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**PREPARED STATEMENT BEFORE THE  
SUBCOMMITTEE ON LEGISLATIVE BRANCH  
APPROPRIATIONS  
COMMITTEE ON APPROPRIATIONS  
U.S. SENATE  
ON  
APPROPRIATIONS ESTIMATES FOR FISCAL  
YEAR 1998**

THURSDAY, JUNE 5, 1997  
10 A.M.  
ROOM S-128, THE CAPITOL

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today to present the funding requirements of the Government Printing Office (GPO) for FY 1998. In addition to our funding request, I am also providing additional information on GPO's mission and programs.

**FY 1998 APPROPRIATIONS REQUEST**

For FY 1998, we are requesting \$114.5 million for those programs that require annual appropriations directly to GPO. This is an increase of \$3.8 million, or 3.4 percent, over the funding approved for FY 1997. However, it is also \$1.2 million, or 2.6 percent, less than the amounts appropriated 5 years ago. The request includes \$84 million for the Congressional Printing and Binding Appropriation and \$30.5 million for the Salaries and Expenses Appropriation of the Superintendent of Documents. The increase is due primarily to general price level increases, although for congressional printing there are also workload increases in various product categories that are typical for a second session of Congress.

**GPO'S APPROPRIATED FUNDING>**

Unlike the other agencies that come before this Subcommittee, only a small part of our annual budget is appropriated directly to GPO. Our budget instead is financed through a businesslike revolving fund, which is reimbursed by payments from customer agencies, sales to the public, and transfers from our appropriated funds. For FY 1996, the total operating expenses charged against our budget were \$835.4 million. Appropriated funds from Congress provided \$113.7 million of this amount, or 13.6 percent. They included \$82.4 million for Congressional Printing and Binding and \$31.1 million for the Salaries and Expenses of the Superintendent of Documents. All other GPO activities were financed through the revolving fund by customer agency payments and revenues from sales to the public. Each year, in addition to our appropriations request, we request congressional authorization for operation of the revolving fund.

The Congressional Printing and Binding Appropriation is critical to the maintenance and operation of our inplant printing capacity, which is structured to serve Congress's printing needs. The appropriation covers the costs of congressional printing, such as the Congressional Record, bills, reports, hearings, documents, and other products. Each year, a substantial volume of this work is requisitioned by Congress. In FY 1996, nearly 2 billion copy pages of congressional products were produced at an average cost of about 4 cents per page, inclusive of all prepress (database preparation) work, printing, binding, and delivery.

The majority of the Superintendent of Documents Salaries and Expenses Appropriation is for the Federal Depository Library Program (FDLP). While some of the funding for this program is for salaries and expenses, the majority is for printing and distributing publications (including publications in CD-ROM and online formats) to depository libraries. As long as Federal publications meet the requirements for depository distribution established by law, the copies must be distributed. In this sense, the volume of this work is controlled by the publishing activities of Federal agencies and Congress.

## **CONGRESSIONAL PRINTING AND BINDING APPROPRIATION**

Our request of \$84 million for the Congressional Printing and Binding Appropriation is an increase of \$2.4 million, or 2.9 percent, over the amount approved for FY 1997. However, it is \$5.6 million, or 6.2 percent, less than the amount appropriated 5 years ago, without adjusting for inflation. Of the total request, \$21.2 million, or 25 percent, is for the Congressional Record, including the Index and the permanent edition. Hearings constitute the second largest component of our request, totaling \$17.1 million, or 20 percent. Legislative bills together total \$11 million, or 13 percent.

**Estimated Requirements and Workload.** Based on historical data, in the second session we expect to see increases in certain categories of work, such as Congressional Record pages, but decreases in other categories, such as hearings. Overall operating costs are anticipated to increase marginally due to the increased cost of employee pay and benefits, utilities, maintenance, materials, and supplies. We will continue to work to offset these increased costs with savings from technological improvements and adjusting staffing requirements.

The most significant price level changes anticipated are for the production of the Congressional Record, where due to cost decreases associated with improved production processes and the increased submission of Record text electronically from Congress, we anticipate a 3.5 percent reduction in costs for data preparation. In most other product categories, we anticipate marginal price increases to recover the cost of current services, although most of the increases are at or below the rate of inflation. Altogether, price changes account for approximately \$.7 million of the requested \$2.4 million increase.

