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# United States Senate

COMMITTEE ON  
RULES AND ADMINISTRATION  
WASHINGTON, DC 20510-6325

Thursday, October 3, 2002, 9:00 a.m.  
SR-301, Russell Senate Office Building

Hearing on the Nomination of  
Bruce R. James, of Nevada, to be Public Printer

## Witness List

Bruce R. James  
Incline Village, Nevada

PANEL:

Benjamin Y. Cooper  
Executive Vice President  
Printing Industries of America, Inc.  
Alexandria, Virginia

Joan F. Cheverie  
Head, Government Documents Department  
Lauinger Library  
Georgetown University  
Washington, DC  
Speaking on behalf of the  
American Library Association and the  
Special Libraries Association

Robert S. Willard  
Executive Director  
National Commission on Libraries  
and Information Science  
Washington, DC  
Representing Martha B. Gould  
Chairperson, NCLIS

OPENING STATEMENT OF  
THE HONORABLE MARK DAYTON  
COMMITTEE ON RULES AND ADMINISTRATION  
UNITED STATES SENATE  
HEARING ON  
NOMINATION OF BRUCE R. JAMES, OF NEVADA, TO BE PUBLIC PRINTER  
OCTOBER 3, 2002

I want to thank Chairman Dodd, who couldn't be here for this part of this morning, but who has graciously agreed to our proceeding here today and to expediting this part of the process that you are going through. As we discussed when we met together, it has been one that would dissuade anybody who wasn't as sincerely devoted to the assignment which lies ahead, and I commend you for your patience and your endurance.

I was concerned when I read recently a comment that somehow this body was impeding this nomination, because I think that, in fact, nothing could be farther from the truth. We received this nomination in the Rules Committee, it is my understanding, just on August 1<sup>st</sup>, which was one or two days before we took our August recess. So on the legislative calendar, we have had your nomination before us for just a month, and it has been at a time where we have a lot of other matters before the Senate. And as I say, I want to ask Senator Dodd to assist in expediting this matter, and I believe that he has done so and that, as Chairman of the Joint Committee on Printing, I have endeavored to fulfill my responsibility by doing it, as well. So I am distressed that some are considering us to be impeding this process when I view that we are doing exactly the opposite.

You have the courage of your convictions to address – I previewed your testimony – the matter that you are going to be walking into, and I want to make a couple of brief comments on that.

When Mr. James came to visit me, I facetiously asked him why in the world he would want to take on this assignment, not because, as I agree with Senator Ensign, of the enormous importance of this position but because of the turmoil which is surrounding it. And I must say I have been even more in the last several days concerned about the way in which this matter has been pursued.

Now is has gotten so that the Office of Management and Budget spokeswoman a week ago is saying that a 1996 Justice Department opinion said the Congress cannot force the Executive Branch to go through the Government Printing Office, which is a Legislative Branch agency, and she is quoted as saying then, "The provision is unconstitutional and will, therefore, be treated as nonbinding."

I was really anxious to meet this person in OMB because, you know, I never realized that there was somebody there who had the authority to declare matters of law unconstitutional. So I was actually going to go try to find her, and then I received a copy of the statement made by the President when signed into law the continuing resolution.

And I have known the President for many years. He was a year ahead of me in college. And we didn't spend a lot of time discussing the Constitution there, but I have known him for all those years, and his career in public service, and I know that he is a man of honor and a man who takes his oath of office very seriously, as I do. I was, frankly – and I know that he is concerned with very important matters affecting this country and this world these days, and I don't think that he writes and has a chance to review the matters that he signs. But to have a statement issued in his name that says that this section in the continuing resolution which restates this law that has been in place for over 100 years, that it would – the longstanding position of the Executive Branch memorialized in a May, 1996, opinion of the Department of Justice is that this language violates the Constitutional principles of separation of powers and, therefore, is not binding on the Executive Branch, referencing a memorandum from an Assistant Attorney General May 31<sup>st</sup> of 1996. I think it is probably the first matter decided by the Department of Justice during that Administration that somebody in this Administration agrees with.

But that aside, it reflects – and I think that this has been – now is being elevated to a point where I am starting to become far more concerned than I was when it was originally decreed by Mr. Daniels that the Executive Branch was going to proceed in its own way on these matters.

We can have our disagreements about matters of policy, and there are ways in which those can be resolved often just by sitting down together and working out some agreement. And that wasn't ever attempted, at least not with regard to this Senator as Chairman of the Joint Committee on Printing. I wasn't aware of any concern about the existing arrangement, nor was I aware of any intention to deviate from it until I received a copy of the statement made last spring, not even the courtesy of a forewarning or forenotice.

