, regardless of form, format, or medium.
- Include a nested hierarchy of decision option choices based on the most common and important types of communications an agency official initiates; these "profiles" will be developed taking into account all three levels of requirements (government-wide, agency, and office, program or individual), and designed so that a series of "defaults" can be pre-determined, and pre-programmed (but later changed if necessary) for each decision option.
- Satisfy as many information policy requirements as feasible, including scheduling the information as an official agency record, re-disseminating the information to various recipients, including the agency libraries and information

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<sup>54</sup> This issue is discussed in depth in the White Paper on Government Information Life Cycle Management available as Appendix 16 in Volume 3 of this report and at [www.nclis.gov/govt/assess/assess.appen16.pdf](http://www.nclis.gov/govt/assess/assess.appen16.pdf). Improving Government Information Life Cycle Management is Recommendation 21 in Volume 1 of this report. The use of XML to report data elements under the Government Paperwork Elimination Act is Recommendation 33. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.



centers, agency central files and records centers, agency webmasters, the National Archives and Records Administration (NARA), Federal Depository Libraries, as well as providing for the information's authentication, addressing how the information will be preserved, determining whether non-disclosure statutes apply, creating a government information locator record, and so forth.

**B. Recommendations for Development and Testing of a Current Awareness System for Public Information Resources**

Section 9(h) should be amended to include a new subparagraph 14 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

14. Coordinate the design, development, and pilot testing of a comprehensive public information current awareness system to enable affirmative and proactive agency dissemination of public information.<sup>55</sup>

**C. Recommendations for Development and Testing of a Federal Identifier Classification Scheme**

Section 9(h) should be amended to include a new subparagraph 15 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

15. Coordinate the design, development, and pilot testing of a standard and consistent federal identifier classification scheme that can be used to assist agencies and the public to obtain information residing in different agencies.<sup>56</sup>

**D. Recommendations for Harmonizing Federal, State, Local and Tribal Identifiers**

Section 9(h) should be amended to include a new subparagraph 16 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

16. Conduct a comprehensive analysis and make recommendations addressing the most efficient ways to crosswalk, coordinate, and harmonize the many federal, state, local, and tribal government level uniquely assigned identifiers.<sup>57</sup>

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<sup>55</sup> Modernizing current awareness systems for public information resources is Recommendation 22 in Volume 1 of this report, which is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>56</sup> Making federal identifiers consistent across all agencies is Recommendation 23 in Volume 1 of this report. Recommendations 20 on strengthening interagency and intergovernmental information sharing, Recommendation 24 on harmonizing federal, state and local identifiers, and Recommendation 26 on developing guidelines for availability of public information resources from federal, state and local governments are also applicable. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>57</sup> Evaluating non-digital government information resources for conversion is Recommendation 25 in Volume 1 of this report. Recommendations 20 on strengthening interagency and intergovernmental information sharing, Recommendation 23 on making federal identifiers consistent across all agencies, and Recommendation 26 on developing guidelines for availability of public information resources from federal, state and local governments are also applicable. Volume 1 is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

**E. Recommendations for an Analysis of Non-Digital Information That Should Be Converted to Digital Information**

Section 9(h) should be amended to include a new subparagraph 17 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

17. In close coordination with the Legislative and Judicial Branches, conduct a comprehensive analysis regarding which currently non-digital government public information holdings and transactions should be converted to digital mediums, and the benefits as well as costs to do so. This effort should address the role of digital libraries with respect to public information resources.<sup>58</sup>

**F. Recommendations for Development of Guidelines for Identification of Public Information Resources**

Section 9(h) should be amended to include a new subparagraph 18 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

18. In close coordination with the Legislative and Judicial Branches, and with state, local and tribal governments, develop guidelines regarding the identification and availability of public information resources holdings by each branch of the federal government and by state, local and tribal governments. Such public information resources should be differentiated with respect to the branch of the government originating the information, as well as whether the information is federal only, state only, local only, tribal only, or some permutation of these categories.<sup>59</sup>