We anticipate workload volume increases during the second session for Congressional Record pages, committee reports, business and committee calendars, bills, document envelopes and franks, and documents. We anticipate workload reductions for committee prints, hearings, miscellaneous publications (since there will be no printing of the Congressional Directory and

other publications in the second session), miscellaneous printing and binding (such as letterheads and envelopes), and details to Congress based on trends for reduced requirements.

## **STUDY ON PRIVATIZING THE CONGRESSIONAL RECORD**

In the House report accompanying the Congressional Printing and Binding Appropriation for FY 1997 (H. Rpt. 104-657), we were required to conduct a study, using independent outside experts, to determine if opportunities exist for outsourcing the Congressional Record and the Federal Register. This requirement was based on the rationale, as provided in the report, that "the Congressional Record and the Federal Register workloads are somewhat predictable and sufficiently routine so that it may be possible that one or both products can be outsourced" (pp. 28 29). The report also directed us to consider the option of converting to a two-shift operation in GPO's printing plant.

The Chairman of the JCP has suggested that anticipated reforms to Title 44 may diminish the need for such a study at this time, and that the rapid evolution of technology may impact the need for this study. I concur. Technology initiatives in both the Senate and the House may result in changes to the operations for the production of the Congressional Record. It may not be possible at this time to accurately project all of the technology developments and procedural changes that might result from these plans.

In addition, the basic premise behind the requested study -- that the workloads for the Record and the Register are "somewhat predictable and sufficiently routine" -- is not wholly accurate. As I have testified many times, these workloads are in fact far from predictable and routine; the Record one night may be 20 pages long, and the next night 400 pages, necessitating daily workload scheduling and production changes. These variances are at the heart of the reason why the Record and the Register are produced in GPO, and not contracted out. I believe what the study is likely to conclude is this very point, at a potentially significant expense to the taxpayers.

## **SALARIES AND EXPENSES APPROPRIATION**

Our request of \$30.5 million for the Salaries and Expenses Appropriation of the Superintendent of Documents is an increase of \$1.4 million, or 4.8 percent, over the amount approved for FY 1997. The increase is primarily due to price level increases and pay raises and related costs. Of the total request, \$25.9 million, or 85 percent, is for the FDLDP; \$3.6 million, or 12 percent, is for the Cataloging and Indexing Program; \$555,000, or 2 percent, is for International Exchange; and \$486,000, or 1 percent, is for distribution of publications to recipients required by law.

**Estimated Requirements and Workload.** Price level changes and cost increases due to pay raises and related expenses represent \$858,000, or about 62 percent, of the requested increase of \$1.4 million. The majority of this amount, \$631,000, is for price level changes calculated at the assumed rate of inflation for the year (2.7 percent). The remaining \$526,000, or 38 percent, of the requested increase is for program changes related to workload, including improvements to GPO Access in order to continue the transition of the FDLDP to an electronic basis. We are projecting a decreased number of paper copies distributed to depositories, staffing reductions due to increased efficiencies, and other program cost reductions.

## **GPO'S MISSION IN THE INFORMATION AGE**

An abiding commitment to public access to Government information is deeply rooted in our system of Government. GPO is one of the most visible demonstrations of that commitment. For more than a century, our mission under the public printing and documents statutes of Title 44 of the U.S. Code has been to fulfill the needs of the Federal Government for information products and distribute those products to the public. Formerly, our mission was accomplished through the production and procurement of traditional printing technologies. However, a generation ago we began migrating our processes to electronic technologies, and in 1993 Congress amended Title 44 with the GPO Electronic Information Access Enhancement Act (P.L. 103-40) to require us to disseminate Government information products online. This Act is the basis of GPO Access, our Internet information service.

Today, GPO is dedicated to producing, procuring, and disseminating Government information products in a wide range of formats. In GPO the Government has a unique asset that combines a comprehensive range of conventional production and electronic processing services, procurement facilitation, and multi-format dissemination capabilities to support the information life cycle needs of Congress, Federal agencies, and the public.