And then if there are matters that any of us disagree with in performance of our duties, there are opportunities to change the law, and certainly we have plenty of those matters proceeding. And I have been here these two years, and I am not aware of any, and I am certainly not aware of, since, again, I became Chairman of the Committee, any approaches to me to modify this arrangement in ways that might be more suiting of those who are now in the Administration.

But then when it comes to how you resolve matters of disagreement between one branch of Government and another and who has the authority to decide that something is unconstitutional and to act accordingly, I find it far more distressing that someone at the level of the Director of the Office of Management and Budget would take the position that it is his prerogative or an Assistant Attorney General's prerogative to determine what is unconstitutional, and then have the Executive Branch, especially at that high level, act according to its own dictates.

I am not a lawyer, but I went back and checked my history books, and it goes back 199 years to *Marbury v. Madison*, a landmark case in which Chief Justice John Marshall, with a unanimous verdict of the Supreme Court, said that it is the jurisdiction

of the court and ultimately the Supreme Court to decide what are matters that are Constitutional and what are unconstitutional. And, in fact, in that instance, a member of the Executive Branch had acted in ways in which the Court determined were in violation of his public duty.

I think back to where in this country a President of the United States in a dispute with Congress, after a ruling by the Supreme Court, turned over tapes that resulted in his resignation and what kind of Constitutional crisis we would have had in this nation had he refused to accept the Court as that authority.

I think back to just a shorter while ago when, by one vote of the Supreme Court, a decision was made as to who was going to be the next President of the United States and the extraordinary statement it made about this country that the entire nation, those who agreed and those who disagreed, abided by that decision. And I don't recall anybody raising the question of whether it was not the United States Supreme Court who was the sole authority to determine whether something was Constitutional.

So it seems to me that if anybody should come into this high position with particular reverence for the Constitution of the United States and the way in which these resolutions are to be decided, there would be someone coming in as part of that Administration, and I am really, as I say, alarmed that this matter has been placed in this context. And I don't know if there is anyone from OMB or anybody from the Administration who is here today, but I would urge, before other words are written or other statements regarding continuing resolutions, that they be framed in reference that is more in keeping with the solemn responsibilities that all of us have to uphold the Constitution and to abide by it.

I would point out that while this Justice Department opinion was, in fact, written or memorialized, if you want to use that term, Howell Heflin, a famous former Federal judge and United States Senator, once said that he learned early in his practice of law that – he said, “My mentor told me if the law is on your side, argue that law. If the facts are on your side, argue the facts. If neither are on your side, raise your voice and pound the lectern.” And I think in this case maybe you would use the word “memorialize,” but it is one thing for this Assistant Attorney General to have an opinion and to write it, but I think it should be considered that I don't, to my knowledge, believe that the Assistant Attorney General nor the Attorney General advised their client, then the President of the United States, or anyone in that Administration to, on the basis of that opinion, violate the law or ignore the law or disregard the law. And this is a law that, as I said, has been around since 1895. It has been followed by Democratic and Republican Administrations. It has been applied by Democratic and Republican Senates and Houses. And the fact that the Republican Chairman of the House Appropriations Committee last week reaffirmed the matter that was put into this resolution and the principles and the matter of law that it restates I think says, again, that this is not a partisan matter. I don't think printing is a Republican or a Democratic matter. I don't think these matters of how we can make Government run more effectively and efficiently are the province of any particular party or persuasion. And we can have honest disagreements, but how matters are addressed by

those in power and the fundamental principle that no one is above the law or beyond the law I think is profound in the foundation of this country. And it disturbs me enormously that on a matter like this it is being treated this way.

So, with that rather somber prelude – but I did want to have the opportunity to say it for the record, Mr. James, and I apologize for taking this time, but as I say, I commend you for your willingness to come into this situation with the foreknowledge of it and the complications that it would present to you or any other Public Printer. We have been very, very fortunate, in my judgment, to have had an excellent Public Printer over these last years, Mr. DiMario, who has stayed in this office now during a challenging time, during a time when he presumably sensed really in the term of this Administration that perhaps he was not going to be continuing, and has continued to devote himself to that position and the agency in which he has served for over 20 years for the last year and a half so we could come to this point today. So I give him enormous credit for his dedication to the office and to the organization and his professionalism in persisting through this time.

If you are confirmed, then that will become your challenge, and the fact that you are leaving, as Senator Ensign said – you used the word “retirement” in your biography, but I don’t think you have been retired in the normal scheme. You are serving on such a wide range of public charities and public service organizations and the like and chairing them. You take off from one job to about 17 of them, as I read it, and I think the fact that you are willing, as you expressed to me, to come into this matter with your enthusiasm, with your expertise, your years of experience I think is one that I find very, very impressive. And I thank you for appearing before the Committee, and now I will turn it over to you.