**G. Recommendations for Design of Comprehensive and Authoritative Inventory and Database of Public Information Resources**

Section 9(h) should be amended to include a new subparagraph 19 that reads as follows:

h. Office of Management and Budget. The Director of the Office of Management and Budget will:

19. Coordinate the preliminary design work for the development of a single, central, comprehensive and authoritative online inventory and database of public information resources by reviewing the developments to-date, both positive and negative, to establish major portals and search engines for public information databases, including NTIS FedWorld, GPO Access, Library of Congress Thomas, StatUSA, and FirstGov.<sup>60</sup>

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<sup>58</sup> Developing guidelines for availability of public information resources from federal, state and local governments is Recommendation 26 in Volume 1 of this report, which is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>59</sup> Harmonizing information identifiers at all levels of government is Recommendation 24 in Volume 1 of this report, which is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

<sup>60</sup> Establishing a comprehensive, authoritative inventory and database of public information resources is Recommendation 27 in Volume 1 of this report, which is available at <http://www.nclis.gov/govt/assess/assess.vol1.pdf>.

### **SECTION 3. SUGGESTED REVISIONS TO OTHER EXISTING PUBLIC INFORMATION LAWS**

#### **A. Recommendations Pertaining to Amendments to the Administrative Procedure Act**

5 U.S.C. 522, Public Information, Agency Rules, Opinions, Orders, Records, and Proceedings, should be amended as follows:

Paragraph (a) is renumbered as paragraph (c), paragraph (b) is renumbered as paragraph (d), and so forth, and new paragraphs (a) and (b) are added as follows:

(a) The United States government affirms that government information resources as defined in 44 U.S.C. 3502<sup>61</sup> are a strategic national resource, owned by the people and held in trust by the government, and should be permanently available to the people except where restricted by law; therefore, agencies shall take steps to proactively make such public information resources available to, accessible by, and preserved indefinitely for the public to the maximum extent permitted by law.

(b) Dissemination of public information resources is a primary agency responsibility, integral to its mission. Agencies should diffuse among the people of the United States useful information on subjects directly connected with their respective missions and programs.

#### **B. Recommendations Pertaining to Amendments to the Freedom of Information Act and the Privacy Act**

5 USC 552 is popularly known as the Freedom of Information Act (FOIA) and was amended in 1996 by the Electronic Freedom of Information Act Amendments (E-FOIA). 5 U.S.C. 552a is the Privacy Act. The suggested addition to Section 522, discussed in Section 3.A above, would affect agency implementation of the Freedom of Information Act and the Privacy Act by incorporating the responsibility for treating government information resources as a strategic national resource.

In addition, Paragraph 552(a)(3) should be amended to include a statement emphasizing that the public interest in disclosure of information is paramount and that exemptions should be weighed using a test that favors disclosure unless the public interest in maintaining the exemption outweighs the public interest in disclosure.

Paragraph 552a(3)(B) is renumbered as paragraph 552a(3)(C), paragraph 552(3)(C) is renumbered as paragraph 552(3)(D), and so forth, and a new paragraph 552(3)(B) is added as follows:

(B) In making determinations about disclosure of any record available to a person under this Section, an agency shall favor disclosure of a record over withholding it and shall exercise the privilege of exemption in subsection (b) pursuant to which a denial is made only when the public interest in maintaining the exemption outweighs the public interest in disclosure.

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<sup>61</sup> This recommendation presumes that recommendations for amendments to the Paperwork Reduction Act in Section 1 above are accepted and implemented.

**C. Recommendations Pertaining to Amendments to the Federal Records Act**

44 U.S.C. 3101, Definition of Records, is sufficient to support the treatment of government information resources as a strategic national resource, owned by the people and held in trust by the government, that should be permanently available to the people except where restricted by law. Amendment of the Administrative Procedure Act, as recommended in Section 3.A above, and of the Paperwork Reduction Act, as recommended in Section 1 above, will require that agencies, and NARA, place greater emphasis on the phrase "appropriate for preservation ... because of the informational value of data" in scheduling records for permanent retention.