We provide printed and electronic information products and services to Congress and Federal agencies through inplant processes and the purchase of information products from the private sector. In fact, we buy approximately 75 percent of all information products requisitioned from us in one of the Government's most successful procurement programs. We disseminate Government information through a low-priced sales program and to Federal depository libraries nationwide where the information may be used by the public free of charge. We also disseminate a growing volume of information via the Internet. We catalog and index Government information products, and we distribute them on behalf of other Federal agencies. Information on all of our programs and services, as well as access to a large and growing range of Government information, is available through our home page on the World Wide Web, at [www.gpo.gov](http://www.gpo.gov).

We conduct all of our services in a non-partisan, service-oriented environment that emphasizes the primacy of the customer's requirements for timeliness, quality, security, and economy, and we are committed to achieving the greatest access and equity in information dissemination whether through printed publications, CD-ROM, or online. At the bottom line, our programs reduce the need for duplicative and costly production facilities throughout the Government, achieve significant taxpayer savings through a centralized procurement system, and enhance public access to Government information.

## **GPO AND CONGRESS**

GPO was originally established to provide Congress with immediate, reliable service in a work environment under its direct control. That mission continues today. We produce the daily and permanent editions of the Congressional Record, bills, committee and business calendars, hearings, committee reports, committee prints, documents, stationery, and a wide variety of other products that are essential to the legislative process in Congress. We produce this work in our central office facility on North Capitol Street in Washington, DC, through the creation and

storage of electronic databases of publications for printing and dissemination, as well as the provision of CD-ROM, online access, and print-on-demand services. All of this work is funded through an annual appropriation for Congressional Printing and Binding.

Our Congressional Printing Management Division (CPMD) serves as GPO's liaison with the Congress for printing and information product needs. CPMD staff provide assistance to Members and officials of Congress as well as committees and support staffs regarding the printing and electronic availability of congressional information products. The CPMD is also responsible for managing approximately 59 GPO employees detailed to congressional committees and offices to assist with printing requirements. To ensure the timely delivery of printed materials, there are 19 congressional receiving clerks, who are part of the CPMD staff, assigned to congressional buildings. In addition, the CPMD coordinates and maintains distribution lists for all agency requests for congressional products.

**Support for the Cyber-Congress.** We have built a core capability for electronic information and communications services to support Congress's information needs. Today, our state-of-the-art electronic systems are characterized by a complex of direct electronic linkages via CAPNET to a variety of congressional offices on Capitol Hill for data interchange. Once considered only the by-product of the print production process, digitized electronic databases of congressional information are now the primary product: they are the databases from which the official versions of documents are produced in print, CD-ROM, and online access formats and made available to the public through GPO Access, as well as other systems such as the Library of Congress's THOMAS information system.

Our electronic systems and staff expertise position us to continue supporting the development of the cyber-Congress, including the proposed Legislative Information System for the Senate and a comparable House Document Management System. We are committed to supporting Congress's effort to provide more committee materials online to the public.

More than 60 percent of Congressional Record files from the Senate are currently submitted electronically. We are currently working with the Senate Appropriations Committee to provide online dissemination of appropriations hearings. We operate a print-on-demand system in the Senate Document Room that has reduced the requirement for printing extra copies of legislative products, eliminating the need for storage space and providing for effective future distribution. This system, and another print-on-demand system located at our central office facility, are both networked to congressional databases resident at GPO.

**Advantages from Electronic Support.** Our electronic systems provide a standardized system for use by both Houses of Congress, resulting in compatibility of production processes and uniformity in the resulting products. They provide for the interchangeable use of databases to produce different congressional publications, generating significant savings. Our systems are a centralized resource where production and dissemination equipment and staffing can be concentrated, yielding significant economies of scale. Finally, they facilitate both production and dissemination. Databases prepared for printing are easily converted into databases suitable for CD ROM distribution and for online dissemination via the Internet to libraries, schools, offices, and homes nationwide and around the world.

**Savings from the Use of Technology.** Productivity increases resulting from technology have enabled us to make substantial reductions in staffing requirements while continuing to improve services for Congress. In the mid-1970's, on the threshold of our conversion to electronic photocomposition, we employed more than 8,200 persons. Today, we have 3,626 employees on board, fewer than at any time in this century. In the past 4 years our staffing has been reduced by 25 percent. The reduction was accomplished while at the same time modernizing and improving our services.