\* \* \*

Bruce R. James

Written Testimony Prepared for the  
Public Printer Confirmation Hearing  
Before the  
United States Senate  
Committee on Rules and Administration

October 3, 2002

Mr. Chairman and Members of the Committee,

It is a high honor and privilege to appear before you as the President's nominee to be the 24<sup>th</sup> Public Printer of the United States. There are few posts in government and few federal agencies that have stood the test of time as well as that of the Public Printer and the U.S. Government Printing Office. I recognize the responsibility associated with accepting such a mantle. I intend to do my best to uphold the tradition of the office while providing the leadership required to guide the agency into a new era to ensure that it remains relevant for years to come.

I would like to share with you the background that has prepared me to accept this post, outline for you how I propose to tackle the job, and lastly share with you some

of my thoughts regarding the current controversies surrounding the agency.

Like most of you, I grew up in a post-World War II America that was filled with hope, promise and seemingly unending opportunity. We lived in Cleveland where my father was a steelworker, not a manager but a worker who used his brawn and brains for 41 years in the heat and noise of a hot-strip mill to make steel for automobiles and appliances. My mother was a full-time homemaker. Neither was college educated but both believed passionately that the way to a fuller and richer life was through the best possible formal education. When I graduated from Rochester Institute of Technology in 1964 I was the first-ever in our family and was followed to college thereafter by my two younger brothers and now our children.

I chose RIT because of my interest in printing. I had bought my first printing press when I was 11 from paper route savings and taught myself how to print. By the time I was in high school I had a dozen youngsters working part-time in my basement plant setting type, and running our offset and letterpresses. RIT offered then and to this day the finest college education in the world for printing

professionals through its School for Printing Management and Sciences. The education was divided roughly in thirds: liberal arts, classroom instruction in business management, and laboratory instruction in every aspect of producing and controlling printing and papermaking. It was a full and fast four years.

The economy was bustling when I graduated in 1964 and I chose to go to work at a mid-size printer in Evansville, Indiana, the Keller-Crescent Company, regarded by many as one of the highest quality and best managed diversified printing companies in the country. There, probably because of my outgoing personality, the managers directed me toward selling, using my technical knowledge to guide our large customers throughout the Midwest and East in how best to accomplish their communication objectives. Both the company and I experienced success so that by 1970 at the age of 27 I was Vice President of Client Services and the company was sold to American Standard, going on to become one of the largest printing companies in America. But, on the sale of Keller-Crescent to American Standard I was at a crossroads. The dilemma was whether to move forward in climbing a new and larger corporate ladder or striking out on my own.



By then I had formulated some ideas about how computers could be used in the process of making printing in ways that had never been tried before. I decided to move to San Francisco to try my ideas because it would give me close access to both scientific talent and a marketplace open to innovative ideas.

That move in 1970 proved to be a great success. I founded, built, and managed several enterprises, mostly in the printing and publishing fields, forged industry innovations using computers in such ways as digitizing graphics for automated merger with electronic text and the electronic delivery of parsed legal information to lawyers' desktop computers. We built the first fully automated system for digital printing of custom publications from a computer database to meet individual customer specifications. Our customers included the U.S. Government (through the GPO), the federal courts directly, and the world's largest banks, publishing, and industrial organizations, spanning more than 20 countries on 4 continents. One of our businesses, Barclays Law Publishers, was selected by Inc. Magazine for four straight years as one of America's 500 fastest growing companies.

Along the way, I was honored to be given the opportunity to serve on boards and chair several community and educational organizations as well as local, regional and national trade associations for the printing and information industries. However, without question, my highest and most humbling honor was to be named by my alma mater as its Outstanding Alumnus.

Since retiring in 1993 at the age of 50, my wife and I have lived at Lake Tahoe where I have devoted my life to public service, serving on the boards of 17 non-profit organizations, including the boards of five colleges and universities, where my interest is in ensuring that all Americans have the best possible education in meeting the challenges and opportunities of our times. This fall I will become Chairman of the Board of Trustees of Rochester Institute of Technology, now one of the nation's largest private universities.

Because of my printing background I have known about the Government Printing Office and its mission for most of my life. It has been a proud history, one built on innovation, craftsmanship, scale, flexibility and a

singular dedication to meeting the printing needs of our government and the information needs of our people. It has served Congress and this nation well.

But, as you well know, the past is not necessarily prologue to the future. Printing, once the world's only mass communications medium, has seen its sun eclipsed first by radio, then television and now the Internet.