In addition, 44 U.S.C. 3303, Lists and Schedules of Records to be Submitted to the Archivist by Head of Each Government Agency, should be amended to ensure that the head of each agency documents public information resources that must be maintained for permanent public availability, whether or not NARA schedules those records for permanent retention.

Section 3303(1) is amended to include a new paragraph (4) as follows:

(4) lists any public information resources in the custody of the agency that should be maintained for permanent public availability because of the informational value of the data and identifies the means that the agency will employ to ensure permanent public availability.

**D. Recommendations Pertaining to Amendments to the Information Technology Management Reform Act (The Clinger-Cohen Act)**

The modifications to the Paperwork Reduction Act, discussed in Section 1.A above, would simultaneously serve to amend the Clinger-Cohen Act by incorporating the responsibility for treating government information resources as a strategic national resource, since 40 U.S.C. 1425(b)(1) states that each agency Chief Information Officer is "to ensure that ... information resources are managed for the executive agency in a manner ... consistent with chapter 35 of title 44."

In addition, 40 U.S.C. 1425 should be amended to assign to each agency Chief Information Officer (CIO) explicit responsibility for management of government information as a strategic national asset. Paragraph 1425(b) should be amended by renumbering paragraph 1425(b)(2) as paragraph 1425(b)(3) and renumbering paragraph 1425(b)(3) as paragraph 1425(b)(4) and inserting a new paragraph 1425(b)(2) as follows:

(2) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that the public information resources of the agency are permanently available to the people except where restricted by law;

Paragraph 1425(b)(4) should be amended as follows:

(4) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency and facilitation of the availability, accessibility, and proactive dissemination of agency public information resources to the maximum extent permitted by law.

**E. Recommendations Pertaining to Amendments to the Government Performance and Results Act (GPRA)**

The Government Performance and Results Act should be amended to ensure that information services are considered an indispensable component of government service to the public.

31 U.S.C. 1115(a) should be amended to add a new paragraph (7) as follows:

(7) ensure that performance goals include responsibility for managing government information resources as a strategic national asset and performance indicators are established to measure the effectiveness of the delivery of public information resources to the public.

**F. Recommendations Pertaining to Amendments to the Printing Act and the Depository Library Act**

Amendments to these two laws are explicitly addressed in the provisions of the proposed new legislation, the Public Information Resources Reform Act of 2001 (PIRRA). However, even if the PIRRA is not enacted, 44 U.S.C. 1901, Definition of Government publication, should be amended so that the definitions of government information resources and public information resources are consistent with those in Section 3502 of the PRA, and so that it is clear that public information resources from all government establishments, regardless of form or format, are to be included in the Federal Depository Library Program. Section 1901 should be amended to read:

1901. Definitions.

"*Government Information Resources*" means all information products or services that are created, compiled, produced, or maintained by or for the federal government, at government expense, or as required by law, regardless of form, format or medium; the term includes both "*Internal Information Resources*" and "*Public Information Resources*." Government Information Resources are a strategic national asset, owned by the people and held in trust by the government, and should be permanently available to the people except where restricted by law.

"*Public Information Resources*" means "*Government Information Resources*" that are *either* (1) created primarily for public use *or* (2) created primarily for internal use, but *not* excluded from public use because they (a) have been determined by the issuing components to be required for official use only or (b) have been determined by the issuing components to be for strictly administrative or operational purposes and have no public interest or educational value, (c) are classified for reasons of national security, or (d) are constrained from disclosure by another statute such as the Privacy Act.

The balance of Chapter 19 must then be amended to incorporate the new definitions. For example, 44 U.S.C. 1902, Availability of Government publications through the Superintendent of Documents, should be amended to read:

1902. Availability of Government information resources through the Superintendent of Documents; lists of public information resources not ordered from Government Printing Office

Public information resources shall be made available to depository libraries through the facilities of the Superintendent of Documents for public use. Each component of the Government shall furnish the Superintendent of Documents a list of such public information resources it issued during the previous month, that were obtained from sources other than the Government Printing Office.