Electronic technologies have significantly reduced the cost, in real economic terms, of congressional publications. In FY 1978, the appropriation for Congressional Printing and Binding was \$84.6 million, the equivalent in today's dollars of \$209.5 million. By comparison, our approved funding for FY 1997 is \$81.7 million, a reduction of nearly two-thirds in real economic terms. This has yielded a savings to the taxpayer of well over \$100 million per year. The vast majority of the reduction is due to productivity improvements and staffing reductions made possible through the use of improved technology.

## **GPO AND FEDERAL AGENCIES**

**GPO's Printing Procurement Program.** Approximately 75 percent of the printing and information products requisitioned from GPO are procured from the private sector. GPO historically has retained for inplant production only work which cannot be procured on a controlled, timely, and cost-effective basis. The vast majority of the work procured from the private sector is for Federal agencies in the executive branch. We provide procurement services through our central office facility and through a network of 20 regional and satellite procurement offices nationwide. All work for Federal agencies is paid for by the agencies themselves. The payments are processed through GPO's revolving fund.

Our printing procurement program saves a significant amount of money for the taxpayers. The program operates on a highly competitive basis, driving prices down. Approximately 10,000 firms--or about a quarter of the nationwide printing industry, representing nearly 200,000 employees--are registered on GPO's Master Bid List according to their equipment, staffing, and production capabilities. About 3,500 of these firms do business with us on a regular basis, ensuring intense competition for Government printing and information product contracts.

By consolidating the Government's specialized printing procurement skills and resources in GPO, agencies save money in their printing programs. Moreover, agencies achieve savings without giving up essential controls when they work through us. Most of our printing procurements are conducted through direct deal term contracts, permitting agencies to place their printing orders directly with the contractor. Our centralized program utilizes a service infrastructure that allows agencies to directly control the vast majority of their printing needs from the point of origination. Electronic versions of printing procurement bid solicitations are now accessible from the Internet via GPO's World Wide Web home page.

**CD-ROM Services.** Since 1988 we have been a leading Government producer of CD ROM technology, providing agencies with a complete range of CD-ROM production services. We have received the annual CD-ROM Award from the Special Interest Group for CD-ROM

Applications and Technology (SIGCAT), the largest CD-ROM user group in the world, in recognition of the CD-ROM services we provide. The General Accounting Office has cited our CD-ROM program as one of the most cost-effective in the Government, specifically noting that GPO's CD-ROM products are among the least expensive for users.

**World Wide Web Services.** For the World Wide Web, we provide database development services, mounting on our servers, database maintenance, access based on agency needs, promotion of the service, training, and user support. GPO Access features a unique service in making most databases available not only in ASCII format but in Portable Document Format (PDF), which provides a searchable database that exactly replicates the printed product.

**The New Commerce Business Daily.** We recently entered into an alliance with the Department of Commerce in the development of a new Commerce Business Daily (CBD). The new CBD has made it easier and more timely for agencies to electronically submit notices for inclusion in CBD, significantly reduced the cost per notice for these submissions (from \$18.00 to \$5.00), allowed for the continuation of a billing and reporting process for these charges, provided support to both agencies and users of the CBD, reduced the time necessary to typeset and compose the printed version, and enhanced the delivery of the final copy to the printing contractor for the production of the daily printed issues. It has also enabled commercial value-added providers who offer CBD products to receive the daily CBD information much faster, in an enhanced format, and at a 20 percent reduction in cost. On April 21, 1997, our CBD partnership with the Commerce Department was the recipient of a "Hammer Award" from the National Performance Review.

**Inplant Services.** In addition to procuring printing for Federal agencies, GPO produces work in our central office plant and regional printing plant in Denver. A significant portion of the agency work produced inplant is associated with the Federal Register, and includes the List of Sections Affected and the Code of Federal Regulations. Other work includes U.S. passports, postal cards, the U.S. Budget, and other jobs that are performed by GPO due to concerns for cost, timeliness, and control over sensitive Government information.

The continued need for GPO's regional printing plants has declined. In response, we have closed plants in Chicago, Seattle, San Francisco, and New York, and previously a separate printing and reproduction facility at the Washington, DC, Navy Yard was consolidated with GPO's central office facility. A facility in Alaska, transferred from the GSA, has also been closed. The remaining plant in Denver continues to satisfy regional production and security printing needs.