You have heard the coming of the Internet compared to the coming of the printing press. Many have wondered whether the Internet will eventually replace printing as we know it. Perhaps, but not in our lifetime and for many years thereafter. Instead, we have a period in front of us where we will need to sort out what continues to belong in print and what best belongs in information retrieval systems that allow users to define their own information needs, then search against a huge database of information to retrieve only what is needed.

And therein lies the challenge for the GPO. Like every other manufacturing business in America, the GPO is going to have to re-engineer itself if it is to remain relevant and viable for the future. It must step back and take a

new look at the changing and emerging information needs of its customers and develop a deeper understanding of its true strengths so that it can determine how best to build a new business model. Then it must convince Congress and its customers to support its plan. As Public Printer I will lead this effort.

As a first step we will determine the facts regarding our strengths and weaknesses and the problems and opportunities facing the agency. Once we have general agreement on the facts from our customers, information users and employees, then we can begin to build a plan. The plan will present a new vision for the GPO, set our specific and measurable short and long term objectives and goals, and will have budget and timetable details. Assuming the plan gains the support of Congress and our customers, we will proceed with implementation.

In the meantime, while the fact finding and planning is in process, there is still an agency to run. The GPO is blessed to have one of the printing industry's top craft labor forces, supported by many talented and dedicated staff people, all led by an experienced management group. However, I believe the organization will benefit by more

exposure to management, technical and financial expertise developed in the private sector and at other government agencies. I intend to address this as soon as possible by introducing a few broadly experienced new people, increasing the resources dedicated to new and emerging information technologies, and expanding the partnerships in place with the private sector, educational institutions, and other government agencies.

On a final note, I would like to touch on the controversy that has arisen as a result of the Office of Management and Budget's May 3, 2002 Memorandum to the heads of Executive Departments and Agencies, effectively instructing their 5,000 print-buying entities to deal directly with the nation's 40,000 printers, rather than follow the requirements of Title 44 of the U.S. Code.

I have not studied this issue. I have had no communication with the White House or the OMB, nor have I had anything other than cursory conversations with the GPO regarding the issue. As I see it, this is an issue between Congress and the Executive. I'm coming to Washington to follow the law which I will do until you change it.

However, before dropping this matter, I have heard from government document librarians throughout the country and I am sure that they would appreciate my sharing their views with you. As you know, the GPO is charged by Congress with both producing information products and distributing them. Since 1813 Congress has had a policy that all non-classified information created by the government should be made easily available to the public and maintained in perpetuity. That policy is carried out through the GPO's 1300 member depository library system wherein copies of all known government publications are shipped to library locations throughout the country where any citizen may walk into the library and have free access to government information.

The keyword is "known" government publications. The library community refers to unknown publications as fugitive documents. There is only one government operation dedicated to the task of documenting, cataloging and distributing government information products and that is the Superintendent of Documents operation within the GPO. Hand-into-glove as the GPO either produces or acquires information products for government departments and agencies it delivers copies to the Superintendent of

Documents for both free distribution to depository libraries and sales to the general public. For 185 years this system has worked with precision ensuring free public access to government information throughout the United States.

Librarians know from past experience that when departments and agencies produce their own publications there is a strong likelihood that those publications will not make it into the Superintendent of Documents system for cataloging and distribution, thus ending up as fugitive documents known only to a chosen few. It is not because of malice or forgetfulness on the part of department and agency personnel. It is simply that within the 5,000 separate Executive buying entities, with their ever-changing personnel, the depository library system created by Congress is little known or understood or valued. They are focused on their own mission and their audience for their information, often with no understanding of the broader context in which government documents are used by researchers and the general public.

Librarians throughout the country seem certain Congress would not like to see nearly 200 years of systematic effort

to broadly distribute and preserve U.S. Government information inadvertently undermined. We all hope this controversy is resolved quickly, peacefully, and constructively with the OMB.

As I was preparing these remarks, my wife pulled out a speech that I had given many years ago, describing what it was like to receive a printing education at RIT. I talked about talented professors who revealed the mysteries of this craft so as to teach us the history, art and technical principles of printing. Most important of all, these were professors who thought of printing as a sacred mission.

The mission was clear and simple. We were being handed a torch to carry forth in our lifetimes, to continue the mission begun in the 15<sup>th</sup> century of promoting the free flow of information to the masses.

I took this seriously. I still do.

It will be my honor to lead the GPO as we enter the next information era. At the end of the day, I hope I will have headed a highly motivated, quick responding,



technologically innovative, world-class organization that will make us all proud.

Thank you for the opportunity to address the Committee and I will be pleased, of course, to answer any questions you may have.