Furthermore, 44 U.S.C. 1711, Catalog of Government publications, should be amended to read:

Sec. 1711. Catalog of Government information resources

The Superintendent of Documents shall prepare and offer for free public access an online catalog of Government information resources which shall identify public information resources within one month of the time they become available, where obtainable, and if the information is for sale by the government, the price. All government establishments shall promptly notify the Superintendent of Documents of the availability of new government information resources in a manner to be prescribed by the Superintendent and shall either provide the Superintendent with access to, or copies of such public information resources for cataloging or provide cataloging information acceptable to the Superintendent. Notification, acceptable cataloging information, and/or access to or copies of public information resources must occur within 10 working days of the availability of public information resources.

**G. Recommendations Pertaining to Amendments of the Government Paperwork Elimination Act (GPEA)**

This law should be amended to ensure that each data element in the agency reporting requirements for the Government Paperwork Elimination Act (GPEA) should be reported in XML and stored in a comprehensive and authoritative registry. The registry should be accessible to the public through the World Wide Web or its successor technology. A survey of the impact of changing the submission format to successor technologies should be undertaken at least once every two years to maintain the utility of the registry.

**SECTION 4. SUGGESTED ADDITIONS TO LAWS GOVERNING LEGISLATIVE AND JUDICIAL BRANCH RESPONSIBILITIES FOR PUBLIC INFORMATION DISSEMINATION**

**A. Recommendations Pertaining to the Legislative Branch**

**1. The Congressional Information Resources Office (CIRO)**

The Congress should establish and fund a new office, the Congressional Information Resources Office (CIRO), with appropriate authorities, functions, funding, and programs necessary to

support the full range of Legislative Branch public information resources management responsibilities.<sup>62</sup>

### **2. Standard clause provision relating to public information dissemination**

The inclusion of a standard clause in the mission statement in the enabling legislation and major programs, incorporating dissemination of public information resources as a primary responsibility, integral to its mission, should also apply to each operating establishment in the Legislative Branch.

### **3. Extension of applicability of key provision of Paperwork Reduction Act**

The scope of the Paperwork Reduction Act of 1995 currently applies only to the Executive Branch. However, selected provisions of Section 3506, particularly Section 3506(d), should be extended to the Legislative Branch as well. To accomplish this, a new Chapter 27 should be added to Title 2 of the U.S. Code.

#### Chapter 27. Public Information Resources

##### Section 1701. Legislative Branch establishment responsibilities

(a) The head of each Legislative Branch establishment shall oversee the use of public information resources as a strategic national asset, owned by the people and held in trust by the government, which should be permanently available to the people except where restricted by law. This oversight shall both improve the efficiency and effectiveness of governmental operations to serve establishment missions, including service delivery to the public, and ensure the proactive dissemination of public information resources so that all Americans may benefit from it.

(b) With respect to dissemination of public information resources, each establishment shall -

(1) ensure that the public has timely and equitable access to the establishment's public information resources, including ensuring such access through

(A) encouraging a diversity of public and private sources for information based on government public information resources;

(B) in cases in which the establishment provides public information resources maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and

(C) establishment dissemination of public information resources in an efficient, effective, and economical manner, including availability of public information resources through the Federal Depository Library Program or its successors;

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<sup>62</sup> This suggestion provides for a limited implementation of the more comprehensive and detailed recommendations in Section 7 of the proposed PIRRA and provides a minimal coordinating office for public information resources management.

- (2) regularly solicit and consider public input on the need for the establishment's public information resources and on the establishment's public information dissemination activities;
- (3) provide adequate notice through publication in the *Federal Register* and other appropriate means when initiating, substantially modifying, or terminating public information resources; and
- (4) not, except where specifically authorized by statute -
  - (A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information resources to the public;
  - (B) restrict or regulate the use, resale, or redissemination of public information resources by the public;
  - (C) charge fees or royalties for resale or redissemination of public information resources; or
  - (D) establish user fees for public information resources that exceed the cost of dissemination.