## **GPO AND INFORMATION DISSEMINATION**

The Printing Act of 1895, which is the basis for the public printing and documents statutes of Title 44 of the U.S. Code, relocated the Superintendent of Documents function from the Interior Department to GPO. By linking the authority for the distribution of documents with GPO's printing operations, Congress created an effective system for ensuring comprehensive public access to the publications produced by the Government. As the success of GPO Access demonstrates, this linkage continues to be an effective means for the development and dissemination of electronic databases in the Information Age. The information dissemination

programs of GPO's Superintendent of Documents include the distribution of publications to approximately 1,400 Federal depository libraries nationwide, cataloging and indexing, distribution to recipients designated by law, and distribution to foreign libraries designated by the Library of Congress which in turn agree to send copies of their official publications to the Library pursuant to international treaty. These programs are funded by the annual Salaries and Expenses Appropriation of the Superintendent of Documents.

The Superintendent of Documents also operates a nationwide sales program. This program, the Government's single largest information dissemination network, operates 24 bookstores in major metropolitan areas around the U.S. as well as an extensive order service equipped to receive mail, phone, fax, and Internet-based orders for publications nationwide and worldwide. This program is funded entirely by revenues earned on sales of publications. The Superintendent of Documents also distributes publications for Federal agencies which reimburse us for comprehensive warehousing and dissemination services. Altogether, we distribute about 100 million copies of Government publications per year through these programs (not including information made available online).

***GPO Access.*** GPO Access provides free access to more than 70 Federal databases, including the Congressional Record, the Federal Register, the Commerce Business Daily, Supreme Court opinions, congressional bills and reports, and other publications, as well as Government Information Locator Service (GILS) records for a growing number of Federal agencies. The first online service of its kind established by Congress, GPO Access allows users to locate a wide variety of electronic products available via the Internet and to order Government publications online. GPO Access is the only Government online service providing access to a wide range of information from all three branches of the Federal Government, and the only service providing official access to this important Government information. In April 1997, retrievals topped 4.5 million. During peak usage periods there are more than 15,000 GPO Access sessions per hour.

GPO Access has drawn praise from a variety of sources, including the library community (which gave GPO Access the 1995 James Madison Award), the Federal technology community, the legal community, and others. In December 1996, in a guest column in Roll Call, representatives of the Congressional Accountability Project and the Heritage Foundation together called GPO Access "an enormous success." In January 1997, OMB Watch released a report on Government Information Locator Services which noted that "GPO Access has become the largest single location for GILS services and records in the Federal Government," and that "GPO should be seen as an example to agencies that are struggling with their GILS implementation."

## **THE FEDERAL DEPOSITORY LIBRARY PROGRAM**

Principles. The dissemination of Government information to libraries for the use of the public began in 1813, making the FDLP America's oldest "freedom of information" program. From its beginning, the FDLP has been built on several underlying principles:

- A well-informed citizenry, cognizant of the policies and activities of its representative Government, is essential to the proper functioning of democracy.



- The public has a right to Government information which has been prepared and published at public expense.
- The Government has an obligation to ensure the availability of, and access to, public information at no cost to the user.
- The publications provided through the FDLP are a permanent and official source of Government information.
- The public, participating libraries, and the Government all benefit from the efficiencies afforded by a centralized distribution system, such as the FDLP, which ensures the wide availability of Government publications at no charge to the user.

**Statutory Requirements.** Libraries are designated as depositories by Senators and Representatives as well as by law. Under the law, we send the libraries copies of all Government publications processed through GPO that are not purely of an administrative nature, cooperatively sponsored, or classified for reasons of national security. These copies are paid for by the annual Salaries and Expenses Appropriation of the Superintendent of Documents. If Federal agencies themselves produce publications that belong in the FDLP, they are required by law to pay for the production and distribution of those copies sent to the depositories. In return for receiving Government information products at no cost, the libraries must make them available to the public without charge and provide appropriate assistance to users.