TESTIMONY OF  
BENJAMIN Y. COOPER  
EXECUTIVE VICE PRESIDENT  
PRINTING INDUSTRIES OF AMERICA, INC.

SENATE RULES & ADMINISTRATION COMMITTEE  
NOMINATION HEARING FOR BRUCE R. JAMES

TO BE

PUBLIC PRINTER, U. S. GOVERNMENT PRINTING OFFICE

OCTOBER 3, 2002

For additional information, contact:  
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I am pleased to offer the unqualified support of the Printing Industries of America to the nomination of Bruce R. James to be the Public Printer of the United States. Bruce James is representative of the characteristics that exemplify the members of our industry – a strong family man, a successful entrepreneur, a man of ideas and actions and a natural leader.

When I initially discussed the Public Printer position with Bruce, his first question was what could he accomplish as Public Printer. He did not want to disrupt his life in Nevada to take on a relatively thankless job in Washington if there was no prospect of making a meaningful contribution. I suggested that he would have an opportunity to improve federal information policy, which has the greatest affect on our industry. We discussed the different aspects of the position such as the importance of the Superintendent of Documents, the federal depository library system and the role of the legislative branch of government as the source of government information. Since this initial discussion, Bruce has been considering the ways he might be able to enhance the role of the Government Printing Office (GPO) in these important areas. I am convinced it was the opportunity to improve the dissemination of federal information that attracted Bruce to the position and I am certain that if any member of our industry can make a meaningful contribution it is Bruce James.

The one characteristic that has typified our relationship with Bruce is commitment - if he commits to doing something it will be done. He has spent his entire career involved in the printing industry, beginning as a graduate of Rochester Institute of Technology, one of the outstanding universities in the United States with a top notch print management program. He went on to become CEO of Barclays Law Publishers and has remained active in the industry and many civic organizations including the National Technical Institute for the Deaf and the United Way's Alexis de Tocqueville Society. Bruce has always shown a deep ongoing commitment to intellectual advancement and he brings with him a great knowledge of the needs and concerns of the printing industry.

It is easy to dismiss the GPO as an anachronism. While changes are needed it has been difficult to move the process of modernization along given the many priorities of Congress and federal agencies. However, as federal information becomes more diffused through electronic dissemination, issues of access, security and permanency will become more criticized. These are issues that require strong leadership and commitment. PIA is convinced Bruce James is the person for the job and urges his prompt confirmation.

**Statement of  
the American Library Association and the Special Libraries Association  
for the Hearing of the Senate Rules and Administration Committee  
on the Nomination of Bruce James  
to be Public Printer, Government Printing Office  
October 3, 2002**

The American Library Association and the Special Libraries Association appreciate this opportunity to submit to the Senate Rules and Administration Committee our comments on the role of the Public Printer in access to and dissemination of federal government information. Mr. James will face many challenges of critical importance that will affect how the public will be able to find and use government information. These are discussed below.

As Committee members are keenly aware, the Founders were committed to the principle that public access to government information is a basic right of the American public so that all person can participate in our democracy and hold our government accountable. The Federal Depository Library Program was established more than a hundred and fifty years ago so that our Government could meet its affirmative obligation to efficiently and equitably disseminate and provide broad public no-fee access to its information.

Other government responsibilities include guaranteeing the authenticity and integrity of its information; creating the necessary tools so that government information can be easily located; ensuring that government information remains in the public domain; and guaranteeing its continuous, permanent availability and preservation. There is also a strong Federal responsibility to adequately fund these functions for the public good, for the health and safety of all the public, and the economic well-being of our Nation.

The Federal Depository Library Program

Government information librarians working with and for the American public, rich and poor, young and old, rural and urban, know first-hand the importance and impact that government information has on the health and lives of the American public. The more than 1300 Federal Depository Libraries spread across this great Nation, including public, academic, law, special, federal agency, research and medical libraries, provide access to tremendous amounts of critically and historically important federal government information in all formats and on a wide variety of subjects.

GPO provides federal agencies with an efficient and transparent mechanism to meet Title 44 U.S.C. obligations in keeping the American public informed of federal agency operations, plans, and activities. The integral part of the mechanism is the Federal Depository Library Program. GPO procures and manages the printing contracts for agency publications, facilitating agencies' compliance with Section 501 provisions of Title 44. GPO secures the copies required for depository libraries and distributes these copies to the libraries at no cost to the issuing agency. GPO also catalogs and classifies each publication. This process has proven to be the most cost-effective, efficient, and productive means of information dissemination between federal

agencies and the American public. In the highly decentralized world of electronic information, there is a critical need for centrally coordinated library-related services through the Superintendent of Documents. More than thirteen hundred depository libraries individually making arrangements with hundreds of federal agencies for access to government information equals chaos and inequitable service. The government's responsibility to make available to depository libraries government publications in both tangible and electronic formats is successful because of the necessary partnerships developed between the federal government, the GPO, and the Federal Depository libraries.