## **B. Recommendations Pertaining to the Judicial Branch**

### **1. The Judicial Information Resources Office (JIRO)**

The Judicial Branch should establish, and Congress should fund, a new office, the Judicial Information Resources Office (JIRO), in the Administrative Office of the U.S. Courts, with comparable authorities, functions, funding, and programs necessary to support the full range of Judicial Branch public information resources management responsibilities.<sup>63</sup>

### **2. Standard clause provision relating to public information dissemination**

The inclusion of a standard clause provision in the enabling legislation incorporating public information dissemination as a primary agency responsibility integral to its mission should also apply to each operating establishment in the Judicial Branch.

### **3. Extension of applicability of key provision of Paperwork Reduction Act**

The scope of the Paperwork Reduction Act of 1995 currently applies only to the Executive Branch. However, selected provisions of Section 3506, particularly Section 3506(d), should be extended to the Judicial Branch as well. To accomplish this, a new Section 465 could be added to Title 28 of the U.S. Code.

#### Section 465. Judicial Branch establishment responsibilities

- (a) The head of each Judicial Branch establishment shall oversee the use of public information resources as a strategic national asset, owned by the people and held in trust by the government, which should be permanently available to

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<sup>63</sup> This suggestion provides for a limited implementation of the more comprehensive and detailed recommendations in Section 7 of the proposed PIRRA and provides a minimal coordinating office for public information resources management.



the people except where restricted by law. This oversight shall both improve the efficiency and effectiveness of governmental operations to serve establishment missions, including service delivery to the public, and ensure the proactive dissemination of public information resources so that all Americans may benefit from it.

(b) With respect to dissemination of public information resources, each establishment shall -

(1) ensure that the public has timely and equitable access to the establishment's public information resources, including ensuring such access through

(A) encouraging a diversity of public and private sources for information based on government public information resources;

(B) in cases in which the establishment provides public information resources maintained in electronic format, providing timely and equitable access to the underlying data (in whole or in part); and

(C) establishment dissemination of public information resources in an efficient, effective, and economical manner, including availability of public information resources through the Federal Depository Library Program or its successors;

(2) regularly solicit and consider public input on the need for the establishment's public information resources and on the establishment's public information dissemination activities;

(3) provide adequate notice through publication in the *Federal Register* and other appropriate means when initiating, substantially modifying, or terminating public information resources; and

(4) not, except where specifically authorized by statute -

(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information resources to the public;

(B) restrict or regulate the use, resale, or redissemination of public information resources by the public;

(C) charge fees or royalties for resale or redissemination of public information resources; or

(D) establish user fees for public information resources that exceed the cost of dissemination.



*A Comprehensive Assessment of Public Information Dissemination* is published in 4 volumes.

Volume 1 is available in electronic form at <http://www.nclis.gov/govt/assess/assess.vol1.pdf> and in print. It contains the executive summary, the report and Appendices 1 through 10.

Volume 2 is available in electronic form at <http://www.nclis.gov/govt/assess/assess.vol2.pdf> and in print. It contains Appendices 11 and 12, the Legislative and Regulatory Proposals.

Volume 3 is available only in electronic form at <http://www.nclis.gov/govt/assess/assess.vol3.pdf>. It contains Appendices 13 through 34, the Supplementary Reference Materials.

Volume 4 is available only in electronic form at <http://www.nclis.gov/govt/assess/assess.vol4.pdf>. It contains Appendix 35, Compilation of Recent Statutes Relating to Public Information Dissemination.

The Commission web page containing other documents related to *A Comprehensive Assessment of Public Information Dissemination* is at <http://www.nclis.gov/govt/assess/assess.html>.

**U.S. National Commission on Libraries and Information Science**

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