The majority of the depository libraries are selective depositories which tailor their Government publications acquisitions to local needs, choosing from among 7,000 organizational and series categories. Fifty-three libraries, or roughly one per State (depending on size and resources, some States have no regionals while others have more than one), are regional depositories that receive every publication distributed by the FDLP. They are required to retain permanently every Government publication they receive.

**Users.** Based on 1995 data, we estimate that 750,000 to 950,000 persons use FDLP information each month. A 1989 study estimated a minimum of 670,000 depository users per month in academic and public libraries.

**Workload.** In FY 1996, nearly 16.4 million copies of about 57,000 titles were distributed to depository libraries in paper and microfiche. In addition, we distributed 639 titles in tangible electronic formats, mostly CD-ROM. All GPO Access databases and services are available to depository users. Our locator services point to an additional 971 agency titles, and there are 1,148 Monthly Catalog records hot-linked to agency Internet sites.

**Library Participation.** There are now 1,372 depository libraries, including the 53 regionals. Of these, 55 percent are academic libraries, making the FDLP a major component of the Nation's education and research programs. Another 20 percent are public libraries, 11 percent are law school libraries, 6 percent are State libraries, 5 percent are Federal agency libraries, and the remaining 3 percent are special libraries. All Federal depositories are now expected to offer public users access to computer work stations with a graphical user interface, CD-ROM capability, Internet connections, and the ability to access Government information via the World Wide Web. However, there are still some depositories which cannot fully handle all electronic Government information offerings.

**Continuing Justification for the FDLP.** The FDLP will continue to be needed even as Federal agencies put more information on the Internet. The FDLP, funded out of legislative branch appropriations, is the means by which Congress asserts its historical role in keeping the American public informed about the activities of the Government.

Depository libraries have developed skills and collections based on the needs of their local constituents. This affords the public a local setting in which they can use Government information at no charge, regardless of whether they own or can operate a computer, and be assisted by trained Government information professionals.

As authorized by P.L. 103-40, GPO creates a variety of electronic "Pathway" locator services, which enable users to identify and connect to agency electronic resources. Since these activities are funded by the FDLP appropriation, the locator services sponsored by the FDLP may be used at no cost by the public. Within our suite of locator services, the Monthly Catalog on the Web is unique in how it locates both physical items in depository libraries and agency products on the Internet.

The FDLP is the vehicle which provides permanent public access to Government information. Copies of physical items are permanently held for public use in the regional depository libraries. GPO, acting in partnership with other Program stakeholders, including the National Archives and Records Administration and libraries which elect to participate, is leading an effort to ensure that agency Internet products are permanently retained and made accessible to the public.

It will be many years, if ever, before all Government information is available electronically. In the meantime, it is essential to have a single program which is charged with acquiring and distributing the vast array of printed products which the Government produces. Neither libraries nor the public would be well served by having to contact scores of individual agencies for the information they need.

**Fugitive Documents.** Many publications produced by the Government fail to be included in the FDLP. Documents that belong in the Program, but which are excluded, are known as fugitive documents. Their absence from depository library collections impairs effective public access to Government information. While many studies of the fugitive document problem have been conducted, the exact number of publications that are not in the FDLP has been difficult to isolate. Sometimes administrative errors are made by GPO in document selection and distribution. Most commonly, however, documents become fugitives from the Program due to their production outside of GPO, such as in agency printing plants. There is also a growing number of fugitive documents due to increased agency use of electronic systems to produce and disseminate their own documents.

Although no study has resulted in a definitive answer, we estimate that more than 50 percent of all tangible Government information products are not being made available to the FDLP. Of these, we estimate that there are about 55,000 scientific and technical documents and reports which are neither printed through GPO nor furnished by the issuing agencies to the FDLP as required by law. The issuing agencies do, however, provide either a printed copy or an electronic

image file of each of these documents to the National Technical Information Service (NTIS) of the Department of Commerce.

In FY 1996, NTIS took in about 160,000 scientific, technical, and business-related titles, most but not all of which were published by the Government. We estimate that about 70 percent, or 112,000, of NTIS's total intake belongs in the FDLP. Compared with the 57,000 titles in the FDLP in FY 1996, this leaves about 55,000 fugitive titles which should have been provided to GPO by publishing agencies, had they fully complied with Title 44 requirements.