The FDLP is also an incredible source of historic and archival information. The depository library, located in each Congressional district, provides access to current congressional and federal agency information, and also is an access point and repository for the nation's history. Regional depository libraries in particular, located in almost every state, contain a wealth of historic federal and congressional information. Government information librarians working within these depository libraries maintain these valuable resources are available for all the American public and assure public access to government information.

We strongly believe that the Public Printer, in conjunction with GPO, should continue to take and provide a leadership role in federal agency printing procurement and permanent public access. We hope that Mr. James will continue the Public Printer's role as a staunch advocate of this position.

#### Fugitive Publications

Documents distributed in paper or microfiche through the FDLP are preserved permanently in the regional depository libraries that serve all states, thereby providing multiple points of permanent public access. Librarians and users continue to be frustrated, however, by having to track down missing or fugitive documents; by the persistent removal of important government resources from the public domain; by agencies that contract with private publishers and fail to supply important government resources to the Superintendent of Documents for distribution to depository libraries; or by agencies that enter into licensing agreements that prevent or curtail the distribution and use of government information. The information becomes inaccessible and thus useless to the American public whose tax dollars have supported its creation. These actions are counter to the principles of public access that we all uphold. They have fiscal implications as well in that they increase the costs to government and to libraries in administering and providing access to government information, and to the public in locating and using government information.

#### Permanent Public Access in the Electronic Environment

Today Congress, government agencies, and the courts are increasingly using state of the art technologies to create and disseminate more government information through the Internet. Anticipating the need for virtually centralized public access, Congress enacted the GPO Electronic Information Access Act of 1993 (Public Law 103-40) mandating the creation of GPO Access, a central access point within the Government Printing Office (GPO) for electronic government information. Just as the government has an affirmative obligation to provide current access to its information, in the digital arena this obligation extends to ensuring the *preservation*

*of and permanent public access* to electronic government publications. GPO should continue to foster and to play an important role in federal agency information dissemination practices and permanent public access.

We believe that a system of permanent public access can be accomplished through a comprehensively coordinated program that includes Federal agencies, the Superintendent of Documents, the National Archives and Records Administration, the Library of Congress and other national libraries, depository libraries, and other library partners. We encourage Mr. James to pursue initiatives already instituted and to advance this process.

#### Locating, Using and Trusting Government Information

The government's obligation to the public includes *creating the necessary finding tools* so that government information, in whatever format, can be easily located and used. Numerous studies have concluded what many frustrated users of government information, including librarians, know for a fact—that locating the government data or document one needs is often exceedingly frustrating because "finding tools" are inadequate and not comprehensive. This problem is complicated by the fact that web-based government information that one might have accessed a month or year ago may have disappeared from an agency web site into a black hole. While many agencies do a great job of posting important electronic documents to their web site, there is often no recognition of the value of that information to the public and the need for it to be available for continuous future use and for preservation.

Additionally, we must also develop mechanisms to *ensure the authority and integrity of information* available on agency Web sites. Users must be assured that the information they locate is, in fact, official.

#### Depository Library Council

Another matter of importance is the role the Depository Library Council (DLC) plays as a 15-person advisory body to the Public Printer. Established in 1972, the DLC has advised the Public Printer in matters involving depository library operations, information dissemination, technology, cataloging and other areas. The DLC members, appointed by the Public Printer, and drawn from all sections of the library and information communities and bring a wealth of knowledge and experience that past Public Printers have relied upon during crucial decision-making times.

Again we thank the Senate Rules and Administration Committee for allowing us the opportunity to voice our principles about the role of GPO in the dissemination and permanent public access to federal government information at this hearing on the nomination of Mr. James as the next Public Printer of the United States. We look forward to working with Mr. James in striving to maintain and strengthen GPO's role in federal information dissemination programs.

**Statement of Martha B. Gould  
Chairperson  
U.S. National Commission on Libraries and Information Science**

**Before the  
Committee on Rules and Administration  
United States Senate**

**On the Nomination of Bruce R. James  
To the Office of Public Printer**

**October 3, 2002**

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to present my views on the qualifications of Bruce James to serve as Public Printer, chief executive of the U.S. Government Printing Office. I am delighted that a fellow Nevadan has been selected for this position and I strongly support his speedy confirmation and appointment. Until my retirement in the mid-nineties, I was the director of the Washoe County Public Library based in Reno where I have lived more than a quarter century. Mr. James also resides in Washoe County and is a strong contributor to both the civic and philanthropic life of his community.

However, I do not base my support for Mr. James on what he has done for his fellow citizens in Nevada, but rather on what he can do for the citizens of this Nation in the area of government publishing and information services.

The National Commission on Libraries and Information Science (NCLIS) is a permanent and independent agency of the Federal government, established by law in 1970 to provide policy advice on the library and information needs of the American people. Members of the Commission are appointed by the President upon confirmation by the Senate and serve part-time. The Commission normally meets four or five times a year and is supported by a small full-time professional staff. I was appointed to the Commission in 1994 and was named chairperson by President Clinton in 2000 following the death of my predecessor, Jeanne Hurley Simon, the wife of former Senator Paul Simon.

The Commission has, throughout its history, paid special attention to policy issues concerning information created by the Federal government. Indeed, the principal Senate sponsor of our enabling statute, Ralph Yarborough of Texas, emphasized this aspect of our mission when he explained the legislation to his colleagues on the floor of the Senate three decades ago.

More than a decade before the Commission was created, Bruce James was beginning his career in the printing and information business. He has hands-on experience with all aspects of the printing trade. He bought his first printing press when he was eleven years old; in high school, he

employed a dozen young people in a printing business. He graduated from Rochester Institute of Technology's School of Printing Management and Sciences in 1964. He initially joined an established printing company, now more than a century old, but after moving to California in 1970 he began to demonstrate his entrepreneurship and technological leadership. He established a number of printing and publishing businesses. His Uniplan Corporation pioneered the use of computers in production of printing and electronic image generation. Barclays Law Publishers developed a complex, computer-driven process, using print on demand techniques, to bring order to the production of the administrative regulations of the state of California. Consistent in all of Mr. James' endeavors was demonstrated leadership and a comprehensive understanding of the potential of information technology.

This leadership and technological understanding will be indispensable as Mr. James faces the broad array of challenges in running the Government Printing Office. Among these challenges, the National Commission is particularly interested in the following:

*Access to public information.* It is a strength of the American government that information created by the government belongs to all the people. While there are limited exceptions to safeguard personal data about individuals and national security information, no restriction on subsequent use of most public information may be imposed. GPO, with its statutory provisions to provide information to the public through its sales program, to make available printing plates and other "reproducibles," and to operate the GPO Access system for electronic information, plays a unique role in affording this required access.

*Federal Depository Libraries.* For well over a century, the American people have had a ready means of access to material printed by the government. Nearly 1300 libraries throughout the Nation have been designated to receive at no cost information products produced by the government; these institutions agree to safeguard the material and make it freely available to the public. As information becomes increasingly available electronically, new roles and responsibilities have been and will continue to be assigned to depository libraries.

*Fugitive documents.* Despite best efforts, there is a body of information created by the government that does not find its way to the depository library system. Frequently, documents produced by agencies independently of GPO (either with or without a waiver from Congress) fail to be provided to GPO for distribution to the depository libraries. This problem is exacerbated in an electronic environment. Information that is available one day on a government agency's web site may disappear the next day with no explanation or means to recover it.

Throughout its history, and especially in recent years, the National Commission has worked closely with GPO in addressing issues affecting the right of the people to have access to information produced by the Federal government. In 1990, NCLIS adopted a statement of "Principles of Public Information" that succinctly laid out the policy framework in which GPO and all Federal agencies ought to operate regarding the creation and distribution of information. (I have included a copy of these principles with my testimony and request that it be included in the record.) In 1998, at the request of the Congressional Joint Committee on Printing, the Commission engaged in a landmark study concerned with the creation, use and long term



preservation of government information; this study focused on the issue of formats, mediums and standards used by the government when information is in electronic form.

In 1999, the Secretary of Commerce proposed closing one of the Nation's major scientific and technical information resources, the National Technical Information Service (NTIS), organizationally housed in the Commerce Department but serving the needs of all agencies as well as the public at large. The Commission examined this proposal and concluded that additional study was needed before any closure. Further, it was found that NTIS was part of the Nation's overall information handling capabilities, and any decision about its future should only be made in the context of a comprehensive assessment of such capabilities.

Senator John McCain (on behalf of the Commerce, Science and Transportation Committee) and Senator Joseph Lieberman (on behalf of the Governmental Affairs Committee) agreed, and in the summer of 2000 they formally requested the Commission to perform such an assessment. Drawing on the resources of more than 100 volunteers (senior executives in the government as well as in the library, publishing, and information communities), the Commission prepared a multi-volume report that was delivered to Congress in early 2001. This report contained more than 30 specific recommendations as well as extensive findings and conclusions.