In addition, there is an unknown number of fugitives which are primarily general, public interest materials produced by agencies other than through GPO. It is virtually impossible to estimate the total number of these titles, but they may well number in the thousands and include such publications as decisions of the Federal district courts and courts of appeals, Federal Election Commission financial disclosure statements, and reports produced by the Library of Congress's Congressional Research Service.

Recently, four major factors have contributed to increasing losses of key general interest publications for the FDLP: (1) electronic information dissemination via agency web sites without notification to the FDLP; (2) decreasing compliance with statutory requirements for agencies to print through GPO or to provide copies of publications not printed through GPO to the FDLP; (3) the increasing trend for agencies to establish exclusive arrangements with private sector entities that place copyright or copyright-like restrictions on the products involved in such agreements; and (4) increasing use by agencies of language in 44 U.S.C. 1903 that permits publications to be excluded from the FDLP if they are "so-called cooperative publications which must necessarily be sold in order to be self-sustaining."

Fugitive documents defeat the purpose of the FDLP and undermine the public's ability to access information critical to their lives. Historically, the FDLP has relied heavily on the ability of the Program to automatically obtain material as it is produced or procured through GPO. With the growing emphasis on electronic dissemination, and decreasing compliance with statutory requirements for agencies to use GPO, identifying and obtaining information for the FDLP is becoming increasingly difficult.

**FDLP Compliance Issues.** When an agency uses GPO for production or procurement of a publication (defined in section 1901 as "informational matter which is published as an individual document at Government expense, or as required by law"), GPO ensures that distribution is made through our own processes. If a publication is produced elsewhere than GPO, the publishing agency is required to supply the requisite number of copies to GPO, at its own expense, for dissemination to depositories.

GPO is confronted with two kinds of compliance issues today. First, a number of Federal agencies are seeking new methods of printing information gathered at public expense. These methods do not involve GPO and, as a result, they impede or prevent effective public access to critical Government information. I have reported previously to Congress on several such instances, including such publications as Big Emerging Markets, U.S. Export Administration Regulations, and U.S. Industrial Outlook.

Other efforts are ongoing by agencies that often involve allowing third parties to copyright the information or impose copyright-like restrictions on it. The result is that the information does not get produced or procured through GPO, and the agencies do not provide copies to GPO for distribution to depositories.

A recent example of this is the Journal of the National Cancer Institute. For many years the National Cancer Institute (NCI) procured its Journal (JNCI), a major publication devoted to cancer research, through GPO and it was distributed to depository libraries. In January 1997, however, the NCI notified GPO that it had signed a Cooperative Research and Development Agreement (CRDA) with Oxford University Press, under which "the name of the publication will be retained, and Oxford will assume all responsibility for printing the Journal and will hold copyright to the Journal's content" (emphasis added). According to the letter received by GPO, the JNCI "has been privatized, and effective January 1, 1997, ownership of the Journal will be transferred from the National Cancer Institute to Oxford University Press-USA, Inc." The letter also stated that "[b]ecause the Journal is no longer a publication of the U.S. Government, copies of the Journal and JNCI Monographs will not be provided to the Depository Library Program nor will sales copies be available at the GPO bookstore." At the time of this notification, GPO was receiving 827 copies of each issue of JNCI for distribution to depository libraries. We have no further information on the terms and conditions of the CRDA between NCI and Oxford University Press because the NCI's legal counsel has informed us that the details of the CRDA are not public information.

The second compliance issue involves publications in electronic formats. Several agencies have taken the position that Title 44 does not apply to Government information in electronic formats. OMB's Circular No. A-130, "Management of Federal Information Resources," requires agencies to cooperate with GPO for print publications, but only "encourages" cooperation for publications in electronic formats and provides agencies with a rationale for exempting electronic information products from the FDLP based on cost.

An example of this is our recent experience with the NTIS Order Now CD-ROM. NTIS recently converted its printed sales catalog to a quarterly CD-ROM subscription called Order Now. NTIS did not procure this product through GPO. Although NTIS makes this catalog available online on a no-fee basis to depository libraries, the online product does not include the two years' worth of abstracts and indexes available on the CD-ROM. This makes the CD-ROM more complete and useful than either the online or former printed products. NTIS expressed a willingness to make the CD-ROM available as a benefit to the public and as a promotional tool for their sales program, provided GPO pays the retrieval software licensing fees. After due consideration, it was decided that the Superintendent of Documents could not pay these fees, and that since the CD-ROM was not procured through GPO, NTIS was obligated to provide copies to the FDLP under section 1903 of Title 44. In a letter to the Staff Director of the JCP concerning this matter, NTIS made the statement that "[a]t no time did we consider this to be a question of compliance with Title 44," apparently based on the fact that the publication in question is electronic rather than print. However, without the NTIS Order Now CD-ROM, it will be more expensive for depository libraries to locate and purchase scientific and technical documents. More broadly, such attempts to evade the requirements of Title 44 represent a serious challenge to free public access to Government information through the FDLP.

We believe that the spirit and intent of the law since the FDLP's founding in 1813 has been to make information produced at taxpayer expense available to the public through depository libraries regardless of format. In a 1990 opinion, GPO's General Counsel stated, "[i]t is our opinion that Congress did not intend to carve a distinction based upon the technology employed to disseminate the Government publication and that Title 44 U.S.C. Sec. 1903 governs regardless of whether the publication is in the traditional ink-on-paper format or some new medium." Congress itself created GPO Access in large part to provide for online dissemination of Government information to depositories. While we make every effort to work closely with agencies to ensure the inclusion of their information products in the FDLP in all formats, the continuing agency practice of not providing electronic products to the FDLP is creating gaps in information availability to the public.

**Transitioning the FDLP to a More Electronic Basis.** In spite of the contention that electronic information products are not required to be included in the FDLP, Congress has encouraged us to transition the Program to a more electronic basis. The Legislative Branch Appropriations Act for FY 1996 required GPO to conduct a study to identify measures necessary for a successful transition to a more electronic FDLP. In response to direction from Congress for broad consultation, GPO formed a group comprising representatives from GPO, the JCP, the Senate and House Appropriations Committees, the Senate Rules and Administration Committee, the House Oversight Committee, the House Government Reform and Oversight Committee, OMB, the Congressional Research Service of the Library of Congress, the National Archives and Records Administration, Federal publishing agencies, the Administrative Office of the U.S. Courts, the depository library community, and others. The final report, titled Study to Identify Measures Necessary for a Successful Transition to a More Electronic Federal Depository Library Program, was submitted to Congress in June 1996.

**Study Conclusions.** Two major conclusions emerged from the study. The first was strong support for retaining the authority for a broad-based public information program in the legislative branch. High value was placed on the presence of the FDLP in every congressional district to directly serve the public in local library settings.

There was also strong support for having a single entity in the Superintendent of Documents to coordinate library-related information dissemination activities. The depository library community has consistently affirmed the utility and cost-effectiveness of a "one stop shopping" approach to acquiring Government information. The study participants agreed that it is not only possible but desirable to increase the dissemination of electronic information to depository libraries within the overall structure of current law and program operations, and that having a central entity to assist libraries and the public in accessing electronic Government information in a distributed environment is more vital now than ever.

**Strategic Plan.** The Strategic Plan included in the final Study Report proposes a gradual transition during the period FY 1996-FY 2001. Under the plan, the FDLP will provide official Government information products in a variety of formats to depository libraries. Incorporating electronic Government information into the FDLP will augment the traditional distribution of tangible products with connections to Government electronic information services such as Internet sites. Electronic information will be accessible to the public directly or through

depository libraries from a system of Government electronic information services administered by GPO, other Government agencies, or institutions acting as agents for the Government. The FDLP will identify and connect users to electronic information services of other agencies or, when appropriate, obtain electronic source files from agencies for mounting on GPO Access. Tangible Government information products will be distributed to libraries, including CD-ROMs, diskettes, paper, or microfiche, as appropriate to the needs of users and intended usage.

The FDLP will ensure that electronic Government information products are maintained for permanent public access, in the same spirit in which regional depositories provide permanent access to print products. Effective public use of Government information, especially in the less structured environment of the Internet, also depends on the ability of users to identify and locate the desired information. Through continuation of its cataloging services, and the development of "Pathway" information locator services, the FDLP will meet this need.

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Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement, and I would be pleased to answer any questions you may have