The detailed substance of these recent Commission reports is beyond the scope of this hearing, but I am pleased to say that Mr. James has accepted a complete set of reports and is using them as a part of his efforts to comprehend the issues facing the Government Printing Office at the dawn of the 21<sup>st</sup> century. (These reports are available on the Commission's web site, [www.nclis.gov](http://www.nclis.gov) under the "Government Information Policy" link.) I am hopeful that the Commission will continue to be in a position where it can study the issues involved in the creation, use, and permanent public access of government information and make further policy recommendations that GPO as well as Congress may consider and find helpful.

I cannot ignore in my testimony one of the most significant policy issues facing Mr. James immediately upon his appointment, although I do not intend to address it at any great length – that is, the recent memo from the Director of the Office of Management and Budget regarding agency printing. The Commission has not examined the issue thoroughly and it cannot comment on the claims for increased savings if agencies procure printing without going through GPO. Personally, I wonder if each agency will be able to develop the expertise already present in GPO's procurement operation. I am concerned that prices charged by individual printers will increase as they augment their sales staff to deal with a multitude of purchasing agents throughout the government. I am especially concerned that bypassing GPO will lead to a massive increase in the problem of fugitive documents. Finally, I question how OMB can direct agencies to ignore statutory law based on a single legal opinion from the Department of Justice. It seems to me that either a court has to rule the law invalid or the legislative process, involving the Congress with approval by the President, has to replace the existing law that requires agencies to use GPO as their source of printing. In any event, the Commission will make itself available to work with GPO, OMB and the Congress to address issues raised in the OMB memo if it is so desired.

Thank you for the opportunity to share my thoughts on the appointment of Bruce James and some of the issues he will face. I recommend speedy approval of his nomination by the Senate.

# *Principles of Public Information*

## **Preamble**

*From the birth of our nation, open and uninhibited access to public information has ensured good government and a free society. Public information helps to educate our people, stimulate our progress and solve our most complex economic, scientific and social problems. With the coming of the Information Age and its many new technologies, however, public information has expanded so quickly that basic principles regarding its creation, use and dissemination are in danger of being neglected and even forgotten.*

*The National Commission on Libraries and Information Science, therefore, reaffirms that the information policies of the U.S., government are based on the freedoms guaranteed by the Constitution, and on the recognition of public information as a national resource to be developed and preserved in the public interest. We define **public information** as information created, compiled and/or maintained by the Federal Government. We assert that public information is information owned by the people, held in trust by their government, and should be available to the people except where restricted by law. It is in this spirit of public ownership and public trust that we offer the following Principles of Public Information.*

## **Principles**

### **1. The public has the right of access to public information.**

*Government agencies should guarantee open, timely and uninhibited access to public information except where restricted by law. People should be able to access public information, regardless of its format, without any special training or expertise.*

### **2. The Federal Government should guarantee the integrity and preservation of public information, regardless of its format.**

*By maintaining public information in the face of changing times and technologies, government agencies assure the government's accountability and the accessibility of the government's business to the public.*

### **3. The Federal Government should guarantee the dissemination, reproduction, and redistribution of public information.**

*Any restriction of dissemination or any other function dealing with public information must be strictly defined by law.*

### **4. The Federal Government should safeguard the privacy of persons who use or request information, as**

*well as persons about whom information exists in government records.*

### **5. The Federal Government should ensure a wide diversity of sources of access, private as well as governmental, to public information.**

*Although sources of access may change over time and because of advances in technology, government agencies have an obligation to the public to encourage diversity.*

### **6. The Federal Government should not allow cost to obstruct the people's access to public information.**

*Costs incurred by creating, collecting and processing information for the government's own purposes should not be passed on to people who wish to utilize public information.*

### **7. The Federal Government should ensure that information about government information is easily available and in a single index accessible in a variety of formats.**

*The government index of public information should be in addition to inventories of information kept within individual government agencies.*

### **8. The Federal Government should guarantee the public's access to public information, regardless of where they live and work, through national networks and programs like the Depository Library Program.**

*Government agencies should periodically review such programs as well as the emerging technology to ensure that access to public information remains inexpensive and convenient to the public.*

## **Conclusion**

*The National Commission on Libraries and Information Science offers these Principles of Public Information as a foundation for the decisions made throughout the Federal Government and the nation regarding issues of public information. We urge all branches of the Federal Government, state and local governments and the private sector to utilize these principles in the development of information policies and in the creation, use, dissemination and preservation of public information. We believe that in so acting, they will serve the best interests of the nation and the people in the Information Age.*

*Adopted by the U.S. National Commission on Libraries and Information Science, June 29, 1990*